



An
Coimisiún
Pleanála

Inspector's Report ABP-320175-24

Development	Retention permission for log cabin and permission for wastewater treatment system.
Location	Knockreagh, Scartaglin, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460241
Applicant(s)	Bernadette Adair
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Bernadette Adair
Observer(s)	None
Date of Site Inspection	4 th August 2025
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal with a stated area of 0.35 ha is located in a rural location that is accessed by way of a network of narrow local public roads. The site consists of an existing residential log cabin and corrugated shed located below the road. There is also an old derelict stone ruin on site. The area is characterised by one off rural housing, agricultural land and associated farm buildings
- 1.2. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for the development consisting of:
- a) retention of existing log cabin (84 sqm), and
 - b) decommissioning of existing septic tank and installation of mechanical treatment system and sand polishing filter
- 2.2. The application was accompanied by the following:
- Cover Letter
 - Site Recommendation Report and proposed WWTP and sand polishing filter (Tricel)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Kerry County Council issued a notification of decision to refuse permission for the following 3 no reasons:
- 1) *Having regard to the log cabin finish/materials of the structure to be retained, it is considered that the structure would constitute an incongruous feature in the rural landscape, which is necessary to preserve, in accordance with Objectives KCDP 11-77 & KCDP 11-78 of the Kerry County Development Plan 2022-28. The*

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

- 2) *Retention of the existing development would be incompatible with the prevalent existing house form and finishes in the locality and would be in conflict with the Kerry County Council design guidelines 'Building a House in Rural Kerry' which must be regarded as per Section 1.5.10.4 of the County Development Plan 2022-28. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 3) *Based on the information submitted, the Planning Authority is not satisfied 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

3.2.2. The **Case Planner** recommended that permission be refused for 3 no reasons. The notification of decision to refuse permission issued by Kerry County Council reflect this recommendation.

3.2.3. Other Technical Reports

- **Environment** – Requested the following further information:
 - 1) Applicant to excavate a new trial hole near the proposed polishing filter and make available for inspection
 - 2) Liaise with Site Assessment Unit to confirm date for visual inspection
 - 3) Assessment to be undertaken by a suitably qualified and experienced person with findings to be submitted to the Planning Authority
- **Environmental Assessment Unit**
 - 1) **Appropriate Assessment** – there are no realistic or meaningful pathways for impact on any European site and there was no realistic possibility that the proposal would have significantly affected Natura 200 sites.

- 2) **Environmental Impact Assessment** – there was no realistic or meaningful pathway for significant impact on the environment and there was no real likelihood of significant effects on the environment arising from the development.

3.3. Prescribed Bodies

- 3.3.1. None

3.4. Third Party Observations

- **Michael J Haely-Rae TD** – Strongly supports the application for retention of planning permission

4.0 Planning History

- 4.1. **Reg Ref 064954** – Planning permission refused to erect a dwelling house, with mechanical aeration unit and reed bed served by a percolation area including all necessary ancillary site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Kerry County Development Plan 2022-2028**. Policies and objectives relevant to this development are as follows:
- 5.1.2. The site is within an area identified as a “**Rural Area Under Urban Influence**” (Map 5.1 refers).
- **Objective 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 the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.

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

- **Objective 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.
- **Objective 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.

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

5.1.3. **Section 11.6** sets out policies and objectives in relation to **Landscape**

- **Objective KCDP 11-77** - Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.
- **Objective KCDP 11-78** – Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

Any development which could unduly impact upon such landscapes will not be permitted.

5.1.4. **Section 11.6.3 Landscape Designations** - There are two landscape designations for the county:

- 1) Visually Sensitive Areas
- 2) Rural General

In this case, the policies and objectives applicable relate to **Rural General**

5.1.5. **Section 11.6.3.2 Rural General** - Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designed to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

5.1.6. **Section 11.6.4 Development in Designated Areas** - As outlined above and in accordance with Objective 11-77 and Objective 11-78 the protection of the landscape is a major factor in developing policies for rural areas. It should be noted that the

landscapes and scenery are not just of amenity value but constitute an enormous economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. The capacity of an area to visually absorb development is also influenced by a combination of the following factors:

- 1) Topography -development in elevated areas will usually be visible over a wide area; development in enclosed areas will not.
- 2) Vegetation -areas which support (or which have the potential to support) trees, tall hedges and woody vegetation can screen new development from view. Areas which cannot easily sustain such vegetation will be unlikely to screen new development.
- 3) Development -new development is likely to be more conspicuous in the context of existing development in the landscape.

