



An
Coimisiún
Pleanála

Inspector's Report ABP-320572-24

Development	Demolition of existing structure and construction of dwelling
Location	Top Street, Cahersiveen, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24/176
Applicant	Thomas Dennehy
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	1. Cornelius O'Shea 2. Kevin O'Connor
Observer(s)	None
Date of Site Inspection	24 th November 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

The subject site has a stated area of 0.03 hectares and is located within the town of Cahersiveen, County Kerry. The site is located off Top Street (Barr na Sráide) which is located to the south of Main Street and comprises of an existing derelict structure. The site is bounded by the public road to the north, Fuchsia Heights housing estate to the east and a detached two storey dwelling to the west.

2.0 Proposed Development

Permission is sought to demolish the existing structure on site which has a floor area of 46.62sqm and to construct a new two storey dwelling which will have a floor area of 137sqm. The internal layout will comprise of sitting room, dining area, kitchen, utility and w.c. on the ground floor and 2 no. bedrooms with ensuites on the first floor. The ridge height of the proposed dwelling will be 9.36 metres. External finishes will comprise of smooth render to the walls and blue/black slate tiles to the roof. A new front boundary along the public road is proposed which will comprise of tubular bow top railing to a height of 1.1 metres.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to grant permission by Order dated 23rd of July 2024, subject to 8 no. conditions.

3.2. Planning Authority Reports

Planning Reports

The area planner's (AP) report on file assessed the proposed development in terms of the zoning of the site, visual impact, residential amenity and road safety. The AP required revised public notices that specified demolition of the existing structure onsite. The AP noted that there was no provision for onsite car parking and considered a car parking levy appropriate. After submission of the further information, the AP recommended a grant of permission which was endorsed by the Senior Executive

Engineer. The AP noted a dispute regarding land ownership and considered it a civil matter and noted that Section 34(13) of the Planning and Development Act 2000, as amended, does not entitle a person to carry out development solely by reason of a permission.

Other Technical Reports

None on file

Conditions

- Condition no. 4 required the payment of €4,600 in respect of the provision of car parking facilities to serve the development which would require a minimum of two car parking spaces.
- Condition no. 5 stated that no development within Class 1 or Class 3 is to take place within the curtilage of the house.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

A number of third-party observations were received by the PA which raised questions over the ownership of the site and concerns in relation to the description of the development, car parking and the impact on the adjoining site.

4.0 Relevant Planning History

PA ref. 23/856 (*subject site*)

Thomas Dennehy was refused permission to demolish a redundant structure and construct a detached two storey dwelling. The sole reason for refusal was that the PA was not satisfied that the applicant satisfactorily demonstrated a sufficient legal estate or interest in the site nor that it had approval of the owner (*Decision date 4/3/24*).

PA ref. 23/400 (subject site)

Thomas Dennehy was refused permission to demolish a redundant structure and construct a detached two storey dwelling with off-street parking. The sole reason for refusal was due to the development encroaching onto the public roadway and interfering with the flow of traffic on the road which would endanger public safety by reason of a traffic hazard (*Decision date 6/6/23*).

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

Section 3.10.2 Settlement Hierarchy

Cahersiveen is designated as a regional town. This is defined as a town which provide a housing, employment, or service function serving a local region within the county. In contrast, district towns are towns that serve a rural hinterland as service centres and villages are smaller settlements that serve a rural hinterland with less of a variety of services available.

Chapter 4 Towns and Villages

It is an objective of the Council to:

KCDP 4-1 (Urban Regeneration and Compact Growth): Support and facilitate the objectives and actions in Housing for All (HfA) to regenerate towns and villages, to tackle dereliction, vacancy, to deliver site assembly opportunities and to promote the sustainable development of land to achieve compact growth and increased population in these centres and to engage with the Land Development Agency (LDA), where appropriate, in the identification, planning and co-ordination of strategic, publicly owned land banks to achieve compact growth, sustainable development, and urban regeneration.

KCDP 4-27 (Active Land Management): Prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.

