



An
Bord
Pleanála

Inspector's Report

321014-24

Development	Construction of dwelling house, modifying and incorporating existing building originally built as a house; construction of effluent treatment system and ancillary works.
Location	Gortdirragh, Glencar, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460470
Applicants	Eugene & Colette McGillicuddy.
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellants	Eugene & Colette McGillicuddy
Observer(s)	None.
Date of Site Inspection	16 th April 2025
Inspector	Ann Bogan

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1.0 Site Location and Description

- 1.1. The 0.44ha site is located at an elevated site at Gortdirragh, in the Glencar area of Kerry, south of Seefin Mountain, south-west of Caragh Lake and 10kms from Glenbeigh village. It is accessed from the L-11657, a narrow single lane road which is part of the Kerry Way long distance walking route, and has a largely unbound surface beyond the site.
- 1.2. The site is part of a sloping grassed field, just below where fields give way to open mountainside. It is part of a larger handholding of fields owned by the applicant's parents. The road adjoining the site rises along the field boundary and is bounded by a dry- stone wall. There is commercial coniferous forestry on lands to the south, in separate ownership.
- 1.3. An existing small stone building with corrugated metal roof on the site is in use as a farm building for housing sheep or other animals, but may have been used as a dwelling in the past. The building is cut into the slope and two existing mature trees are located to the rear at a higher level. There is a dry-stone walled enclosure at a higher level to the rear (north-west) of the building.
- 1.4. A small open stream/drain borders the walled enclosure and is then piped underground from the point it passes through the site and beyond through the field.
- 1.5. There are a number of holiday homes in the vicinity, including three developed by the family of the applicant, formed by extension and restoration of traditional dwellings/buildings. One of these is on the opposite side of the road, close to the subject site and all three share a private access road.

2.0 Proposed Development

- 2.1. The development consists of:
 - Construction of single storey, 221sqm dwelling, 6.4m high at its highest point, modifying and incorporating an existing farm building (45.5sqm, 3.45m high), stated to be originally built as a house

- Dwelling has three separate elements, one based on the existing structure and two interlinked elements oriented to take advantage of the fine views of the MacGillicuddy Reeks and adjacent mountain ridges to the east and south
- Side and rear walls of the existing structure are retained in part, but modified. Front wall to be removed and a new front (south east) wall to be constructed to create a wider footprint; all walls raised in height and new roof constructed, with ridge line increased from 3.45m to 6.3m
- Construction of on-site effluent treatment system (Tricel Novo Treatment Unit discharging to Tricel Tero tertiary treatment unit to an infiltration area) down slope and south of dwelling
- Water supply to be from new private well up slope and north of dwelling
- New vehicular entrance from public road bounded by stone faced walls and driveway to north-east of proposed house and car parking area with 2m screen wall

2.2. Application is accompanied by a Site Assessment Report, a Landscape Plan, a Bat Survey and Photographic Report. A letter from the applicant setting out his ties with the Glencar area, where he spent his first 9 years and his plans to return to live there; and letters from local GAA club and local school board, were also submitted.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Refuse permission for two reasons:

1. The proposed dwelling would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. In addition, as the proposed development has had little to no regard to the design, scale and character of the existing semi-derelict outbuilding on site, the proposed development would contravene Objectives KCDP 5-26 & KCDP 5-27 of the said Development Plan. The proposed development would,

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

2. The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated by the applicants in accordance with the Rural Development policies of the Kerry County Development Plan 2022-2028 and having regard to the location of the application site in an area designated a Rural Area under Urban Influence. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Recommended application be refused permission on grounds of housing need; applicants living in England, having difficulty buying a house in area, previous refusal on site for house for short-term letting, considered applicants could occupy one of dwellings permitted to applicant's mother for Air Bn B purposes.
- Site is highly scenic upland rural area zoned visually sensitive. Design and scale of new building bears no resemblance to existing building on site which will be completely lost in new design, in contravention of Development Plan objectives
- Appropriate Assessment screening concluded that Appropriate Assessment is not required based on nature of the development, existing development on site, nature of receiving environment, the distance to the nearest European sites and lack of realistic pathway for impact
- EIA considered the proposal is not one which required EIA screening or EIA as no likelihood of significant effects on the environment arising from the development as no designated areas of biodiversity importance adjoin the site and the development will not result in the production of any significant waste or result in emissions or pollutants.