5.1.7. Section 13.2.2.4 - Individual Private Wastewater Facilities in Rural Areas

- **KCDP 13-18** - Ensure that development proposals comply with the standards and requirements of the Irish Water: Code of Practice for Wastewater Infrastructure, (December 2016), and any updated version of this document during the lifetime of the Plan.
- **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.

5.1.8. **Standards for Residential Development in Rural and Non-Serviced Sites** - Volume 6 of the Plan contains development standards for residential development on rural and non-serviced sites. Sections relevant to this development are as follows:

- Section 1.5.10.4 - Design New dwellings prepared in the rural area shall have regard to 'Building a House in Rural Kerry – Design Guidelines', Kerry County Council, 2009 (or any subsequent guidance document).

5.1.9. The Building a House in Rural Kerry - Design Guidelines (2009) provide house type examples and the main themes to achieve a successful rural house design. In

addition, the following range of materials are considered the most appropriate to the rural area:

- rendered and painted blockwork
- Black/dark grey or blue-black slates
- timber windows and doors (the use of wood grain upvc could be considered as an alternative to white upvc)
- the use of natural local stone where appropriate

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located in or immediately adjacent to a European Site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal against the decision to refuse permission has been prepared and submitted by the applicant's son, Patrick Adair and may be summarised as follows:

- KCC did not consider the particular circumstances of this application, the surrounding area, the modest size of the cabin and the fact that it does not affect any views and has no adverse impact on the character of the landscape or the amenity value or economy of the area.
- A broad implementation of generic objectives and design guidelines does not constitute a fair and adequate assessment of the application.
- Log cabins are widely visible throughout Ireland.
- Kerry County Council should amend / revise their planning guidelines to allow alternatives to the traditional homes and designs.
- The design of the proposed drainage system / mechanical unit submitted is entirely compliant with the applicable EPA Code of Practice.
- The system has been designed by Tricel, an international industry leader in wastewater treatment solutions.

- The log cabin is to meet a genuine accommodation need for a 67-year-old retired widow who has lived in the locality for c 30 years and was employed locally until her retirement.
- Financial restraint prevented her from continuing to rent, constructing a traditional house or from purchasing a property on the open market.
- The log cabin was funded from the proceeds of her pension.
- The log cabin is located on the applicants own land on an existing residential site.
- Log cabins, although not common in Kerry are widely visible throughout Ireland. They are a viable residential option and the only option for many.
- An Bord Pleanála granted permission for log cabins in Kerry – Reg Ref 11/126 and 12/78 refers.

6.1.2. The appeal was accompanied by the following:

- Site location map
- Site layout drawing
- Log cabin elevation and plan drawings
- Log cabin and site photos
- Photos of surrounding forestry
- Wastewater treatment report
- Folio KY22634 and screenshot of map

6.2. **Planning Authority Response**

6.2.1. None

6.3. **Observations**

6.3.1. None

6.4. **Further Responses**

6.4.1. None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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:

- Principle
- Refusal Reason No 1 & 2 – Visual Amenity
- Refusal Reason No 3 – Wastewater Treatment

7.2. Principle

- 7.2.1. This is an application for the retention of an existing log cabin and the decommissioning of the existing septic tank and installation of mechanical treatment system and sand polishing filter in a rural area identified as a “Rural Area Under Urban Influence” (Map 5.1 refers) in the Kerry County Development Plan 2022-2028. Objective KCDP 5-15 requires that in these areas 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. Applicants are required to demonstrate compliance with one of the categories of housing need set out in this objective. The full wording of the objective is set out in Section 5.0 of this report above.
- 7.2.2. Having regard to the information made available with the appeal I have considered the applicants standing in relation to Objective KCDP 5-15 and would set out the following:

Objective KCDP 5-15 Criteria	Applicants Compliance
a) Applicant is a farmer	N/A
b) Applicant is taking over running of a Farm	N/A
c) Applicant is working full time in farming	N/A

d) Applicant has spent over seven years living in the local rural area in which they propose to build a first home for their permanent residence	The applicant: ▪ relocated to the area c30 years ago ▪ family home is within 150m of the appeal site ▪ transferred the family home to their daughter in 2006 for family reasons (as set out in the appeal) ▪ has rented a number of properties over the last 15 years but due to rental increases this was no longer a viable option ▪ retired in 2022 with the intention of purchasing a property but due to market conditions this was not feasible ▪ not eligible for social housing ▪ erected a log cabin on an established residential site in their ownership
e) Applicant currently lives with a lifelong or life limiting condition and need to live adjacent to immediate family	N/A

7.2.3. Having regard to housing need criteria (d) as set out in Objective KCDP 5-15 I am satisfied that the applicant has spent a substantial period of their lives (i.e., over seven years), living in this rural area. However, it is not clear if the log cabin is the first home they have built as their permanent residence. In this regard I refer to the applicant's statement that they transferred the family home to their daughter in 2006. It is not clear if the family home, as referenced in the appeal, was the first home and if they built it and if it was their permanent residence. The applicant's reference to the site having an established residential use is not a consideration for the purposes of Objective KCDP 5-15. Further I do not consider that the old derelict stone ruin on site in any way establishes a residential use for the purposes of planning.

- 7.2.4. While I note that the Case Planner states that they are satisfied with the applicant's compliance with the Rural Settlement Policy as it applies to this location, they have provided no further analysis or comment on the matter. In the absence of same I am reluctant to rely on this information alone to demonstrate compliance with Objective KCDP 5-15.
- 7.2.5. While I appreciate the applicants circumstances in relation to rental costs and the prohibitive costs associated with the housing market it remains that the applicant has not demonstrated a housing need to build a dwelling at this location in line with Housing Need Criteria (d) as set out in Objective KCDP 5-15. Further clarity is required. However, given the substantive issues in relation to wastewater treatment on the site I do not consider that this matter necessitates a separate reason for refusal. It is however recommended that any future application at this site would clearly demonstrate compliance with Objective KCDP 5-15.

7.3. Refusal Reason No 1 & 2 - Visual Amenity

- 7.3.1. KCC expressed similar concerns in their first and second reason for refusal in relation to the incongruous finish / material and the form and finish of the log cabin and that same would conflict with the Kerry County Council design guidelines 'Building a House in Rural Kerry'. The reasons for refusal are as follows:
- 1) Having regard to the log cabin finish/materials of the structure to be retained, it is considered that the structure would constitute an incongruous feature in the rural landscape, which is necessary to preserve, in accordance with Objectives KCDP 11-77 & KCDP 11-78 of the Kerry County Development Plan 2022-28. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
 - 2) Retention of the existing development would be incompatible with the prevalent existing house form and finishes in the locality and would be in conflict with the Kerry County Council design guidelines 'Building a House in Rural Kerry' which must be regarded as per Section 1.5.10.4 of the County Development Plan 2022-28. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

- 7.3.2. Section 11.6 of the current Development Plan (Volume 1) identifies landscapes and views in the county that should be protected and identifies two landscape designations for the county (1) Visually Sensitive Areas and (2) Rural General. The appeal site is in an area designated as Rural General in the Kerry County Development Plan 2022-2028. Such areas generally have a higher capacity to absorb development than visually sensitive landscapes. Section 11.6.4 Development in Designated Areas states that the capacity of an area to visually absorb development is also influenced by a combination of factors as set out under this objective. The full wording of the objective is set out in Section 5.0 of this report above.
- 7.3.3. Having regard to the information made available with the appeal I have considered the design and setting of the log cabin in relation to Section 11.6.4 and would set out the following:

Section 11.6.4 Development in Designated Areas	Comment
Topography	The log cabin is located below the road and is visible within the immediate area of the appeal site only
Vegetation	The site is exposed and there is no screening in place at present. I am satisfied that the site can support trees, tall hedges and woody vegetation to screen the development and that same can be dealt with by way of a suitably worded condition.
Development	Given the sites location it is not conspicuous in the wider landscape.