Chapter 5 Rural Housing

This chapter outlines that the policies and objectives contained in this chapter, ensure that the housing needs of all rural communities, which have many distinctive needs from those in urban areas, are identified, and that policies are put in place to ensure that the type and scale of development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

Section 5.5.1.1 Rural Areas Under Significant Urban Influence

These are areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the larger towns and villages, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Table 5.2 lists Cahersiveen as a settlement with lands zoned within this area (as well as designated key towns Tralee and Killarney). Map 5.1 illustrates Cahersiveen as a key/regional town surrounded by a rural area under significant urban influence.

5.2. Kenmare Municipal District Local Area Plan 2024-2030

The Kenmare Municipal District Local Area Plan 2024-2030 was formally made by the Elected Members of the Kenmare municipal district on 12th April 2024 and has been effective from 24th May 2024.

The site located within the Cahersiveen settlement boundary on lands zoned 'R2 Existing Residential'. Cahersiveen is designated as a regional town.

Section 3.2.1.4.1 Residential Development

Future residential development will only be permitted on appropriately zoned land, on infill sites and on site contiguous with the town centre. This is to ensure a sustainable and compact urban form and to ensure that residents are within easy walking distance of town centre facilities. There are several infill and vacant sites within close proximity of the town centre.

Objectives

KENMD-CH-10: Ensure that future development in the town takes place on infill, brownfield, and greenfield sites contiguous with the built-up area and consolidates the compact urban form of the town making it an attractive and sustainable development.

5.3. National Guidelines

- Sustainable Rural Housing, Guidelines for Planning Authorities (2005)
- Development Management, Guidelines for Planning Authorities (2007)

Section 5.13 – Issues relating to title of land

5.4. Natural Heritage Designations

The subject site is located approximately 400 metres south of the Valencia River Estuary proposed Natural Heritage Area (pNHA) (Site Code 001383), approximately 880 metres southeast of the Iveragh Peninsula Special Protection Area (SPA) (Site Code 004154) and approximately 1.8km east of the Valencia Harbour/Portmagee Channel Special Area of Conservation (SAC) (Site Code 002262).

5.5. Environmental Impact Assessment (EIA) Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (I refer the Commission to Appendix 1 regarding this preliminary examination). 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 Environmental Impact Assessment Report (EIAR) is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A total of 2 no. third party appeals were lodged to the Commission by Mr. Cornelius O'Shea (15th August 2024) and Mr. Kevin O'Connor (16th August 2024). Kevin O'Connor owns the property that adjoins the western boundary of the site. The grounds of appeal are summarised as follows:

- The applicant does not have sufficient legal interest to the entire site of the proposed development (i.e. Folio no. KY16185) nor approval of the person who has legal estate/interest in making a planning application. Kevin O'Connor (KOC) claims that he has adverse possession for the past 22 years which is delineated by existing fencing.
- The registered owner of Folio no. KY16185 is a Mrs Mary Clifford (MC) who is now deceased. KOC has submitted Tailte Éireann land registry details (i.e. exhibits 12 and 13) that confirms MC as the registered owner since 16th August 1928.
- Cornelious O'Shea (COS) claims ownership of the site and states that he purchased the site in 1972 from a relative of the last registered owner MC. COS has provided a 1972 bill of sale as well as rate valuation documents until 1977 and derelict site related correspondence with the local authority from 1992. A letter is also provided by COS and states that KOC has agreed to purchase his interests in the KY16185.
- The PA previously refused permission on the site as part of ref. 23/856 due to it not being satisfied that the applicant had sufficient legal interest in the site or consent.
- It is not the role of PAs to involve themselves in land ownership disputes, however, the PA's assessment and findings are refutable. The PA's determination that sufficient legal interest has been demonstrated by the applicant is based on an unverifiable land ownership plan which does show overlap of lands registered to third parties.