3.2.2. Other Technical Reports

- Site Assessment Unit: having reviewed Site Assessment submitted, would not object to permission for treatment system subject to three conditions
- Environment Report: agrees with DAU report and recommends control of outdoor lighting.

3.3. Prescribed Bodies

- 3.3.1. Dept of Housing, Local Government and Heritage, DAU: Accept that existing building is unlikely to be suitable for bats; recommends native species be included in landscaping plan, and that use of wildflower mix as proposed is not appropriate.

3.4. Third Party Observations: None

4.0 Planning History

On-site:

- 22/943 On site: Permission refused to Margaret McGillicuddy for extension and refurbishment of existing cottage, change of use for purpose of short-term letting and install mechanical treatment unit and polishing filter, and construct entrance driveway and parking.

Refusal reason was that the proposed development would not comply with rural housing policy. It would be contrary to Section 5.8 of the Kerry County Development Plan 2022-2028 (which states that positive consideration will be given to renovation and restoration of vacant buildings in the rural countryside for use as permanent primary residences) and would contravene Objectives KCDP5-26 and KCDP 5-27 (which relate to sensitive restoration of disused houses/ certain other buildings for permanent residences).

Nearby:

- 20/719: Permission granted to Margaret McGillicuddy at Gortdirragh, Glencar, to demolish existing derelict outhouse, extend and refurbish existing cottage, install mechanical treatment unit, intermittent filter and polishing filter

- 19/1035: Permission granted Margaret McGillicuddy to demolish outhouses, extend and refurbish existing cottage, install treatment unit at Gortdirragh, Glencar
- 19/461: Permission granted to Margaret McGillicuddy to demolish out houses and extend and refurbish cottage and construct car park at Gortdirragh, Glencar.

5.0 Policy Context

Development Plan

Kerry County Development Plan 2022-2028 was adopted on 4th July 2022.

Rural Housing policy is addressed in Vol 1 Chapter 5:

Key Objectives relating to housing in rural areas:

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.

Identifying Rural Area Types

The Development Plan identifies three rural area types in accordance with the Sustainable Rural Housing Guidelines 2005 and the subject site is located in an 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 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’.

Renovation and Restoration of buildings

‘5.7 Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas (See also Chapter 10 Tourism and Outdoor Recreation)

A key component of the rural landscape of the County is the legacy of traditional dwellings and buildings, many of which have been neglected in preference for new dwellings, or because traditional buildings have become unsuitable as farming practices have changed.

In the interest of preserving the County’s vernacular architecture and built heritage, the Planning Authority shall give priority and positive consideration to the renovation and restoration of existing structures and vacant buildings in the rural countryside for use as permanent primary residences.

The Council consider that vernacular rural dwellings and vernacular structures are an important element of our built heritage. Accordingly, it is the Council’s policy to seek to retain and preserve vernacular dwellings and structures whilst promoting their sympathetic renovation and continued use rather than replacement. There will be a presumption against the demolition of vernacular dwellings and structures where restoration or adaptation is a feasible option.

The replacement of an existing dwelling house may be considered in limited circumstances where the renovation or restoration of the building is not feasible given best conservation practices.

The following provisions shall apply:

- The structure to be restored/renovated shall constitute an identifiable dwelling, with the walls and roof being intact.
- In the case of refurbishment and extension proposals, the scale and architectural treatment of proposed works shall be sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development.

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

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

Landscape

Chapter 11 section 11.6 addresses landscape objectives

'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.

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'.

There are two landscape designation for the County:

- Visually Sensitive Area
- Rural General

The site is located in a 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.

11.6.4 Development in Designated Areas

As outlined above and in accordance with Objective KCDP 11-76 and Objective KCDP 11-77 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.

Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socioeconomic development of these areas. Development is not precluded in visually sensitive landscapes, however development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.

The following provisions shall apply to development in Visually sensitive landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact

on the character, integrity and distinctiveness of the landscape or natural environment.

- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided.

5.1. Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Rural Housing Guidelines 2005

The Guidelines aim to ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. The Guidelines differentiate between urban generated rural housing and rural generated housing. They state that areas under strong urban influence exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, 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.

Project Ireland 2040 National Planning Framework, First Revision 2025

National Policy Objective 28

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere.

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.’

5.2. Natural Heritage Designations

Development is located within Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC (000365)

Castlemaine Harbour SAC 4km north of site (000343)

Castlemaine Harbour SPA 4km north of site (004029)

Lough Yganavan and Lough Nambrackdarrig SPA 4.7km northeast of site (000370)

Iveragh Peninsula SPA 4.7km north of site (004154)

6.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See attached EIA Appendix 1 Form 1 Pre-screening and Appendix 2 Form 2 Preliminary Examination).

7.0 The Appeal

7.1. Grounds of Appeal

Submitted by agent Diarmuid Mangan and Associates on behalf of applicants.

Response to visual impact reason for refusal – in context of relevant Development Plan policies:

- Points out that following pre-planning submission the design was revisited, size reduced and existing building modified and incorporated. Applicant confirmed he will be using it as his permanent residence
- While it is an elevated site, siting of house is somewhat depressed and is integrated into sloping landscape and well screened
- Significant forestry and tree clusters screen the development
- House design and visual impact is similar to planning Reg No 22/943 and visual impact was not cited as refusal reason in that case
- New plans have similar dimensions west to east to previous application. Floor plan dimensions of modified existing building match those in previous application.
- New additions are moved to east in current application, vehicle parking is screened by a wall which will be covered in ivy; to better integrate development into landscape
- Visual impact on landscape is negligible and very localised, cannot be seen from most local roads in vicinity, apart from a short section of L-11657 (road giving access to the site) from a point 90m south of proposed entrance where forestry begins, to a point 50m north of proposed entrance. Photographic report submitted shows this
- Existing features such as trees and hedgerows are retained in a comprehensive landscaping scheme, which includes hedging and clusters of trees to south and shelter belts of trees to west, north and east of house
- Proposed development is designed to be sympathetic to the landscape and existing structures and has been sited so as not to have an adverse impact on

the character, integrity and distinctiveness of the landscape or natural environment

- Design, shape and form of the building complies with County Council's Guidance on Rural Homes
- It is not viable to retain existing building as a whole in its current condition and proposal modifies it into a narrow plan form with vernacular design, in line with County Development Plan requirements
- Applicants are happy to replace rendered finish to south, east and west elevations to further integrate house into landscape

Response to refusal reason based on housing need

- Submit that applicant Eugene McGillicuddy qualifies under Development Plan criteria: i.e. has spent more than 7 years living in local rural area, and his parents and wider family live in local area
- He will be lone sibling living in local area and wants to support his parents in latter stages of their lives
- Wishes his children to grow up and learn from local heritage, quality of life and community fabric of area
- Has reaffirmed this will be his permanent full-time home
- Eugene and Collette have been seeking suitable accommodation in Glencar but there was none to suit their needs/budget
- Eugene works for Glencar Group and living in Glencar is complementary to his group role in the company
- They have applied for this permission in their own right and have no vested interest in any other planning application here
- While Eugene's mother got permission to renovate and extend 3 houses in the area, his parents as part of succession planning, have committed to and are in process of transferring these properties to three of their other children
- Use of these renovated houses as permanent residence for applicants was therefore not an option

- To support housing need argument, application was accompanied by letter from head of school board confirming his attendance at local school, local GAA, and applicant confirming he lived in Glencar until he was nine and returned for 2 years in early 1990s before returning to UK
- Additional letters accompany appeal:
 - from applicant's parents confirming their succession plans
 - from applicant confirming it will be his full-time residence and that his family will be moving back to Glencar from UK where they live, in July 2025, and children will attend local schools
 - from local County Councillor supporting his local need compliance
 - and from his employer Glencar Group confirming that he will be working for Glencar Construction out of Killorglin RDI hub, and working from home in hybrid mode, returning to UK intermittently as business requires.

