



An
Coimisiún
Pleanála

Inspector's Report ABP-321194-24

Development	Construction of a house and all associated site works.
Location	Ballydavid, Dingle, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24/333
Applicant(s)	Sean O'Connor
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sean O'Connor
Observer(s)	Padraig O'Connor Muiris O'Connor
Date of Site Inspection	November 04 th , 2025
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The site, which has a stated area of 0.29 hectares, is stated to be located in Ballydavid, Dingle, Co. Kerry. It is noted that the OS mapping states that the townland name is Baile an Chnocain (Ballinknockane).
- 1.2 The site is currently under grass and is located to the north of an existing cluster of dwellings. The site is accessed from a narrow roadway with poor alignment. This is an exceptionally scenic area with panoramic view in all directions, in particular towards Mount Brandon.

2.0 Proposed Development

- 2.1 The proposal comprises the construction of a detached house, garage and all associated site works. The proposed dwelling has a stated floor area of 192m² while the proposed garage has a stated floor area of 52.2m².
- 2.2 In terms of water supply, a new connection to the public mains is proposed with a new wastewater treatment system also proposed.
- 2.3 A number of documents were submitted with the application including:
- Business Plan Tax Measure Certificate from Teagasc (undated)
 - a letter from Principal of Scoil Naomh Eirc (undated),
 - a copy of Level 5 Certificate in Agriculture (undated),
 - a copy of Level 6 Certificate in Farming (undated),
 - letter of support from his aunt (Eileen O'Shea Fitzgerald)(undated),
 - letter of support from Brendan Fitzgerald (Councillor)(dated 05/2024)
 - a letter from Adams Bar and Townhouse (dated 19/5/24) confirming that he works there as Senior Chef.
 - a letter outlining the applicant's circumstances was also submitted which states that he is applying for permission to build a house on family land. He states that he was born and raised in Ballycurrane, stated to be 2km from subject site. He attended local school and now works full-time as a chef in Dingle. He is also part-time carer for his uncle. He has taken over the family

farm in the last year, which consists of sheep farming and to assist with the farm it would be beneficial to live closer to it. Attached are folios and maps of farmland.

3.0 Planning Authority Decision

3.1 Decision

Permission REFUSED for one reason relating to:

1. The proposed erection of a dwelling at this location by reason of its siting would be unduly obtrusive and would lead to an extension of development into a substantially open and undeveloped highly scenic rural landscape which is zoned Visually Sensitive in the Kerry County Development Plan 2022-2028. The proposed development would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective KC DP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Reflects decision of planning authority; recommends refusal of permission

3.2.2 Other Technical Reports

Site Assessment Unit, Environment Section- No objections, subject to conditions (date 08/10/2024)

3.3 Prescribed Bodies

None

3.4 Third Party Observations

Two observations were received by the planning authority raising concerns similar to

those contained in the observations received to this appeal. Two letters of support from local elected representatives were received by the planning authority.

4.0 Planning History

None

5.0 Policy Context

5.1 National Planning Policy

5.1.1 National policy context for new dwellings in rural areas is set by the applicable planning guidelines and National Planning Framework.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

5.1.2. The Rural Housing Guidelines outlines the planning context for applicants seeking dwellings in rural areas, including those areas under urban influence, defines 'rural generated housing', and identifies the different categories of persons which can demonstrate a rural housing need.

National Planning Framework: First Revision, April 2025

5.1.5. The National Planning Framework (NPF, as revised) postdates the guidelines and maintains the established policy that applicants for new rural dwellings in locations under urban influence demonstrate a functional economic or social requirement for housing need.

5.1.6. The relevant National Policy Objective (NPO) is NPO 28 (previously NPF NPO 19).

NPO 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;

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlement

5.2 Development Plan

The Kerry County Development Plan 2022-2028 applies.

