



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-321449-24**

**Development**

House and associated works.

**Location**

Clashmelcon, Causeway, Co. Kerry

**Planning Authority**

Kerry County Council

**Planning Authority Reg. Ref.**

2460724

**Applicant(s)**

John and Una Harrington

**Type of Application**

Planning Permission

**Planning Authority Decision**

Refuse Permission

**Type of Appeal**

First Party

**Appellant(s)**

John and Una Harrington

**Observer(s)**

None

**Date of Site Inspection**

20<sup>th</sup> October 2025

**Inspector**

Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.37ha, is located in a coastal area in Clashmelcon, in an area known as Causeway in north west Kerry. The site is c. 21km north of Tralee and c. 17km west of Listowel.
- 1.2. The site is accessed via a local cul de sac road which terminates at Clashmelcon Monument. The other end of the local road connects to a larger local road which is part of the Wild Atlantic Way. The appellants' agent refers to this as the North Road.
- 1.3. The site is located on the western side of the cul de sac road, which runs in a roughly north-south direction. A farm track runs along the northern edge of the main part of the site, with a smaller area on the opposite side of the track where the wastewater treatment system is proposed to be located. The site currently comprises undeveloped agricultural lands and it is located c. 85m from the coastline at its closest point.
- 1.4. A number of houses and outbuildings are located immediately to the east of the site, with further houses scattered along the cul de sac road and more extensive ribbon development along other local roads in the area, including the North Road to the south east.

## 2.0 Proposed Development

- 2.1. The proposed development comprises: a single storey 3-bedroom dwelling house with a stated floor area of 210 sq m; a mechanical treatment unit and sand polishing filter; and all ancillary site works.
- 2.2. The proposed house is relatively traditional in design, with render finish, windows with a vertical emphasis and a slate roof. The maximum height is c. 4.8m.
- 2.3. Native hedging is proposed around the site perimeter.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** permission for the following reason:

1. The proposed development would contravene Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028, which is 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 or have a material effect on views designated in the Development Plan. 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

The Planning Officer's report can be summarised as follows:

- The proposal is for permission for a dwelling house on the applicant's family land. Landholding maps have been submitted which the site forms part of. The applicants are working in Tralee. The dwelling is indicated for permanent use. The applicants are from the location of the site. The site is situated in an open and exposed coastal site.
- The proposal will have a negative impact visually on the area. It would also lead to a precedent for similar development in the area. There are other sites in the landholding that should be considered to reduce the visual impact. The emphasis should be one of consolidation rather than dispersed development.
- The visual impact is rated as high and unacceptable. The coastal site is both open and exposed. The proposal will have a visual impact on the landscape, the character of which needs to be preserved. Another site in the landholding to the north of the family home should be considered.
- A narrow Local Public Road accesses the site. The levels of traffic generated by the proposed development are short term construction traffic. No significant volumes of traffic in this area that ends in a cul de sac.
- Water/Soil/Effluent disposal: Site Assessment Unit recommends a grant, with conditions.
- Proposed development is not likely to impact negatively on residential amenities.

- Having regard to the nature of the development proposed, existing development in the vicinity and the distance of the site from any SAC or SPA it is considered there is no likely potential for significant effects to Natura 2000 sites. AA not required.
- Having regard to the nature, scale and location of the proposed project, it is considered that this proposal is not one which requires EIA Screening or EIA. There is no real likelihood of significant effects on the environment arising from the proposed development.
- Given the open and exposed nature of this coastal landscape, it is not possible for the dwelling to be integrated into the site.
- This is a designated Visually Sensitive Area. The proposed development will have a significant visual impact on this open and exposed coastal site.
- It was made aware at the time of the pre-planning request, that the siting of any dwelling should be positioned nearest/adjacent to the existing family home and outbuildings east of the subject site, so to reduce any visual impact.
- The proposed dwelling is sited to the west and away from the family home and farm complex. As a result, the proposal will form an obtrusive feature on the landscape as the dwelling would be a prominent feature in this open and exposed landscape.
- The planning authority will consider an application for a dwelling adjoining the family dwelling and the farm complex.
- Refusal of planning permission recommended.