7.2. Planning Authority Response

- None

7.3. Observations

- None

7.4. Further Response

- None

8.0 Assessment

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

- Compliance with rural housing policy

- Landscape and visual Impact
- Siting and design
- Other issues

8.2. Compliance with Rural Housing Policy

- 8.2.1. National Planning Framework First Revision National Policy Objective 28 states: ‘In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.’
- 8.2.2. Kerry County Development Plan ‘KCDP 5-15 requires that 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’.
- 8.2.3. Applicant states he lived in Glencar from 1972 to 1981 until the family emigrated to the UK when he was 9. A letter is provided from the Boheeshill National School confirming his attendance there until 1981. The location of the original family home is not specified. His parents returned from the UK several years ago and live in the Glencar area, although the location is not indicated.
- 8.2.4. The applicants currently live in the UK and plan to return from the UK in 2025, and they intend to live in the proposed house as their permanent residence. Applicant plans to work from his company’s office in the Killorglin hub and from home, with occasional visits to the UK when work requires.
- 8.2.5. The landowner, the mother of applicant, has already refurbished and extended three other dwellings in the area and I understand they are used for holiday rental. As outlined in Section 4.0 above, a previous application on the subject site for extension and refurbishment of existing cottage to create a 150sqm dwelling, and change of use for purpose of short-term (Ref 22/943), was refused on the basis that it did not comply with current Development Plan policy, which differs from the previous

Development Plan policy and only allows refurbishment/extension of existing structures if they are for applicant's permanent residence, rather than for short-term letting/holiday homes.

- 8.2.6. The planning authority planner's report suggested that one of the other family-owned holiday rental properties could have been made available as a permanent residence for the applicant and his family. The appeal submission indicates that these properties are to be transferred to other family members who live elsewhere, as holiday homes. Obviously, the landowners have every right to transfer their property to whomsoever they wish. However, it does raise a consideration as to whether one of such properties could not have been made available to provide a residence for the only son or daughter intending to move back permanently to the area, as an alternative to seeking to develop another quite large dwelling in this elevated scenic rural location.
- 8.2.7. I note there are alternative options, such as in the nearby towns of Killorglin or Glenbeigh, having regard to viability of small settlements or elsewhere in the wider area, in line with NPO28. Account also needs to be taking of Section 5.5.2 of the Development Plan which states in relation to 'Rural Areas Under Urban Influence': '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.'
- 8.2.8. I accept that the applicant has social ties to the general Glencar area, and lived there for at least 7 years when he was a child. However, based on the documentation provided and taking into account the characteristics of the site and of the proposed development, as outlined further below, I am not satisfied that the applicants have demonstrated 'an exceptional rural generated social housing need' to live in this particular, highly scenic, rural location.
- 8.2.9. In addition to demonstrating a social or economic need for housing, National Policy Objective 28 refers to the need to demonstrate compliance with the siting and design criteria of the County Development Plan, and these and landscape impact are addressed below.