Volume 4 Maps

The following designations apply to the appeal site:

- Rural Type Area – the appeal site is located in a rural area designated as ‘Rural Area Under Urban Influence’.
- Visually Sensitive Areas and Views & Prospects – Map D – the appeal site is located in an area designated as ‘Visually Sensitive Area’
- Views and Prospects- site is within line of designated views and prospects

Chapter 5 Rural Housing

Section 5.5 outlines the applicable rural housing policy framework for new dwellings

Section 5.5.1.2 Rural Areas Under Urban Influence

This section notes that the key challenge in such 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.

Objective KCDP 5-15 – This sets out the criteria which applicants need to satisfy when seeking to build a house in a ‘Rural Area Under Urban Influence’ as follows:

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 life long 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.

Other Relevant Objectives:

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

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

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

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

KCDP 8-28 Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes

Chapter 11 Environment

Section 11.6 Landscape

Section 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.

Section 11.6.4 Development in Designated Areas

Section 11.6.5 Site is located within line of Protected Views and Landscape (Objectives KCDP 11-79-KCDP 11-81 apply)

5.3 Natural Heritage Designations

- 5.3.1 The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 5.3.2 The nearest designated sites- Dingle Peninsula SPA (Site Code 04153), Mount Brandon SAC (Site Code 000375) and Mount Brandon pNHA (Site Code 000375) are approximately 330m, 490m and 490m distant respectively.

5.4 EIA Screening

- 5.4.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in the Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of the 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.

5.5 Water Framework Directive

- 5.5.1 The proposed development comprises of a one-off dwelling with connection to onsite wastewater treatment system and soakaway. The nearest stream is stated to be 400m from the site. The Site Assessment Unit of the planning authority did not raise concerns in relation to this matter, subject to conditions.
- 5.5.2 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water body 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 as follows.
- The nature of the proposed development of a single dwelling due to size and scale.

- The location of the nearest water bodies, the nearest stream is 400m to the west
- Lack of hydrological connections, site characterization assessments states groundwater flow east to west.

5.6 AA Screening

- 5.6.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 5.6.2 The proposed site is not located within a designated site, the nearest designated site- Dingle Peninsula SPA (Site Code 04153), is approximately 330m distant.
- 5.6.3 The proposed development comprises of one dwelling and all associated site works. The planning authority have not raised concerns in this regard.
- 5.6.4 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:
- Scale and size of the proposed development of a single dwelling
 - Distance to the nearest European site at c.330 metres to the east and 490 metres distant.
 - The lack of connections, it is noted the groundwater status at the site is good
 - The Site Characterisation Form states the subject site is suitable for a tertiary treatment system and infiltration/treatment area which will be installed and maintained as per EPA Guidelines.

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.

6.0 Appeal

6.1 Grounds of Appeal

One first-party appeal submission was received, which may be broadly summarised as follows:

- Sets out the geographical context
- Applicant has spent most of his life nearby with strong family connections and wants to build a modest house for his own occupation. Complies with Policy 5.15 (d) of KCDP, a fact Council have not challenged
- Examines planning history and planning policy background; contends that a valid principle of development has been established
- Proposed dwelling will add to existing cluster of development at this location and will not change the overall pattern of development; orientation has been arranged to maximise natural light and heating; vernacular in style. Effect on wider landscape will be negligible
- Views recorded in KCDP are to SW and unlikely to be affected by a single dwelling
- Style of proposed dwelling not dissimilar to other homes in the area, with relatively low ridge line and simple built form; natural materials are proposed; field boundary walls to be retained; located as close to existing cluster as possible; garage provided to reduce visual clutter
- Sets out landscape characteristics in rebuttal of reason for refusal, no impacts on broader landscape
- New dwelling will enable local person to have an affordable first home close to family and care for elderly relatives which is a policy objective of KCDP (Policy 5-14); has supported to local elected representatives; designed to reduce carbon emissions as per section 1.3.1 of Plan
- No impact on conservation interests or heritage; extensive landscaping will enhance local habitats; no water pollution will occur; no highway issues

6.2 Applicant Response

N/A

6.3 Planning Authority Response

Proposed site is deemed unsuitable for development due to the significant negative visual impact it would have on the character of this scenic rural landscape.