- 7.3.4. As set out in Section 11.6.3.2 of the Development Plan, Rural General landscapes generally have a higher capacity to absorb development than visually sensitive landscapes. Having regard to the character of the site and immediate area I am satisfied that the log cabin, subject to a condition regarding site landscaping, integrates into its rural surroundings minimising its effect on the landscape.

- 7.3.5. Further *Objective KCDP 11-77 protects* the landscape as a major economic asset and an invaluable amenity which contributes to the quality of people's lives and *Objective KCDP 11-78* protects the landscape 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. Having regard to the foregoing assessment I satisfied that to permit the retention of this log cabin would not be contrary to these objectives. Accordingly, it is recommended that Refusal Reason No 1 be set aside.
- 7.3.6. KCC in their second reason for refusal refers to the Kerry County Council Design Guidelines 'Building a House in Rural Kerry' and Section 1.5.10.4 of the County Development Plan 2022-28. Section 1.5.10.4 Design is set out in Volume 6 of the Development Plan. The relevant sections of which are set out in Section 5.0 of this report above. Rural Housing Objective KCDP 5-22 (Volume 1) requires 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.
- 7.3.7. I have considered the Kerry County Council Rural Design Guidelines and the Case Planners report, and the pertinent issue is the form and finishes of the log cabin. I refer to the "House type examples" and associated "themes" set out in the Guidelines and I am broadly satisfied that the log cabin complies with these requirements in terms of forms and structure. While the pitch of the roof is shallower than recommended, I do not consider this of itself merits a refusal of permission. However, the external materials of the log cabin while limited in range, as required, do not comprise rendered and painted blockwork are not black/dark grey or blue-black slate and is not of muted earthy tones. While the comments of the applicant in relation to the requirement for a broad implementation of objectives and guidelines may be reasonable, it remains that the log cabin does not comply with the requirements of the Kerry County Council Design Guidelines 'Building a House in Rural Kerry' or Objective KCDP 5-22. Refusal is recommended.

7.4. Refusal Reason No 3 – Wastewater Treatment

- 7.4.1. KCC in their third reason for refusal set out the following:

3) *Based on the information submitted, the Planning Authority is not satisfied 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.*

- 7.4.2. As part of this planning application, it is proposed to replace the existing septic tank which, it is stated, given the ground conditions, is not fit for purpose, and to install a mechanical wastewater treatment system with a raised polishing filter. It is noted from the plans and particulars submitted with the application that there is a drain to the rear of the site (south). The site layout plan appears to indicate that the outfall from the existing septic tank is flowing south suggesting that the existing septic tank discharges directly to this drain. This is unacceptable and proposals to improve the situation are to be welcomed.
- 7.4.3. I note that KCC Environment Department in their report requested that the applicant excavate a new trial hole near the proposed polishing filter and make available for inspection and that the site assessment to be undertaken by a suitably qualified and experienced person with findings to be submitted to the Planning Authority. No further information was sought in this regard.
- 7.4.4. The application was accompanied by a wastewater treatment Site Recommendation Report prepared by Tricel Environmental providing detailed information in relation to the Tricel Novo Package Plant and Tricel Sand Polishing Filter to be provided on site. Notwithstanding the technical details submitted no site assessment has been provided with the application. A site suitability assessment comprising a site-specific desk study, visual assessment, trial hole evaluation, percolation test and system recommendation, is essential to determine that the wastewater treatment system proposed is suitable for the site conditions. The Commission will be aware that under Article 22 (2)(c) of the Planning and Development Regulations 2006, where it is proposed to dispose of wastewater from the proposed development other than to a public sewer the applicant must submit information on the type of septic tank system proposed and evidence of suitability of the site for the system in the planning application.

- 7.4.5. Notwithstanding the single occupancy of the property and that the likely levels of effluent generated would be extremely low and that the proposal represents a welcome and potentially significant improvement on the current situation it remains that in the absence of a site suitability assessment, it cannot be determined that effluent arising from the proposed development could be adequately disposed of on site. Refusal is recommended.

8.0 Environmental Impact Assessment

- 8.1. 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.

9.0 Appropriate Assessment Screening Determination

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in AA screening (Appendix 3 below refers), 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 Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Protection Area (Site Code 000365) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on:
- Scale and nature of works
 - Distance from nearest European site and lack of connections
 - Taking into account the determination by the Planning Authority

10.0 Water Framework Directive

10.1. 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.