8.3. Landscape and Visual Impact

- 8.3.1. Objective KCDP 11.78 of the Kerry County Development Plan aims to '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'.
- 8.3.2. The proposed dwelling is to be located on an elevated scenic rural site in an area below Seefin Mountain, and above Caragh Lake, an area designated 'visually sensitive' in the County Development Plan, which states: 'It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected'. The visual impact of the proposed development on the local landscape is therefore, a key concern.
- 8.3.3. The site is clearly visible from the adjoining local tertiary road L11657 and while this road does not attract a lot of vehicular traffic, it is well used by people walking the popular Kerry Way long distance walk, the route of which passes along this road, before joining a track that leads through Windy Gap to the village of Glenbeigh. Furthermore, Objective KCDP 11-77 of the County Development Plan aims to protect 'the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives', and in this case the walkers are attracted to the area by the landscape quality and contribute to the local economy.
- 8.3.4. I note the forestry to the south of the site is of a commercial nature and not in the ownership of applicant's family. While it provides some screening from those directions at present, it is likely to be harvested in the future, as has a nearby part of the forestry further down the local tertiary road. This would result in removal of screening provided to the house site from much of the length of the L-11657, thus increasing potential for further impact of the development on the landscape, and even if replanted would take many years to re-establish.
- 8.3.5. I accept that the topography would obscure visibility of the site from parts of the L4018 (views 2 and 3 of the photographic study) south-east of the site, although I believe it may be visible in distant views from other parts of the L4018 and other minor roads, further south/south-east towards Glencar.

- 8.3.6. I believe in summary, that there is significant potential for the proposed development to have a seriously negative impact on the landscape of this visually sensitive area, contrary to Objective KCDP 11.78 of the Development Plan.

8.4. Siting and Design

- 8.4.1. KCDP 5-26 aims to promote the viable re-use of vernacular dwellings and buildings without losing their character and supports the sensitive restoration of disused vernacular or traditional dwelling as permanent residences. In this case the existing building is cut into the sloping ground, with an embankment to the rear and trees growing on the embankment which help integrate the building into the landscape.
- 8.4.2. In the proposed design, the existing building is very significantly altered, with front wall removed, and a new front wall set forward of the original one. Side and rear walls are shown as retained, with 4 windows added to the rear wall, but the walls are raised in height and the roof height is raised by approximately three metres. I do not believe this could be described as sensitive restoration of the existing building and there would be little or no evidence of its vernacular character remaining in the proposed development and in my opinion, it would not be in keeping with the Development Plan objectives. The trees to the rear which provide a back drop are unlikely to survive in the new arrangement due to the height of the remodelled structure and their proximity to same.
- 8.4.3. The proposed extension to the existing structure is significantly larger than the original structure and consists of two new elements at right angles to the existing structure, and a linking section, all oriented to make best use of the mountain views. The overall development would be close to five times the area of the existing structure. It is larger in scale and visually more prominent than the previous proposal which was refused permission on the site (Ref 22/943). The walled entrance to the public road, the driveway and walled parking area will themselves have a significant negative impact on the rural landscape. The nearby holiday home and entrance on the opposite side of the road illustrate the impact of a smaller scale development on the landscape.
- 8.4.4. The site landscape plan proposes shelter belts of native trees along the driveway which could, if successful, provide a certain amount of screening over time. The

screening potential of the proposed hedging along the south-east boundary is limited due to the fall of ground from the house to the boundary and also the likely desire of occupants to retain views of the mountains.

- 8.4.5. I believe that the design and siting of the new and extended structure, including the entrance and driveway, will have a seriously negative impact of the character of the highly sensitive landscape in this area, despite the proposed planting plan. I am satisfied therefore that granting permission for the development would be contrary to Kerry County Development policies aimed at protecting sensitive landscapes and also those aimed at protecting the character of vernacular buildings.

8.5. Other issues

- 8.5.1. Biodiversity: The site is currently in grassland. A bat report was submitted with the application which concluded that the existing structure was unsuitable for roosting bats. A submission from the Dept of Housing, Local Government and Heritage accepts the building is unsuitable as a bat roost, albeit for different reasons. The submission recommends substitution of some elements in the planting plan for alternative native species more suited to limestone areas. The submission also recommends against use of a wildflower mix as it may impact habitats in the SAC and suggests the area instead be managed to encourage local wildflowers. The planning authority ecologist recommends a condition to minimise external lighting.
- 8.5.2. Wastewater treatment System: The Site Characterisation Form indicates the aquifer is Locally Important and of Extreme Vulnerability. The depth from ground surface to bedrock was found to be 2.3m, and a silt/ clay subsoil. Ground conditions on inspection were firm and dry; vegetation consisted of grasses with small areas of rushes; there are minor rock outcrops. Table E1 of EPA CoP 2021 indicates the site falls within the R2-1 response category where an on-site WWTS is acceptable subject to normal good practice. T-test value was 46.88 and P-test value 47.54 and the tests appear to have been carried out in accordance the EPA CoP 2021. Separation distances to key features and wells comply with Table 6.2 of EPA CoP 2021. The proposed treatment system to serve 5 people is a Tertiary Treatment System and Infiltration Area with discharge to ground water. Proposed infiltration