- KOC has submitted a Tailte Éireann Order (i.e. exhibit 11), dated 18th April 2024, which noted three conflicting claims of ownership in the folio. This is more than sufficient to show that the applicant is not the registered owner.
- It may be in the interests of the Commission to review the pre-planning meeting minutes in terms of how this legal issue was addressed. The pre-planning meeting should be made available as a matter of public record.
- The amenity of KOC's property will be affected as this has been used for access to a rear garden and for refuse bin storage. The development will extend right up to the gable wall severely encroaching on the property and which has benefited from side access to the rear garden since 2002.
- The PA gave no consideration as to how the party fencing and site boundary would be treated in order to allow for the proposed works. The installation of a new railing along the front boundary will result in a loss of access to private amenity space to the rear of the appellant's property.
- The PA has failed to make a proper assessment on the application in terms of rural housing policy. Cahersiveen is designated as a rural area under significant urban influence and materially contravenes KCDP 5-14 (Rural Settlement Policy), in terms of rural housing need, and objective 5-20, which seeks to ensure that all permitted residential development in rural areas is for use as primary place of residence and subject to the inclusion of an occupancy clause of 7 years. This would be the applicant's third dwelling in his ownership.
- Reference is made to application and appeal reference 312890-22 / 21/1391 which was refused on rural housing need grounds.
- The application does not comply with objectives KCDP 5-24, KCDP 5-25, KCDP 5-26 and KCDP 5-27 (Renovation and Restoration of Buildings) of the Kerry County Development Plan 2022-2028 as the applicant has failed to consider the preference to renovate, restore, alter or extend the existing structure.

6.2. Applicant Response

The applicant did not issue a response to the grounds of appeal.

6.3. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

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 reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land Ownership
- Principle of the Development
- Residential Amenity

Land Ownership

7.2. The Commission should note that a key issue in relation to this appeal is a tripartite dispute over the legal ownership of a plot of land within the subject site situated between the curtilage of the existing structure to be demolished and an existing dwelling which adjoins the western boundary. This is identified as folio no. KY16185 and I note that the last registered owner is a Mrs Mary Clifford (MC). In the interest of clarity, the Commission should note that the ownership of the plot of the existing structure is not disputed by the appellants.

7.3. It is contended by appellant Cornelius O'Shea (COS) that MC sold the plot to another party before he purchased it on 28th August 1972 and I note that a bill of sale is provided regarding same. I note that this bill of sale identifies the property as a '*derelict house and associated grounds*'.

7.4. Additionally, appellant Kevin O'Connor (KOC) claims that he has adverse possession of the subject plot which he has used since 2002 for access to the private amenity space to the rear of his property. KOC has provided a copy of the land registry details which shows MC as the registered owner from 16th August 1928 (i.e. submitted exhibits 12 and 13). I note that he applied for adverse possession in 2018 which was refused by Tailte Éireann (TÉ) due to conflicting claims of ownership between himself,

COS, and the applicant Tom Dennehy. A copy of TÉ's Order, dated 18th April 2024, is provided by KOC.

- 7.5. I note that the applicant outlined within the submitted application form that he was the legal owner of the entire site as illustrated in red on the submitted 'land ownership plan'. Furthermore, as part of further information submitted to the PA at application stage, the applicant submitted a letter from his solicitor confirming TÉ's refusal of KOC's application for long possession of the subject plot.
- 7.6. Whilst I note that permission on the site was previously refused by the PA to the applicant on the basis of insufficient demonstration of legal interest in the site, in this case I note that the PA was satisfied that the information submitted by the applicant was in accordance with Article 22(2) of the Planning and Development Regulations 2001, as amended. I also note that the PA addressed the legal dispute within its planning report noting that it was a civil matter and that the applicant does not solely have the right to carry out development by reason of a planning permission as stipulated by Section 34(13) of the Planning and Development Act 2000, as amended (PDA2000).
- 7.7. Whilst it is clear from the evidence before me that there is an ownership dispute over plot KY16185, the fact that the adjoining plot of the proposed development is within the ownership of the applicant and which is not disputed by any of the appellants, to the fact that the last registered owner of the plot is from the year 1928 and to the TÉ information on file, it is my view that the application for planning permission is not frivolous or vexatious. Notwithstanding this, the Commission should note this is not a determination of title on my part and if it subsequently transpires that the applicant does not have the legal right to develop the subject plot (if the Commission is minded to grant permission) this does not bestow ownership rights on the applicant, nor can it usurp any Court findings on the ownership issue. It is a matter for the applicant to satisfy himself that he indeed has sufficient rights over the lands before works are commenced.
- 7.8. Therefore, to conclude on this issue, it is not the role of the Commission to resolve or determine disputes about title to land or rights over land. I refer the Commission to Section 5.13 of the Development Management Guidelines (2007) in this regard. Section 34(13) of PDA2000 provides that if the applicant lacks title or owners consent

to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.