10.2. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Hydrological and hydrogeological characteristics of proximate waterbodies
- Absence of any meaningful pathways to any waterbody

10.3. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason and considerations and subject of the conditions outlined below.

12.0 Reasons and Considerations

1. Rural Housing Objective KCDP 5-22, Volume 1 of the Kerry County Development Plan 2022 – 2028 requires 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. The external materials of the log cabin while limited in range, as required by the Guidelines, do not comprise rendered and painted blockwork, black / dark grey or blue-black slate and is not of muted earthy tones and to permit the retention of same would be contrary to the Building a House in Rural Kerry Design Guidelines 2009 in terms of House Types and Materials/Colours. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered, based on the information submitted, and the absence of a site suitability assessment, that the effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health and to permit same would be contrary to the proper planning and sustainable development of the area.

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

Mary Crowley

Senior Planning Inspector

26th September 2025

13.0 Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP-320175-24
Proposed Development Summary	Retention permission for log cabin and permission for wastewater treatment system.
Development Address	Knockreagh, Scartaglin, Co. Kerry
	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?	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	State the Class and state the relevant threshold

EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) 'Construction of more than 500 dwellings units

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	

Inspector _____ **Date** _____

DP/ADP _____ **Date** _____

(only where Schedule 7A information or EIAR required)

14.0 Appendix 2 - Form 2 - EIA Screening Determination

An Bord Pleanála Case Reference	ABP-320175-24
Proposed Development Summary	Retention permission for log cabin and permission for wastewater treatment system
Development Address	Knockreagh, Scartaglin, Co. Kerry.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The proposed development is for the retention of a log cabin on the site and permission for wastewater treatment system with a raised polishing filter to replace the existing septic tank. The nature and scale of the proposed development will have a visual impact at a local level and is discussed in the assessment of this scheme above. However, the scheme would not give rise to significant visual environmental effects in terms of scale and design at a wider spatial level. The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.

	There are no SEVESO / COMAH sites in the vicinity of this site. The development has a modest footprint and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type and scale, does not pose a risk of major accident and / or disaster and therefore presents no risks to human health.
Location of development (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).	The site is designated as a Rural Areas Under Urban Influence and Rural General in the Kerry County Development Plan 2022-28. The site is not located within or adjoining any of the following designated / sensitive sites: ▪ European site (SAC/ SPA/ pSAC/ pSPA) ▪ NHA/ pNHA ▪ Designated Nature Reserve ▪ Designated refuge for flora or fauna There are no known monuments or other archaeological features on the subject site. The site is not located within or proximate to any designated ACA. The site is not at risk of flooding. The site is served by a local urban road network. No significant contribution to traffic congestion is anticipated.

	It is considered that, having regard to the limited nature and scale of the development there is no real likelihood of significant effect on other significant environmental sensitivities in the area.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation)	The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area. Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No

There is a real likelihood of significant effects on the environment.	EIAR required.	No
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Inspector _____ Date _____

DP/ADP _____ Date _____

(only where Schedule 7A information or EIAR required)

15.0 Appendix 3 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case file: ABP 320175-24	
Brief description of project	Normal Planning Appeal See Section of 2.0 of the Inspectors Report Retention permission for log cabin and permission for wastewater treatment system to replace the existing septic tank at Knockreagh, Scartaglin, Co. Kerry.
Brief description of development site characteristics and potential impact mechanisms	The site is in a rural area. As part of this planning application, it is proposed to replace the existing septic tank which, it is stated, given the ground conditions, is not fit for purpose, and to install a mechanical wastewater treatment system with a raised polishing filter. There is a drain to the rear of the site (south). The site layout plan indicates that the outfall from the existing septic tank drains to an existing drain along the southern boundary of the site.
Screening report	No KCC screened out the need for AA
Natura Impact Statement	No
Relevant submissions	KCC Environmental Assessment Unit – No realistic or meaningful pathways for impact on any European site and there was no realistic possibility

	that the proposal would have significantly affected Natura 200 sites.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality / disturbance.

