



An
Coimisiún
Pleanála

Inspector's Report

ABP-319911-24

Development	Demolish house and construction of replacement dwelling, together with all associated site works.
Location	Littor, Asdee, Listowel, Co. Kerry, V31 YW68
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23836
Applicant(s)	Sam & Miranda Foley
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Mike & Beryl Woodyard
Observer(s)	None
Date of Site Inspection	26 th September 2025
Inspector	Suzanne White

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
4.0 Planning History.....	7
5.0 Policy Context.....	7
6.0 EIA Screening.....	12
7.0 The Appeal	12
8.0 Assessment.....	14
9.0 AA Screening.....	22
10.0 Water Framework Directive	22
11.0 Recommendation	23
12.0 Reasons and Considerations.....	23
13.0 Conditions	23
Appendix 1 - Form 1: EIA Pre-Screening	
Appendix 2 - Form 2 - EIA Preliminary Examination	
Appendix 3 - AA Screening Determination	
Appendix 4 - Water Framework Directive Screening	

1.0 Site Location and Description

- 1.1. The site is located in a rural area in Co. Kerry, c. 2.5km northwest of the village of Astee and c. 8.7km northeast of Ballybunion. The rear (northern side) of the site adjoins a wooded area, part of which is also in the applicant's ownership, and beyond which is Littor Beach and the Shannon estuary. The site is situated on the northern side of a cul-de-sac road and comprises a two-storey detached dwelling, set within a small row of detached dwellings of varying design. The ground levels on site slope away from the local road towards the estuary. There is existing screening on all boundaries, though this is sparse in places, particularly along the western boundary.
- 1.2. On the date of my site visit, I noted that some recent alterations appeared to have been made to the dwelling, including changes to window sizes. Also, some external works, possibly foundations, appeared to be ongoing to the rear of the dwelling.
- 1.3. The lands to the east contain a mobile home and two storey dwelling house, while further to the northeast is a dormer style dwelling and outbuildings, all set within generous grounds. To the west is a part single, part two storey dwelling and further west is a single storey dwelling. I note that the dwellings on either side are set further forward than the existing dwelling on the appeal site. The wider area is largely agricultural and includes other single rural houses.
- 1.4. There was no front boundary treatment to the appeal site on the day of my site visit. Front boundary treatments to other dwellings in the row include hedging and low boundary walls.
- 1.5. The application site area is 0.22ha.

2.0 Proposed Development

- 2.1. The proposed development as submitted comprised:
 - Demolition of the existing dwelling (122sqm) on site;
 - Construction of a replacement dwelling (278.7sqm):
 - similarly sited to the existing dwelling but setback marginally further from the road.

- two storey dwelling (FFL 18.00m), plus lower ground floor/basement (FFL 16.67m) to rear.
- contemporary style, flat roof design with full height entrance bay and two storey stone clad projection to front.
- wrap around covered terrace at first floor level to rear, with external stairs to ground level.
- stone to front (south) elevation.
- New secondary treatment system and soil polishing filter, located in the rear garden.
- New soakaway located in the rear garden.
- No change to existing entrance indicated.
- Existing water supply connection.

2.2. Further information was submitted on the 2nd April 2024. This was deemed significant and the application was readvertised. The submitted details indicated the following changes to the proposal:

- Floor area reduced to 231.10sqm
- House design revised, comprising two storey traditional style pitched roof element to the front and a contemporary, 2 storey, flat roof volume to the rear, with a smaller link element in between. The dwelling would have a split level form, with a ground floor finished floor level of 18.055m and a lower ground floor level of 16.76m. The front element would be finished in render, with a stone clad single storey front porch. The main rear element would be clad in brick or stone. The link element is indicated to have a timber/timber effect clad or render finish. The footprint of the rear element would extend marginally beyond the eastern elevation of the front element. The east elevation includes a rear facing angled window at first floor level. A 1st floor terrace, extending to the rear of the front element, would include an opaque screen on the western side.
- Wastewater treatment system with 90sqm soil polishing filter.
- Proposed landscaping and boundary treatment:
 - Proposed hedgerow and tree planting to east and west boundaries.

- Proposed 1.2m high post and wire mesh fence with gate to rear boundary.
- New 1.2m high stone faced front boundary wall.

3.0 Planning Authority Decision

Decision

Planning permission GRANTED subject to thirteen conditions, by order dated 17th May 2024.

Conditions

Condition 3 requires that the proposed dwelling is used as a primary permanent all year round private residence and not as a holiday or second home.

Condition 4 specifies that all external finishes shall be neutral in colour, tone and texture; that white uPVC shall not be permitted; and requires the provision of a privacy barrier/screen matching the height of the glazed sliding door windows to be fitted on the internal balcony on the first floor closest to the western boundary, to prevent overlooking, with details to be submitted in advance to the Planning Authority.