Principle of the development

Zoning

- 7.9. The Commission should note that the footprint of the proposed development is located within the settlement boundary of Cahersiveen and on lands zoned 'R2 Existing Residential' under the Kenmare Municipal District Local Area Plan 2024-2030 (LAP). The Kerry County Development Plan 2022-2028 (CDP) states that the objective of such zoning is to provide for residential development and to protect and improve residential amenity (Volume 6, Appendix 2). Furthermore, objective KENMD-CH-10 of the LAP seeks to ensure that future development in the town takes place on infill and brownfield sites contiguous with the built-up area. Having regard to the brownfield and infill nature of the site, to its location approximately 85 metres from the town centre and to the nature of the proposed development, I consider the proposed residential development acceptable in principle subject to my considerations set out below.

Rural Housing Objectives

- 7.10. I note that the appellant suggests that the proposed development materially contravenes objective KCDP 5-14, which I note relates to rural generated housing need within rural areas under significant urban influence. Whilst I acknowledge that map 5.1 of the CDP illustrates the 'key/regional town' of Cahersiveen in an area surrounded by a rural area under significant urban influence, it should be noted that the settlement of Cahersiveen itself, with its defined settlement boundary, is not a rural area as it is a designated regional town in the CDP. The Commission should note that this is set out in the Core and Settlement Strategy of Chapter 3 of the CDP. Therefore, I consider that objective KCDP 5-14 of the CDP does not apply to the proposed development and thus a material contravention of said objective does not occur.
- 7.11. Additionally, with regards to the appellant's concerns in relation to the occupancy of the dwelling and contention that it contravenes objective KCDP 5-20, again, the Commission should note that this objective relates to residential development in rural areas and therefore does not apply in this case. I note that there is no provision within the CDP or the LAP that restricts residential development within an urban area to an occupancy clause. Therefore, I consider that a material contravention of said objective

does not occur and if the Commission are minded to grant permission a condition restricting occupancy is not required in this instance.

- 7.12. With regards to the case highlighted by the appellant in terms of precedent (ACP ref. 312890) the Commission should note that this was an application for a one-off residential dwelling within a rural area, and thus not within an urban settlement, and therefore, is not directly applicable to this appeal.

Principle of demolition

- 7.13. I also note the appellant's concerns that the proposed development does not comply with objectives KCDP 5-24 to 5-27 (Renovation and Restoration of Buildings) of the CDP. However, again, the Commission should note that these objectives set out in Chapter 5 relate to development within a rural area. Nevertheless, having inspected the site and structure, and having regard to the advice contained in the Department of Housing, Local Government and Heritage 'Caring for our Vernacular Heritage' document¹, I do not consider the structure to be of vernacular importance. I also note that the structure is not a protected structure nor is it listed on the national inventory of architectural heritage (NIAH).
- 7.14. In contrast, having regard to the limited scale of the proposed demolition works (i.e. c. 46sqm), to the current neglected and unsightly condition of the structure and site, and to the nature of the proposed development which would bring a vacant site back into residential use within an urban settlement in close proximity to the town centre, I consider that the proposed demolition and replacement would be acceptable and in accordance with objectives KCDP 4-1 (Urban Regeneration and Compact Growth) and KCDP 4-27 (Active Land Management) of the CDP.

Residential Amenity

- 7.15. KOC has also raised concerns with the impact of the proposed development on his residential amenity through the loss of amenity space which is used for bin storage and loss of access to amenity space to the rear of the dwelling. Whilst I acknowledge the appellant's concerns in this regard, I consider such issue to be related to the land

¹ <https://www.buildingsofireland.ie/app/uploads/2022/03/Caring-for-Our-Vernacular-Heritage.pdf> (Accessed 27th November 2025)

ownership dispute which I have already addressed within paragraphs 7.2 to 7.8 of this report.