It is considered that there are more suitable locations on this landholding on which to locate a dwelling house (to integrate with the existing traditional cluster in the area) and to an applicant with a genuine housing need.

6.4 Observations

Two observations were received which may be broadly summarised as follows:

- Location of dwelling to front of their property
- Adverse visual impacts, impacts on views of Mount Brandon and Brandon Creek, which are defined in KCDP as 'visually sensitive'
- Impacts on archaeological landscape (Policy KCDP 8-28)
- Alternative sites to build on
- Potential for backland/ribbon development; unplanned scattered development that can detract from rural character and landscape; cumulative impacts; setting of precedent; loss of agricultural lands and habitats
- Ensure proposal complies with KCDP 11-78 and 11-79 of KCDP
- Creation of traffic hazard; narrow right of way cul-de-sac; inadequate sightlines; increased traffic volumes
- Other Matters- historical planning permissions granted to family members; procedural matters relating to incorrect address given

6.5 Further Responses

None

7.0 Assessment

- 7.1 The proposed development comprises the construction of a dwelling, garage and all ancillary site development works including wastewater treatment plant. Permission

was refused by the planning authority for one reason relating to impacts on visual amenity.

7.2 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, 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 of development/policy context
- Refusal reason- landscape impacts
- Other matters

7.3 Principle of proposed development/policy context

7.3.1 The subject site is located in an area identified as “Rural Areas under Urban Influence”, as set out in Map 5.1 of the operative County Development Plan. Therefore Objective KCDP 5-15 relates to the subject site. I note that the first party references Objective KCDP 5-14, which is not applicable to this site. Objective KCDP 5-15 states that the applicant must demonstrate an exceptional rural generated housing need based on their social (including lifelong or life limiting) and/or economic links to a particular local area, and in this regard, must demonstrate that they comply with one of the specified categories of housing need. This objective further states that preference will be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new home. It is unclear to me if there are any existing dwellings on the overall landholding.

7.3.2 The first party state that they comply with section (d) of Objective KCDP 5-15 namely ‘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’. In support of his application the applicant has completed a Supplementary Information form and has submitted a letter from the local school stating he completed his primary schooling there. The first party states that he has spent most of his life nearby with strong family connections and wants to build a

modest house for his own occupation. He contends that he complies with Objective 5.15(d) of KCDP, a fact which he states the Council have not challenged.

7.3.3 I note that the dates are redacted in the school letter and I question the reasoning behind this. No other official documentation supporting his case has been put forward to demonstrate compliance with (d) aside from a hand-written letter (undated) purported to be from his aunt. The applicant states that he is currently living with his parents. The planning authority notes that there is no dwellinghouse at the area identified as the family home and that this matter requires clarification. In their response to the appeal, the planning authority also state that there are more suitable locations on which to locate a dwelling to an applicant with a genuine housing need.

7.3.4 I have examined the submitted information, and I too note that from the mapping it appears that there is no dwelling at this location identified as being the family home or in the immediate vicinity. It is unclear why this matter does not appear to have been addressed by the first party in their appeal submission. No clarification has been provided as to where exactly the family home is located. While the applicant may satisfy (d) of Objective KCDP 5-15, I too consider that if An Coimisiún is disposed towards a grant of permission, this matter requires further clarification as there is firm documentary evidence lacking in this regard. The planning authority did not refuse permission on this ground. The applicant has included folios of other lands under his control. He has not set out a rationale as to why these lands are unsuitable for a development of the nature and scale proposed. The observers contend that he has alternative sites on which to build a dwelling. The planning authority state that the applicant was advised during pre-planning discussions they expressed their reservations in relation to development at this exposed scenic rural area and if available to consider an alternative plot on the landholding within the existing settlement/south of the proposal. The applicant has not addressed this matter in the documentation. Based on the information before me, I consider that there is lacunae in the information supplied and it has not been adequately demonstrated to me that the applicant complies with Objective KCDP 5-15 of the Kerry County Development Plan 2022 in respect of dwellings in areas identified as being "Rural Areas under Urban Influence". I therefore recommend a refusal of permission in relation to this matter.