Condition 5 requires the removal of an existing mobile home within 3 months of the date of the planning decision. [Note: there was no mobile home on site on the day of my site visit]

Condition 7 requires the submission of a final Construction and Demolition Resource Waste Management Plan (RWMP), including asbestos survey.

Conditions 8&9 relate to the specification and installation of the wastewater treatment system.

Condition 12 requires any external lighting to be cowled and directed away from the public roadway.

Condition 13 requires implementation of the submitted landscaping scheme, retention of existing boundary screening and natural woodland and new native hedge planting on site boundaries.

Planning Authority Reports

The application was subject to a further information request. The main points of the planner's reports are set out below:

Planner's report dated 13th September 2023

- The site is in a Visually Sensitive Area so given the proposed bulk and scale, an impact is envisaged, particularly from the rear.
- Significant overlooking and loss of privacy to the rear. The side elevations of the dwelling need to be redesigned to protect adjoining residential amenity.
- Further information required in respect of: a Construction and Demolition Resource Waste Management Plan; landscaping plan to show extensive new screening to west and east boundaries; new trial hole to be opened near proposed polishing filter location; redesign of dwelling required to reduce the scale so as to be more sympathetic to adjoining dwellings and address overlooking concerns.

Planner's report dated 13th September 2023

- Further information received 2nd and 22nd April 2024.
- Landscaping plan and response relating to proposed wastewater treatment system, deemed acceptable.
- The revised design of the dwelling is more subtle and can be integrated into the site. Due to the ground levels to the rear falling away, the rear elevation of the house of contemporary design, is not visible. Significant natural screening along the side boundaries will offset any visual impact.
- A privacy barrier/screen should be added to the first floor terrace to prevent overlooking of the adjoining property.
- The proposed ridge level is the same as that of the existing dwelling.
- The issue of construction traffic is short term.
- The principle of the development is considered acceptable and can be integrated into the landscape.

3.1.1. Other Technical Reports

- Environment Section: report dated 13/09/2023 requested further information in respect of the proposed wastewater treatment conditions and proposals. Report dated 15/05/2024, following receipt of further information, raised no objection subject to conditions.
- Environment Department: report dated 08/04/2024, following receipt of further information, raised no objection subject to conditions.

Prescribed Bodies

None.

Third Party Observations

Two submissions were received by the Local Planning Authority in relation to the application. In addition to the issues raised in the grounds of appeal (see Section 7 below), the following substantive planning issues were raised in submissions:

- concerns in relation to the impact on the sensitive area of Littor Beach and the native woodland on the rear of the site location;
- concerns in relation to public safety during construction due to the narrowness of the road and movements of large goods vehicles;
- concerns in relation to noise and dust pollution during any demolition.

4.0 Planning History

None.

5.0 Policy Context

Local Area Plan

Listowel Municipal Local Plan 2020-2026

The stated purpose of the LAP is to guide future plan led coordinated development within the towns and villages of the Listowel Municipal District, in a sustainable and equitable manner while balancing the wide ranging and sometimes competing needs of the local community, businesses, landowners and the environment.

The subject site is located within the Rural Area, according to Figure 2.8 of the LAP. In respect of rural areas, the Plan includes objectives relating to

amenity/infrastructure, the Wild Atlantic Way, Beach Access, the Natural Environment and Recreational Fisheries.

County Development Plan

Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. The relevant policies and objectives pertaining to the proposed development are set out below.

Chapter 5: Rural Housing

KCDP 5-4 Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), circular PL2/2017, National Planning Framework (NPOs 15 & 19) and the Development Management Guidance of this Plan.

5.5.1 Identifying Rural Area Types

The site is located in a 'Rural Area Under Urban Influence'.

5.5.1.2 Rural Areas Under Urban Influence

In these areas, population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong rural/agricultural economic base. The key challenge in these areas is to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in wider rural areas.

KCDP 5-15

In Rural Areas under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life limiting) 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 residence.
- e) 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 they 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.

KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.

KCDP 5-20 Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.

KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines 2009 or any update of the guidelines.

KCDP 5-23 Ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape.

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.

Chapter 8: Gaeltacht Areas, Culture & Heritage

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 8.4.4 Vernacular Architecture - Vernacular Architecture is generally classified as the homes and workplaces of the general population built by local people using local materials.

Chapter 11 Environment

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

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.

Landscape Designations: The subject site has the landscape designation 'Visually Sensitive Area'.

11.6.3.1 Visually Sensitive Areas 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. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

Volume 6:

Development Management Standards & Guidelines

1.5.10.1-1.5.10.10 Standards for residential development on rural and non-serviced sites.