area of 75.69sqm, corresponds to the area specified in table 10.1 of the CoP for the site percolation values (a rate of 15sqm or greater per person).

- 8.5.3. Based on the available information I agree with the conclusion of the planning authority SAU Section that the proposed WWTS is acceptable, subject to conditions.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the application for construction of a house incorporating an existing structure in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises construction of a dwelling house, modifying and incorporating an existing building, originally built as a house, construction of an onsite effluent treatment system and ancillary site works
- 9.3. I note that the site is entirely within the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365), and that there is an absence of any objective information on the file to exclude likely significant effects on the SAC. There is no information provided with respect to habitats within or adjoining the site or watercourses at risk from construction activity or from operational wastewater. In this regard, the application documentation does not include an assessment of excavation works on the site and the potential for silt run-off to the watercourse to the east, which joins a stream which flows into Caragh Lake.
- 9.4. The planning authority Screening Assessment refers to distances from the nearest European Sites, however, does not reference the location of the site within the European Site. While there is a report from the planning authority ecologist, the level of detail contained therein is very limited.
- 9.5. I conclude, therefore, that there is insufficient information on the file to determine that there are no likely significant effects on the SAC in the absence of mitigation. Having regard to the substantive reasons for refusal recommended in this case, a request for further information in this regard is not recommended.

10.0 Recommendation

10.1. Refusal of permission is recommended.

11.0 Reasons and Considerations

1. The proposed development is in an area designated a 'Visually Sensitive' landscape in the Kerry County Development Plan 2022-2028 and it would be unduly obtrusive by virtue of its visual impact on the landscape. It would detract from the character and scenic value of the landscape, and would therefore be contrary to Objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. In addition, as the proposed development has had little regard to the design, scale and character of the existing vernacular structure on site, the proposed development would contravene Objectives KCDP 5-26 & KCDP 5-27 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

2. Having regard to the location of the site within a 'Rural Area Under Urban Influence' the Board is not satisfied on the basis of documentation provided, that an exceptional rural housing need has been demonstrated by the applicants in accordance with the Rural Development policies of the Kerry County Development Plan 2022-2028 and National Planning Framework First Revision 2025, National Policy Objective 28. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Ann Bogan
Planning Inspector

14 May 2025

Appendix 1
Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	321014-24		
Proposed Development Summary	Construction of dwellinghouse, incorporating existing building and construction of onsite effluent treatment system		
Development Address	Gortdirragh, Glencar, Co Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	Tick if relevant. 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), Class 10(dd)	Proceed to Q3.
No			Tick if relevant. 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 Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	10(b)(i) Threshold is 500 residential units, application is for 1 unit 10 (dd) threshold is 2000 metres	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?

No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: ____Ann Bogan____

Date: 14/05/2025____

Appendix 2
Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 321014		
Proposed Development Summary	Construction of dwellinghouse, incorporating existing building and construction of onsite effluent treatment system		
Development Address	Gortdirragh, Glencar, Co Kerry		
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>			
<p>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 has a modest footprint, comes forward as a standalone project, 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, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.		
<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 development is situated in a rural area on agricultural land. The development is within a designated European site and landscape of identified significance in the County Development Plan.		
<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 modest nature of the proposed development, 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	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Conclusion in respect of EIA</td> <td style="width: 50%;">Yes or No</td> </tr> </table>	Conclusion in respect of EIA	Yes or No
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.	-
There is a real likelihood of significant effects on the environment.	EIAR required.	- -

Inspector: Ann Bogan

Date: 14/05/2025_____

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____