- 7.16. Additionally, the Commission should note that I have no significant issues with the impact of the proposed development on adjoining residential amenity in terms of overlooking or overshadowing. My reasoning for this is due to the orientation of the site and surrounding properties, to the proposed development being consistent with the existing building line, to the c. 9.36 metre building height being consistent with the height of neighbouring properties, to the absence of any first floor windows on the side elevations of the proposed development serving habitable rooms and to the obscure finishes of windows proposed on the side elevation window serving the stairwell and first floor rear windows serving bathrooms.

Other Issues

- 7.17. The Commission should note that the PA imposed a financial contribution of €4,600 in respect of the provision of car parking facilities to serve the development. This was in addition to a €1,165.80 general development contribution for public infrastructure and facilities. I note that this additional contribution is open to the PA to impose under the Kerry County Council Development Contribution Scheme 2017². If the Commission are minded to grant permission, I consider condition number 8 set out below adequately captures both financial contributions.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 880 metres southeast of the Iveragh Peninsula Special Protection Area (SPA) (Site Code 004154) and approximately 1.8km east of the Valencia Harbour/Portmagee Channel Special Area of Conservation (SAC) (Site Code 002262). No nature conservation concerns were raised in the planning application and appeal.

² <https://www.kerrycoco.ie/planning/planning-policy/development-contributions/> (Accessed 27th November 2025)

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development within an urban area.
- The separation distance and intervening lands from the nearest European site and lack of hydrological connection.
- Taking into account the screening determination of the PA.

8.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive (WFD) Screening

9.1. No water deterioration concerns were raised in the planning application or appeal. I have assessed the project 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 and 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. The reason for this conclusion is due to the small scale and nature of the development, the treatment of waste and surface water to the public mains and the location and distance of the site to the nearest waterbody and lack of hydrological connections.

9.2. I conclude that 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.

10.0 Recommendation

My recommendation to the Commission is that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the location of the proposed development within the settlement boundary of Cahersiveen, designated as a regional town within the Core and Settlement Strategy of the Kerry County Development Plan 2022-2028, and to the 'R2 Existing Residential' zoning objective pertaining to the site within the Kenmare Municipal District Local Area Plan 2024-2030, to the design and layout of the proposed development and to the pattern of development within the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of property in the vicinity and would be in accordance with objectives KCDP 4-1 (Urban Regeneration and Compact Growth) and KCDP 4-27 (Active Land Management) of the Development Plan, as well as objective KENMD-CH-10 of the Local Area Plan. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

12.0 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 26th day of June 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. Details of the materials, colours and textures of all the external finishes to the 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.

3. The glazing to all bathroom and en-suite windows (and window serving the first floor stairwell) shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. 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 and/or wastewater collection network.

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

6. 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 to adjoining properties.

Reason: In the interest of traffic safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of car parking shortfall and 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 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 Coimisiún 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.

Declaration

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.

Gary Farrelly
Planning Inspector

27th November 2025

Appendix 1

(a) Form 1: EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ABP-320572-24			
Proposed Development Summary	Demolition of existing structure and construction of dwelling			
Development Address	Top Street, Cahersiveen, County Kerry			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes	X
			No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?				
Yes	X	Part 2, Class 10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.3	
No			No further action required	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?				
Yes				EIA Mandatory EIAR required
No	X			Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				
Yes	X	<ul style="list-style-type: none"> The development is for a single dwelling unit. 	Preliminary examination required (Form 2)	

4. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

(b) Form 2 - EIA Preliminary Examination

The Board carries 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).	<p>The development site measures 0.03 hectares. The size of the development is not exceptional in the context of the existing environment. Localised construction impacts expected, small scale demolition works, topsoil removal etc.</p> <p>There is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</p>
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).	<p>The subject site is not located within any designated site and is located approximately 880 metres from Iveragh Peninsula SPA (Site Code 004154) and approximately 1.8km from Valencia Harbour/Portmagee Channel SAC (Site Code 002262). My appropriate assessment screening above concludes that the proposed development would not likely result in a significant effect on any European Site.</p> <p>The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.</p>
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).	<p>Having regard to the scale of the proposed development and limited nature of construction works associated with the development, to its location removed from any environmentally sensitive sites, to the absence of any cumulative effects with existing or permitted projects in the area, there is no potential for significant effects on the environment.</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.	X
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.	
There is a real likelihood of significant effects on the environment.	EIAR required.	