Building a House in Rural Kerry – Design Guidelines

Natural Heritage Designations

- Lower River Shannon SAC directly adjacent to north
- River Shannon and River Fergus Estuaries SPA c. 50m to north
- Bunnaruddee Bog NHA c. 12km southeast
- Proposed Natural Heritage Areas: Beal Point c.1.5km to west
- Proposed Natural Heritage Areas: Ballylongford Bay c. 4.7km to east

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

Grounds of Appeal

One third party appeal was received, from the occupiers of the adjoining dwelling to the west. The grounds of appeal may be summarised as follows:

- Overlooking: the proposed dwelling would overlook into the back of the appellants property as the windows of the master bedroom are within 13m of their dwelling, resulting in serious damage to the amenity of the appellant's property.
- Overshadowing: due to its size and location, the proposed development will cause shadow in the morning sun. The proposed dwelling dwarfs the applicants [sic] dwelling. A shadow analysis would have helped the Planning Officer to assess shadowing and the impact of the building's form and height. Sketch 'A' attached shows that the scale, bulk and density of the proposed dwelling dwarfs the existing.
- Holiday home: Section 5.6 of the KCDP states that 'It is the policy for the Council that one-off holiday/second homes will not be permitted in rural areas.
- Non-compliant with rural settlement policy directive. An occupancy condition as required by Section 5.5.2.1 and KCDP 5-20 of the KCDP was not attached to the Planning Authority decision. The applicants were not asked where they reside and if they already own a home. No condition survey report was submitted to prove that the existing dwelling is in derelict condition and that

renovation or restoration is not feasible, in relation to Section 5.7 of the KCDP. A condition survey (attached) carried out in 2020 found the dwelling to be in habitable condition. KCDP 5-24 relating to built heritage assets, KCDP 5-25 relating to the preservation of traditional or vernacular rural houses, KCDP 5-26 relating to promotion of the viable re-use of vernacular buildings and KCDP 5-30 relating to vacancy and the efficient use of vacant and derelict structures are also relevant.

- Design: the size, scale, bulk, design and density of the proposed dwelling has significant impact on the landscape and environment. The site is located in a visually sensitive landscape. The revised drawings have not addressed the further information request issued by the Planning Authority. (KCDP 5-19 and 11-78 relate).
- Non-compliance with other KCDP objectives relating to rural housing: 5-17, 5-18, 5-21, 5-22, 5-23. These objectives relate to: occupancy restrictions for rural housing; impacts on landscape, natural and built heritage, economic assets and the environment.

Applicant Response

A response was received from the first party, which may be summarised as follows:

- Significant natural screening is provided along site boundaries.
- The existing house is not of any architectural merit.
- The proposed ridge height is the same as the existing ridge height.
- The proposed dwelling is in proportion to the existing streetscape.
- The concerns raised by third parties were meticulously addressed in the Kerry County Council planner's report, which found the design to be fully compliant with the relevant policies and guidelines.
- The design effectively considers height, scale and bulk by intentionally not exceeding the height of the existing dwelling roof.
- The flat roof to the rear helps mitigate any visual dominance. Adequate separation distances have been incorporated to mitigate any overlooking or overshadowing issues.

- Existing boundary screening and natural woodland on site will be protected and will be suitably strengthened to provide a thick native hedge with indigenous species.
- We believe that the design is not excessive in scale and will seamlessly integrate into the surrounding properties without any negative or overbearing impact.

Planning Authority Response

None received.

Observations

None.

Further Responses

None.

8.0 Assessment

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 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
- Visual impact on the character of the area
- Impact on adjoining residential amenities
- Other issues

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including wastewater treatment, road safety/traffic and surfacewater disposal. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the

Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. The appeal site is located within a 'Rural Area under Urban Influence' according to the Kerry County Development Plan 2022-2028 'KCDP'. The proposed development relates to the demolition of an existing dwelling and its replacement with a new dwelling.
- 8.1.2. The 3rd party, in their grounds of appeal, raise issue at the loss of the existing dwelling, the potential use of the new dwelling as a holiday home and the lack of any occupation condition applied to the Planning Authority's decision to grant permission. They list Sections 5.5.2.1, 5.6, and 5.7 and Objectives KCDP 5-20, KCDP 5-24, KCDP 5-25, 5-26 and KCDP 5-30 as relevant in the consideration of these issues.
- 8.1.3. Objectives KCDP 5-25, KCDP-26, KCDP 8-46 and KCDP 8-47 of the Development Plan encourage the retention and refurbishment of vernacular built heritage by deterring the replacement of good quality older buildings where they contribute to the character of an area or are rare examples of a structure type. I note that the existing building is not of any recognised heritage value and that the Planning Authority raised no concern at its loss. There are no objectives in the Development Plan restricting the demolition of non-vernacular dwellings. As the application does not relate to new development in the rural area i.e. a net increase in dwellings or holiday/second homes in this rural area, Development Plan Objectives relating to new rural housing (KCDP-15, KCDP-19, KCDP-20) and holiday homes (KCDP-23) are not relevant to this application. Consequently, I consider that the demolition of the existing dwelling and construction of a replacement dwelling on site is acceptable in principle.
- 8.1.4. I note that the Planning Authority added a condition requiring that the use of the new dwelling shall be as a permanent all year round private residence and not as a holiday home or second home. I note that the application documents do not suggest any intention to use the replacement dwelling as a holiday home or second home. Also, based on the information on file, there is no indication that the use of the existing dwelling is restricted in this way. Consequently, I do not consider that it

would be reasonable to attach a condition in this regard to a grant of permission in this case.