### 3.2.2. Other Technical Reports

- **Site Assessment Unit:** No objection, subject to conditions.
- **Environmental Assessment Unit:** Significant effects on the special conservation interests for which Kerry Head SPA is designated are considered unlikely. Fulmar is a seabird not associated with the habitat type found on the site, which is predominantly improved agricultural grassland. Chough forage in coastal grasslands with a tight sward. The site is inside the SPA but the habitat type is not suitable breeding habitat – the species tend to

breed on coastal cliff faces or buildings. Species are likely to forage in the area but the site is not suitable. Suitable foraging/breeding habitat for the species is abundant within the SPA boundaries and extends over an extensive area. No significant effects on the SPA are considered likely.

- **Conservation:** No observation to make. There are no protected structures or designated Architectural Conservation Areas in the vicinity.

### **3.3. Prescribed Bodies**

3.3.1. None.

### **3.4. Third Party Observations**

3.4.1. None.

## **4.0 Planning History**

4.1.1. None.

## **5.0 Policy Context**

### **5.1. National Planning Framework, First Revision 2025**

5.1.1. Section 5.3 of the NPF relates to 'planning for the future growth and development of rural areas. It states that:

"It is recognised that there is a continuing need for housing provision for people to live and work in Ireland's countryside. Careful planning is required to manage demand in our most accessible countryside around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities.

It is important to differentiate, on the one hand, between rural areas located within the commuter catchment of the five cities and our largest towns and centres of employment and, on the other hand, rural areas located outside these catchments."

5.1.2. The following National Policy Objectives (NPOs) are noted:

- **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 settlements
- **NPO 29:** Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

## 5.2. **Kerry County Development Plan 2022 – 2028**

5.2.1. The appeal site is located within an area designated as a 'Rural Area under Urban Influence'. Section 5.5.1.2 of the Development Plan states that:

"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."

5.2.2. Rural Settlement Policy Objective KCDP 5-15 states:

"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."

5.2.3. The appeal site is also located within a designated 'Visually Sensitive Area'. The following Objectives are noted:

- **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.

5.2.4. Section 11.6.3.1 relates to 'Visually Sensitive Areas' and states that these areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. It states that, 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. It also states that it is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

5.2.5. Section 11.6.4 notes that landscapes and scenery are not just of amenity value but constitute an enormous economic asset to the County. It states that 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.

5.2.6. The following provisions apply to development in Visually sensitive landscape 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.

5.2.7. ‘Views & Prospects’ are also identified along the local road to the south of the site, which follows the coast and forms part of the Wild Atlantic Way. The identified views are northward towards the coastline (i.e. towards the appeal site).

5.2.8. Section 11.6.5 states that County Kerry contains views and prospects of outstanding natural beauty which are recognised internationally and that there is a need to protect and conserve these adjoining public roads throughout the County. It states that any development which hinders or materially affects these views/prospects will not be permitted.

5.2.9. The following Objectives are noted:

- **KCDP 11-79:** Preserve the views and prospects as defined on Maps contained in Volume 4.
- **KCDP 11-81:** Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

### 5.3. Natural Heritage Designations

5.3.1. The appeal site is located within Kerry Head SPA (Site Code 004189). The boundary of the Lower River Shannon SAC (Site Code 002165) is located c. 80m to the north, at its closest point.

## 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 Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted on behalf of John and Una Harrington by Andrew Hersey Planning. It can be summarised as follows:

- Clients have a social need and economic need to reside in the area. The PA did not take into consideration their strong local need to reside in the area on family lands.
- The site is across the road from Mr Harrington's parents' home.
- While other sites were considered, the appellants felt that this site would have the least visual impact on the receiving landscape, has the benefit of good percolation characteristics and is in close proximity to a number of buildings to aid its integration into the landscape.
- No consent was required from other parties on this site, whereas other sites on the landholding would require consent.
- Appellants are frustrated that PA did not seek further information with regard to the suitability of the site.
- The site is part of a family agricultural landholding of c. 29.58 ha.
- Environment Dept. did not object to the proposed development, subject to condition.