7.4 Refusal Reason- landscape impacts

- 7.4.1 As stated above, permission was refused by the planning authority for one reason which stated that the proposed erection of a dwelling at this location by reason of its siting would be unduly obtrusive and would lead to an extension of development into a substantially open and undeveloped highly scenic rural landscape which is zoned Visually Sensitive in the Kerry County Development Plan 2022-2028. The reason for refusal further stated that the proposed development 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.
- 7.4.2 In response to the appeal, the planning authority state that the proposed site is deemed unsuitable for development due to the significant negative visual impact it would have on the character of this scenic rural landscape. The first party in their appeal submission states that views recorded in Kerry County Development Plan are to SW and unlikely to be affected by a single dwelling. The observations received raise concerns regarding adverse visual impacts on 'visually sensitive' landscape; that the proposal has potential for backland/ribbon development and is unplanned scattered development that can detract from rural character and landscape. They also raise concerns regarding cumulative impacts and setting of precedent, together with the loss of agricultural lands and habitats.
- 7.4.3 Having examined the relevant mapping (Map D Landscape Designations), I note that there are designated views and prospects in many directions within this wider area. While I agree that one house in itself may not individually impact the view (although it may do so depending on its location), I note the extent of development existing in the vicinity; the fact that this proposed dwelling would extend further the development envelope at this location and importantly the cumulative impact it may have by the setting of precedent for other similar type developments in the wider area.
- 7.4.4 The subject lands are located on lands designated as being 'Visually Sensitive' within the operative County Development Plan, a Rural Area under Urban Influence and the line of designated Views and Prospects (see Map D). The operative County Development Plan states in Section 11.6.3.1 which relates to Visually Sensitive Areas that 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. It further states that these areas are particularly sensitive to development and that 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 Plan also states that 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.

7.4.5 I have visited the site and noted the spectacular views in all directions, in particular towards Mount Brandon and the sea. I note Objective KCDP 11-79 of the operative County Development Plan which seeks to 'Preserve the views and prospects as defined on Maps contained in Volume 4'. There are a number of views and prospects identified in Volume 4 of the operative Plan in the vicinity of the site. It is clear that it is a visually sensitive rural area with spectacular views and that inappropriate development has the potential to detract significantly from its scenic value and character. I consider that the proposed development is not in compliance with Objective KCDP 11-79 of the operative Plan. What may be described as a clachan of development lies immediately to the south of this subject site and the proposal would extend the development envelope further in a northerly direction. I would not concur with the assertion of the first party that the proposed dwelling will add to the existing cluster of development at this location and will not change the overall pattern of development. The proposal will extend the development boundary at this location, outside the footprint of the existing cluster of development. I note that the applicant is stated to have control of land immediately to the south of the subject site, which would be within the boundary of the clachan (namely not extending it any further north). It is unclear why this site was not chosen for the proposed development.

7.4.6 While I acknowledge that the proposed dwelling and garage are relatively low rise and of somewhat limited scale, I concur with the opinion of the planning authority that they would nonetheless lead to an extension of development into a substantially open and undeveloped highly scenic rural landscape which is designated as being Visually Sensitive in the Kerry County Development Plan 2022-2028. The planning

authority reference Objective KCDP 11-78 in their reason for refusal which seeks 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'. I also consider that the proposed development would interfere with the character, integrity, distinctiveness and scenic beauty of the landscape, which is necessary to preserve. I therefore consider that the proposal is not in compliance with Objective KCDP 11-78. I would not concur with the assertion of the first party that the proposal would have no impacts on the broader landscape. I also have concerns the impact a grant of permission would have in the setting of precedent for similar type developments within such sensitive landscapes. I concur with the opinion of the planning authority in this regard and recommend a refusal of permission in relation to this matter.