8.2. Visual impact on the character of the area

- 8.2.1. The 3rd Party raises concern that, due to the size, scale, bulk, design and density of the proposed dwelling, it would have a significant impact on the landscape and environment, noting that the site is located in a visually sensitive landscape. They also raise concern that the revised drawings have not addressed the further information request issued by the Planning Authority. In this regard, they refer to Objective KCDP 5-19 which requires that rural housing will not affect the landscape and environment of the county, Objective 5-21 which requires that all developments are in compliance with normal planning criteria and environmental protection considerations, Objective 5-22 which requires that the design of housing in rural areas complies with the 'Building a House in Rural Kerry Design Guidelines 2009' and Objective 11-78 which seeks to ensure that developments do not unduly impact on the character of the County's landscape.
- 8.2.2. The Applicant, in their response to the issues raised, makes the following points: the proposed ridge height is the same as the existing ridge height; the proposed dwelling is in proportion to the existing streetscape; the design effectively considers height, scale and bulk by intentionally not exceeding the height of the existing dwelling roof; the flat roof to the rear helps mitigate any visual dominance; existing boundary screening and natural woodland on site will be protected and will be suitably strengthened to provide a thick native hedge with indigenous species; the design is not excessive in scale and will seamlessly integrate into the surrounding properties without any negative or overbearing impact; and the Kerry County Council planner's report found the design to be fully compliant with the relevant policies and guidelines.
- 8.2.3. The Local Authority Planner's Report, following receipt of further information, noted that the ridge height of the proposed dwelling would match that of the existing dwelling, that significant natural screening along site boundaries would offset any visual impact and that the proposal could be integrated into the landscape.
- 8.2.4. I note Section 11.6.3.1 of the County Development Plan states that in visually sensitive 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.

8.2.5. The existing dwelling on site is two storeys in height and is of non-traditional design, noting in particular its varied fenestration and asymmetrical roof form which would not be typical of rural house design in Ireland. The proposed dwelling design, as revised through further information, comprises two main elements, arranged in an 'L' shape. The front element consists of a traditional-style, two storey pitched roof form arranged parallel with the public road and featuring a regular fenestration pattern, single storey flat roof porch and traditional materials including sand and cement render, stone cladding (porch only) and slate roof. This would be the dominant form in views from the public road. Terraces at ground and first floor level would be attached to the rear of this element, towards the western side of the building. The ground level terrace would be covered by the terrace above and partially enclosed by a wall on the western side, while the upper level would include an opaque glazed screen on the western side.

8.2.6. A two storey, flat roof projection of contemporary design would extend to the rear of the front element, via a smaller linking element. The link element would contain a stairwell, mediating a change in levels between the two main volumes. The rear projection would be set 1.295m lower than the front element of the dwelling. Although the eastern side elevation of the rear projection would extend beyond the eastern side elevation of the front element to a small extent, this part would be setback over 10metres from the main front building line. The height of the rear projection would be set lower than the rear eaves line of the front element. By virtue of this element being setback and set down, I consider that it would not detract from, or compete with, the character of the front element as viewed from the road. Although the rear projection and link element together would be of considerable depth at c.14.85, I note that the rear garden area is of significant depth itself and, given that the rear elements are stepped down the slope and given the existing and augmented planting proposed on the boundaries, I consider that the scale and depth of the rear projection can be integrated on this site. I note that the rear projection is to be clad in stone and the link element is to have a timber finish. The site is not visible from the north, on account of the existing woodland area. Given the limited visibility of the link and rear projection from the road, I consider that these external

treatments would be acceptable, subject to a condition to ensure that good quality, durable materials are specified.

- 8.2.7. Overall, I consider that the proposed replacement dwelling design would respond positively to the topography of the site and that it can be successfully integrated into the local landscape having regard to its design, scale, massing, external treatment and to the existing and proposed natural screening on site. As noted above, I recommend that conditions relating to materials and landscaping are attached to any grant of permission. Subject to the inclusion of these conditions, I consider that the proposed development would be in accordance with the objectives of the Development Plan, particularly KCDP 5-22 which seeks compliance with the 'Building a House in Rural Kerry Design Guidelines 2009' and KCDP 11-78 which seeks to protect the County's landscapes.