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk there are as follows:

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Protection Area (Site Code 000365)

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Protection Area (Site Code 000365)	Habitats ▪ Oligotrophic waters containing very few minerals of sandy plains ▪ Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea ▪ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	c1.85 km to the south	Hydrology	N

	▪ Northern Atlantic wet heaths with <i>Erica tetralix</i> ▪ European dry heaths ▪ Alpine and Boreal heaths ▪ <i>Juniperus communis</i> formations on heaths or calcareous grasslands ▪ Calaminarian grasslands of the <i>Violetalia calaminariae</i> ▪ <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ▪ Blanket bogs ▪ Depressions on peat substrates of the <i>Rhynchosporion</i> ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles ▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ▪ <i>Taxus baccata</i> woods of the British Isles ▪ Slender Naiad ▪ Killarney Fern Species ▪ Kerry Slug ▪ Freshwater Pearl Mussel ▪ Marsh Fritillary ▪ Sea Lamprey ▪ Brook Lamprey ▪ River Lamprey ▪ Salmon			
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	▪ Lesser Horseshoe Bat ▪ Otter ▪ Killarney Shad (NPWS 23rd October 2017) https://www.npws.ie/protected-sites/sac/000365			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Protection Area (Site Code 000365)

Direct - None.

Indirect – None

The nature, scale and extent of the proposed works including the mechanical wastewater treatment system with a raised polishing filter to replace the existing septic tank, the absence of a direct hydrological link, implementation of standard construction techniques, and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect the qualifying interests listed.

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 a European Site.

No mitigation measures are required to come to these conclusions. I consider the replacement of the existing septic tank with a mechanical wastewater treatment system with a raised polishing filter to be not only a significant improvement on the existing situation but also a standard measure to prevent groundwater pollution and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SPA.

Screening Determination

Finding of likely significant effects

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 European Sites namely Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Protection Area (Site Code 000365) 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:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Hydrological and hydrogeological characteristics of proximate waterbodies
- Absence of any meaningful pathways to any waterbody
- The considerations of the planning authority in its screening report.

16.0 Appendix 4 - Water Framework Directive Impact Assessment

Stage 1 Screening			
Step 1: Nature of the Project, the Site and Locality			
ABP Ref.	ABP-320175-24	Townland, address	Knockreagh, Scartaglin, Co. Kerry
Description of project		Retention permission for log cabin and permission for wastewater treatment system to replace the existing septic tank	
Brief site description, relevant to WFD Screening		The site is in a rural area to the northeast of Killarney. There is an existing log cabin on the site that is served by an existing septic tank.	
Proposed surface water details		Surface water discharge to watercourse (application form refers)	
Proposed water supply source & available capacity		Existing public mains (application form refers)	

Proposed wastewater treatment system & available capacity	The site layout plan indicates that the outfall from the existing septic tank drains to an existing drain along the southern boundary of the site. As part of this planning application, it is proposed to replace the existing septic tank which, it is stated, given the ground conditions, is not fit for purpose, and to install a mechanical wastewater treatment system with a raised polishing filter.					
Other	N/A					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified Waterbody	Distance to (m)	Waterbody name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on the waterbody	Pathway linkage to water feature
River Waterbody	River c580m to the east of the site	Quagmire_010 IE_SW_22Q010400	Good	Not at Risk	None identified	Surface water run off

Groundwater Waterbody	Underlying site	Scartaglin IE_SW_G_073	Good	Not at risk	Non identified	Drainage to groundwater
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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	Waterbody receptor	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?
1.	River Waterbody	Quagmire_010	Surface water runoff	Deterioration of surface water quality from pollution of surface water run-off	Implement CEMP	No	Screened out
2.	Groundwater Waterbody	Scartaglin	Drainage through soil / bedrock	Water pollution, surface water runoff	Implement CEMP	No	Screened out

OPERATIONAL PHASE							
1.	River Waterbody	Quagmire_010	Surface water run-off	Deterioration of water quality	Incorporation of silt and oil interceptors and greenfield discharge rates	No	Screened out
2.	Groundwater Waterbody	Scartaglin	Drainage through soil/ bedrock	Deterioration of groundwater quality	New WWTS, implement SuDS and greenfield discharge rates	No	Screened out
DECOMMISSIONING PHASE							
1.	Decommissioning is not anticipated as this is a permanent residential development.						