7.5 Other Matters

- 7.5.1 Concerns were raised in the observations received relation to creation of a traffic hazard, inadequate sightlines and increased traffic generation on a poor road network. I acknowledge that the road network is poor at this location, with inadequate sightlines and poor alignment. Notwithstanding this, I consider the road to be lightly trafficked and I anticipate that the road conditions are such that drivers would adopt their speeds/behaviour accordingly. Once the construction phase is complete, I would not anticipate that one dwelling would generate significant volumes of traffic. I consider that the matter of the creation of traffic hazard or obstruction of road users would not be so great as to warrant a refusal of permission in this instance.
- 7.5.2 One of the observers raises concerns regarding impacts on the archaeological landscape and compliance with Policy KCDP 8-28 of the operative County Development Plan. Policy KCDP 8-28 seeks to 'Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes'. I have examined Volume 3 of the operative Plan and note that Archaeological Landscape 3 relates to Mount Brandon & Area (IS). An archaeological assessment was not undertaken by

the applicant. I note that the planning authority did not raise concerns in this regard. I am of the opinion that if An Coimisiún is disposed towards a grant of permission that a condition relating to archaeology be attached to any such grant.

7.5.3 Matters of validation by the planning authority are outside the remit of this appeal. I note the matter raised that the incorrect townland address was given on the application documentation and the opinion that the application should have been invalidated by the planning authority. I note that an examination of the OS maps appears to show the townland as Baile an Chnocain while google maps appears to show it as Ballinknockane (the analgised version). I am of the opinion that given that observations were received, third parties therefore had opportunity to make submission in relation to the above appeal. The public notices would alert third parties to an application and all documentation, including location maps would be available for viewing on the planning authority's website and at their offices. In addition, site notice would indicate clearly the location of the site. I am generally satisfied in this regard.

7.5.4 Concerns raised by third party observers are noted regarding impacts on their views. I note that there is no entitlement to a view. I have no information before me to believe that the proposal if permitted would impact on the residential amenity of the area.

7.6 Matters raised in the observations received relating to family members of the applicant obtaining permission for dwelling and subsequently selling them for use as holiday homes are outside the remit of this appeal.

8.0 Recommendation

8.1 I recommend that permission be REFUSED, for the reasons and considerations set out below.

9 Reasons and Considerations

1. Having regard to the location of the site within a 'Rural Area under Urban Influence', as identified in the Kerry County Development Plan 2022-2028, and on the basis of the information submitted with the planning application and

appeal, it is considered that the applicant has failed to adequately demonstrate a rural generated housing need. Accordingly, permitting the proposed development would contravene Objectives KCDP 5-15 of the Kerry Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Objective KCDP 11-78 of the Kerry County Development Plan 2022-2028 seeks 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'. It is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would detrimentally impact on the character, integrity, distinctiveness and scenic value of their area; would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity.

Furthermore, the proposal has the potential to detract from identified views and prospects and is considered not to be in accordance with Objective KCDP 11-79 of the Kerry County Development Plan 2022-2028 in this regard.

Having regard to all of the above, 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.

Lorraine Dockery
Senior Planning Inspector

25th November 2025

Appendix 1 - Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321194-24		
Proposed Development Summary	Construction of a house and all associated site works.		
Development Address	Ballydavid, Dingle 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	
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			Proceed to Q3.
No	X		
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	Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.	Preliminary examination required (Form 2)

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

Inspector: Lorraine Dockery **Date:** 25th November 2025

Appendix 2- Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321194-24
Proposed Development Summary	Construction of a house and all associated site works.
Development Address	Ballydavid, Dingle, 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</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposed development comprises the construction of a house on site area of 0.29 ha.</p> <p>The development has a modest footprint and comes forward as a stand-alone 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>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,</p>	<p>This is a greenfield site within a rural area. There are no significant sensitivities in the immediate area. The subject site is not located within a designated site. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in-</p>

landscapes, sites of historic, cultural or archaeological significance).		combination with other plans and projects, on a European Site.
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 development is not exceptional in the context of a rural environment. There are existing dwellings located in proximity. The proposal is a relatively small development in the rural context. Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extend of effects, and absence of in- combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector: Lorraine Dockery **Date:** 25th November 2025