8.3. Impact on adjoining residential amenities

- 8.3.1. The 3rd Party grounds of appeal raise concern that the proposed development would result in harm to their amenity due to overlooking and overshadowing from the new dwelling. With regard to overlooking, the Appellant highlights that the proposed dwelling would overlook the back of their property as the windows of the master bedroom are within 13m of their dwelling. In terms of overshadowing, the Appellant considers that the proposed development will cast shadow during the morning and that a shadow analysis would have helped the Planning Authority to assess the impact. They have submitted 'Sketch A' to illustrate the difference in scale between the proposed development and their dwelling.
- 8.3.2. The initial Local Authority Planner's Report noted that the proposed development would result in significant loss of residential amenity and privacy to adjoining landowners and that the side elevations of the dwelling needed to be redesigned in order to ensure that the residential amenity of adjoining occupiers is protected. The issues of overshadowing and overbearance were not mentioned specifically, though the further information request sought a reduction in the scale of the proposed dwelling so that it would be sympathetic to that of adjoining dwellings. The Planner's Report, following receipt of further information, indicated that the proposed development was acceptable in terms of design (subject to additional boundary

screening) and considered that the issue of overlooking/loss of privacy could be resolved by the installation of a privacy screen/barrier on the western side of the first floor balcony. A condition in this regard was attached to the Planning Authority's decision.

- 8.3.3. The Applicant, in their response to the appeal, states that adequate separation distances have been incorporated to mitigate any overlooking or overshadowing issues, that existing boundary screening and natural woodland on site will be protected and will be suitably strengthened to provide a thick native hedge with indigenous species and that the Kerry County Council planner's report found the design to be fully compliant with the relevant policies and guidelines.
- 8.3.4. I note that the existing dwelling includes a window facing west at 1st floor level serving a living room. Two other windows on this elevation, at lower level, serve a corridor and stairwell. A bay window on the rear elevation at 1st floor level may afford oblique views towards neighbouring lands, but is set in from these boundaries.
- 8.3.5. The Appellant's dwelling adjoins the application site directly to the west. I note that the Appellant highlights that the windows serving the ground floor level master bedroom of the proposed dwelling would impact on their privacy, noting that they would be 13m from the Appellant's dwelling. Based on measurements taken from the submitted plans, I note that the ground level windows in the rear projection would be c. 12m from the boundary of the adjoining property. Noting that the proposed dwelling would be sited further north than the adjoining dwelling, these windows would not overlook any part of that dwelling, but would face the adjoining rear garden. Given that these windows are at ground level and that the rear projection is set down into the slope, I consider that the potential for any overlooking towards the adjoining property can be mitigated through the provision of boundary screening.
- 8.3.6. The proposed dwelling includes windows in the rear projection at 1st floor level facing west and two 1st floor terraces to the rear, which have the potential to overlook the adjoining dwelling to the west. The two windows at first floor level serve a corridor and TV room. Notwithstanding the 12m separation distance to the boundary, I consider that the TV room window would result in an increase in overlooking of the private amenity space of the adjoining occupiers, given its size

and proximity, which would be unusual in this rural context. I note that the TV room is served by a full height and width window facing the rear garden and coast, albeit orientated north. In this case, I consider it would be appropriate to require that the western facing window is reduced to a high level window so as to prevent undue overlooking of the adjoining property, but retain sunlight access into the room from this side.

- 8.3.7. With regard to the 1st floor terrace attached to the rear of the front portion of the proposed dwelling, I note that an opaque glazed privacy screen is indicated on the western side, atop a low wall, giving a total height of c. 1.6m above finished floor level. The Local Authority Planner's Report concluded that this should be raised in height to match the height of the sliding door to the terrace, so as to protect adjoining privacy. I concur with this view and would recommend that this is secured by condition, in the event of a grant of permission. The other 1st floor terrace is located at the rear of the rear projection. Noting that this is an external amenity space and is located c.12m from the neighbouring boundary and rear garden, I consider that the separation distance is sufficient to maintain adequate privacy for the adjoining occupier.
- 8.3.8. With regard to overshadowing, the Appellant highlights the sheer size and location of the proposed dwelling as causal factors and raises concern that a shadow analysis was not requested by the Planning Authority. The front portion of the proposed dwelling, including the rear terraces, would be located in a similar position to the existing dwelling, though c. 1m closer to the western boundary and c. 2m greater in depth. The ridge height of the proposed dwelling would match that of the existing dwelling, while the flank wall/balustrade to the rear terrace would sit below eaves level. A separation distance of 5.38m would be retained to the neighbouring boundary. Given the relatively modest height and depth of this part of the proposed dwelling and its similarity in siting and scale to the existing dwelling, I do not consider that any material increase in overshadowing towards the neighbouring boundary would occur.
- 8.3.9. The rear projection of 6.9metres in height would be located c. 12metres from the western boundary. At this distance, I do not consider that the rear projection would result in overshadowing of the adjoining property to the west. Having regard to the siting and massing of the existing and proposed dwellings and to the separation

distances maintained, I do not consider that any material impact in terms of loss of daylight or sunlight or by virtue of increased overshadowing of the neighbouring garden would occur. Therefore, I do not consider that the amenity of the adjoining occupier would be impacted in this regard. For the same reasons, I do not consider that the proposed development would result in a material impact on neighbouring amenity due to overbearance.

- 8.3.10. With regard to potential impacts on residential amenity of occupiers to the east, given the separation distance to the existing mobile home and two storey dwelling on these lands, there is no potential for overshadowing or overbearance impacts arising from the proposed development. The only window on the eastern elevation is a rear facing angled window at first floor level and therefore no overlooking issues arise.
- 8.3.11. Overall, having regard to the existing dwelling on site, to the siting of the proposed dwelling relative to adjoining residential properties, to the separation distances maintained and to the scale, massing and design of the proposed dwelling, I am satisfied that the proposed development would not result in significant negative effects on the amenity of adjoining occupiers.

Other issues

- 8.3.12. The Planning Authority attached a condition (No.3) to their decision requiring that the applicant/owner of the property enter into a maintenance contract for the wastewater treatment system for a period of 5 years from the date of commissioning. I note that the Water Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012 place responsibilities on the owners of domestic wastewater treatment systems in relation to their operation, maintenance and renewal. I do not consider therefore that a condition is necessary in this regard.
- 8.3.13. The Planning Authority also attached a condition (No.11) to their decision requiring that the developer shall apply for a Road Opening Licence should they need to open the public road. It is the responsibility of the developer to obtain any necessary licence required under any other relevant code. I do not consider therefore that a condition is reasonable or necessary in this regard.
- 8.3.14. The Planning Authority also attached a condition (No.12) to their decision requiring that any external lighting shall be properly cowled and directed away from the public roadway and shall not be visible from any point more than 100 metres away from the

light for reason of traffic safety and to control light pollution. Given the domestic nature and limited scale of the proposed development and the nature of the local road, which is a cul-de-sac, I do not consider that a condition in this regard is necessary or reasonable.

9.0 **AA Screening**

9.1. The site does not lie within a Natura 2000 site, however it is located directly adjacent to the Lower Shannon River SAC (site code 002165) and c.50m south of the River Shannon and River Fergus Estuaries SPA (site code 004077).

9.2. 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 individually or in combination with other plans or projects would not be likely to give rise to significant effects on any named European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not 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.
- The existing residential use of the site, comprising dwelling and septic tank.
- The qualifying interests and conservation objectives of the Lower Shannon River SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077).
- Regard had to the determination of the Planning Authority

10.0 **Water Framework Directive**

10.1. A Screening Determination is attached at Appendix 4 below.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good

status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

11.0 Recommendation

I recommend that permission is granted for the reasons and considerations, and subject to the conditions, set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, particularly KCDP 5-22 which seeks compliance with the 'Building a House in Rural Kerry Design Guidelines 2009' and KCDP 11-78 which seeks to protect the County's landscapes, to the existing dwelling and septic tank on the site and to the nature and extent of the proposed replacement dwelling and effluent treatment system, it is considered that the proposed development would not adversely impact on the visual amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations set out within the site characterisation report submitted with this application and with the plans and particulars received by the planning authority as further information on the 2nd April 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the report received by the Planning Authority as further information on the 2nd April 2024, titled ‘Design of a 90sq.m Low Pressure pipe Distribution Network’ and the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

3. (a) The roof colour of the pitched roof part of the proposed house shall be blue-black, black or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

(b) The external walls of the pitched roof part of the dwelling shall be finished in neutral colours such as grey or off-white.

(c) Samples of the stone and timber cladding to be used as external finishes on the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The facing material of the proposed front boundary wall shall consist of natural local stone, samples of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height. The entrance gates and front boundary walls shall not exceed 1.2m in height.

Reason: In the interest of traffic safety.

6. A privacy screen of a minimum of 1.8m in height shall be installed on the western side of the 1st floor terrace attached to the rear of the pitched roof part of the proposed dwelling house. Details of the privacy screen shall be submitted to, and approved in writing by, the planning authority prior to the commencement of development.

Reason: In the interest of neighbouring residential amenity.

7. Prior to commencement of development, a final Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. As part of the preparation of the RWMP, a survey shall be undertaken by a suitably competent person/company to determine the possible presence of ACM (Asbestos Containing Material) or any other hazardous materials within the structures to be demolished/removed, and a report on same shall be included as part of the RWMP. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining lands.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such

bunds shall be roofed to exclude rainwater;

(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(k) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

11. Site development and building works shall be carried out between the hours of 07:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. The developer shall make good any damage caused to the public road as a result of their works, to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

13. A revised landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The revised scheme shall include the following:

(a) Details of the proposed fence on the rear boundary of the site.

(b) Existing boundary screening and natural woodland on the site shall be retained in full and shall be suitably strengthened with native hedge species indigenous to the area.

(c) The eastern and western site boundaries shall be provided with thick native hedges and tree planting.

(d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

14. Upon completion of the proposed wastewater treatment system, the existing septic tank on site shall be removed or backfilled with inert material.

Reason: To prevent groundwater contamination.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Suzanne White
Planning Inspector

8th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-319911-24
Proposed Development Summary	Demolition of existing house, construction of replacement dwelling, new on-site treatment system and all associated site works.
Development Address	Littor, Asdee, Listowel, Co. Kerry, V31 YW68
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Suzanne White **Date:** 08/12/2025

Form 2 - EIA Preliminary Examination

Case Reference	ABP-319911-24
Proposed Development Summary	Demolition of existing house, construction of replacement dwelling, new on-site treatment system and all associated site works.
Development Address	Littor, Asdee, Listowel, Co. Kerry, V31 YW68
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The c.0.22ha site comprises an existing dwelling house and its curtilage, located within a rural area, within a row of other rural dwellings.</p> <p>The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site:</p> <ul style="list-style-type: none"> • Lower River Shannon SAC directly adjacent to north • River Shannon and River Fergus Estuaries SPA c. 50m to north • Bunnaruddee Bog NHA c. 12km southeast • Proposed Natural Heritage Areas: Beal Point c.1.5km to west • Proposed Natural Heritage Areas: Ballylongford Bay c. 4.7km to east <p>The development would be located on previously developed lands and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p>

	<p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White **Date:** 08/12/2025

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects Case file: ABP-319911-24	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of existing house, construction of replacement dwelling, new on-site treatment system and all associated site works. See detailed description in Section 2 of the Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	<p>The c.0.22ha site comprises an existing dwelling house and its curtilage, located within a rural area, within a row of other rural dwellings.</p> <p>The site is directly adjacent to the Lower River Shannon SAC (site code 002165) to the north, part of which is within the ownership of the applicant. The application lands slope down towards the SAC and Shannon Estuary beyond.</p> <p>The following other European Sites are located in proximity to the site:</p> <ul style="list-style-type: none"> • River Shannon and River Fergus Estuaries SPA (004077) c. 50m to north <p>Surface water will be managed on site via SUDS features, with runoff collected and drained to a soakaway within the rear garden.</p> <p>A new wastewater treatment system and polishing filter is proposed, within the rear garden.</p> <p>No details of construction timing or duration have been provided.</p>
Screening report	<p>None submitted.</p> <p>The Planner's Report includes an Appropriate Assessment Screening Report which concludes that, having regard to the nature of the development proposed, existing development on the site and the distance from any SAC or SPA, there is no likely potential for significant effects to Natura 2000 sites, therefore AA is not required.</p>
Natura Impact Statement	No.
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The European Sites potentially within a zone of influence of the proposed development are listed in the table below.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (metres/km)	Ecological connections ²	Consider further in screening ³ Y/N
1. Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	Directly adjoining to north.	Direct – use of habitat by mobile species. Indirect - risk of surface water runoff from construction entering estuary/harbour waters. Disruption from noise and visual presence during construction phase. Spread of invasive species.	Y

	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p> <p>002165_Lower River Shannon SAC Lagoons Supporting Doc V1.pdf</p>			
--	---	--	--	--

<p>2. River Shannon and River Fergus Estuaries SPA</p>	<p>Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857]</p>	<p>c. 50m to north</p>	<p>Indirect - risk of surface water runoff from construction entering estuary/harbour waters.</p> <p>Disruption from noise and visual presence during construction phase.</p>	
--	---	------------------------	---	--

	Wetland and Waterbirds [A999] Site specific cons obj			
--	---	--	--	--

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The subject site comprises an existing dwelling which directly adjoins a woodland area which is part of the Lower River Shannon SAC. The site is not itself located in a European site.

The landscaping plan submitted as part of the application indicates a proposed rear garden boundary treatment consisting of 1.2m high post and wire mesh fence with gate which would be positioned on the boundary with the SAC. During my site visit I noted an existing fence in a similar position, though this was in a dilapidated state and would not present an effective barrier to movement. The qualifying interests of the SAC include Otter, which is a mobile species.

The building construction site (replacement dwelling) would be situated c. 121m south of the SAC. The soil polishing filter would be located c. 15m from the SAC boundary. Subject to standard construction procedures being implemented, the risk of surface water borne pollutants, including hydrocarbons, and sediments reaching the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA is low.

Surface water run-off at operational stage is proposed to be attenuated and infiltrated on site using standard measures including a soakaway. Wastewater would be treated by a new wastewater treatment system to EPA 2021 standards.

The matrix below identifies possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects).

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lower River Shannon SAC Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150]	The project is not directly connected with or necessary to the management of a European Site. Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect:	The qualifying interests of the SAC include one mobile species, Otter. The conservation objectives for this SAC note that a 10m buffer along the shoreline (above the high water mark) is critical for otters. The fence would be located c. 50m from

<p>Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355]</p>	<p>The proposed rear boundary fence could restrict movement of species into and out of the SAC at this point.</p> <p>Potential for pollutants and particulate matter carried by surface or ground water to enter SAC and for disturbance from noise and visual presence during construction phase.</p>	<p>the shoreline, would be limited in extent (17.4m in length) relative to the SAC area and would not create a barrier between the woodland and shoreline to the north or freshwater streams to the east and west. Consequently, it is not considered that the proposed fence would result in a significant effect on Otter.</p> <p>There is low potential for pollution of surface and ground waters, given the limited scale of the proposed works, the employment of standard construction practices and the inclusion of standard measures designed in to the scheme including design of the proposed WWTP to meet EPA COP 2021 standards, decommissioning of the existing septic tank and provision of a soakaway to collect surface water runoff from the proposed building.</p> <p>Due to the limited scale and temporary nature of the proposed development, significant effects on protected species in relation to visual/noise disturbance would not occur.</p>
--	--	--

		Conservation objectives would not be undermined.
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site* No		
	Impacts	Effects
Site 2: Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	The project is not directly connected with or necessary to the management of a European Site. Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: Potential for pollutants and particulate matter carried by surface or ground water to enter SAC, resulting in impacts on water quality, and for disturbance from noise and visual presence during construction phase.	There is low potential for pollution of surface and ground waters, given the limited scale of the proposed works, the use of standard construction practices and standard measures designed in to the scheme including design of the proposed WWTP to meet EPA COP 2021 standards, decommissioning of the existing septic tank and provision of a soakaway to collect surface water runoff from the proposed building. Due to the limited scale and temporary nature of the construction works, significant effects from in relation to visual/noise disturbance would not occur. Conservation objectives would not be undermined.

Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]		
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site* No		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development, alone or in combination with other plans and projects, would not result in likely significant effects on the Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (004077). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Appendix 4

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-319911-24	Townland, address	Littor, Asdee, Listowel, Co. Kerry, V31 YW68
Description of project		Demolition of existing house, construction of replacement dwelling, new on-site treatment system and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>The site is located c. 50m south of the Shannon Estuary at Littor Beach. The site is elevated relative to the shoreline and the levels on site slope down towards the estuary. An area of woodland, with the Lower River Shannon SAC (site code 002165), separates the application site from the shoreline. These lands are also in the ownership of the applicant. The soil and subsoil type on site is identified as a till type (chiefly from Namurian sandstones and shales). Till is a sediment deposited by or from glacier ice. The site is situated within a small row of single rural dwellings to the east and west. The site itself is presently in residential use, comprising one dwelling, which is proposed to be replaced. The existing septic tank is proposed to be decommissioned. The site is located within the Shannon Estuary South catchment.</p>	
Proposed surface water details		Surface waters run off to drain to soakaway.	
Proposed water supply source & available capacity		Proposed connection to Uisce Eireann public supply.	
Proposed wastewater treatment system & available capacity, other issues		On site wastewater treatment system.	

Others?	Not applicable
---------	----------------

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c. 1.3km to the east and c. 1.5km to the west	Astee West 010	Good	Review	Agriculture	Not directly hydrologically connected to surface watercourse.
Coastal Waterbody	c. 50m to north	Mouth of the Shannon (IE_SH_060_0000)	Good	Not at risk	N/A	Not directly hydrologically connected to surface waterbody.
Groundwater waterbody	SH_G_030	Ballylongford	Good	At risk	DWTS, Forestry, Agriculture	Proposed OSWWTP.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River waterbody	Astee West 010	None	None	None	No	Screened out
2.	Coastal waterbody	Mouth of the Shannon (IE_SH_060_0000)	Surface water runoff	Limited potential due to distance	Standard Construction Measures / Conditions	No	Screened out
3.	Ground waterbody	Ballylongford	Drainage	Seepage to ground water	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
1.	River waterbody	Astee West 010	None	None	None	No	Screened out
2.	Coastal waterbody	Mouth of the Shannon (IE_SH_060_0000)	Surface water runoff	Limited potential due to distance	Soakaway	No	Screened out
3.	Ground waterbody	Ballylongford	Drainage	Seepage to ground water.	OSWWTP to be designed and installed in accordance with EPA Code of Practice for	No	Screened out

					Domestic Waste Water Treatment Systems (Population Equivalent ≤10)		
--	--	--	--	--	---	--	--