- Env. Assessment Unit considered that no significant effects on the SPA are likely.
- John Harrington aids his father in farming the land and will eventually take over the farm. To supplement his income he has a job in Tralee. The appellants and their son live with Mr Harrington's parents. Such a situation cannot continue long-term and it is necessary for them to reside on the landholding to farm the land and be close enough to care for his ageing parents. Mr Harrington complies with category (a) of Policy KCDP 5-15, as he is the son of the landowner.
- Una Harrington also complies with the Policy as she is from Drumnacarra, c. 4.5km to the south east. She was born and raised at that location and does not currently own a house and has a social need to reside in the area. She complies with category (d) of the Policy.
- Planner's report does not raise any concerns with regard to rural housing policy and the reason for refusal was not on the basis of rural housing policy.
- The Development Plan does not prohibit development in Visually Sensitive landscapes but requires that development integrate and respect the visual quality of the area (Section 11.6.4 refers).
- The entirety of the family landholding is in lands designated as 'Visually Sensitive' however it is clear that the appellants have a housing need to reside at this location.
- With regard to the provisions for development in Visually Sensitive landscape areas outlined in Section 11.6.4 of the Plan:
  - Item (i): Alternative locations were considered on both families landholdings. Due to constraints, potential objections, requirement for consent from other parties, the only realistic option is west of the public road (i.e. the appeal site).
  - Item (ii): the proposed house is sited as close to the cluster or node of buildings as possible. The height, size and depth of the house will seem as an organic extension to the existing cluster. The development will not be visible from the North Road, the views from which are protected.

- Item (iii): House is designed to be as unobtrusive as possible. Existing ditches and stone walls will be retained. It is appreciated that this is an exposed coastal site where screening from vegetation is limited but the simple design and materials of the house will result in a visually acceptable feature in the landscape. Appellants are agreeable to preparing a landscaping plan to integrate the proposed development into the landscape.
- Item (iv): The PA have accepted that the proposed development is compliant with other development management aspects, including wastewater treatment, traffic safety and AA.
- Item (v): The proposed development is adjacent to a cluster of buildings including the parental home and will read as an organic extension of the cluster.
- Item (vi): The proposed house will cluster along the service road as with numerous other houses and farm buildings. As it is opposite the parental home it will not result in further development in an unspoilt coastal area. There are already existing buildings in the area and the appellants are just extending the same.
- Development is not precluded in visually sensitive landscapes and the socio-economic benefits of development have to be taken into consideration. The appellants are 'local rural' and both have economic and social needs to live at this location.
- The site is the most appropriate in the landholding. It is located adjacent a cluster of existing buildings, is made up of interlocking small scale vernacular forms, has acceptable percolation qualities, does not require third party consent, does not impact on residential amenities of other properties and is on the landholding which the appellants help farm and across the road from Mr Harrington's parents whom they will care for into the future.
- The Board is asked to overturn the council's decision and grant permission to let the appellants live on the landholding in an area where they were born and raised, where they will raise their family and can farm the land and care for the elderly parents.

6.1.2. The appeal was accompanied by letters from local schools confirming the appellants' attendance dates, a letter from the parish priest confirming their Baptism, First Communion, Confirmation and Marriage ceremonies in the local church and letters from their employers.

## **6.2. Planning Authority Response**

6.2.1. None.

## **6.3. Observations**

6.3.1. None.

## **6.4. Further Responses**

6.4.1. None.

# **7.0 Assessment**

7.1. I consider that the issues arising can be assessed under the following headings:

- Compliance with rural housing policy.
- Landscape and visual impact (refusal reason).
- Wastewater treatment.

## **7.2. Compliance with Rural Housing Policy**

7.2.1. The Planning Authority did not raise any concerns regarding compliance with rural housing policy and this did not form part of the reasons for refusal. However, having regard to the location of the appeal site within an area designated as a 'Rural Area under Urban Influence', I consider that the matter should be considered in this appeal.

7.2.2. The proposed development is subject to the provisions of Rural Settlement Policy Objective KCDP 5-15 of the Development Plan. This requires applicants to 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”.

7.2.3. Proposed development in such areas must comply with one of a number of categories of rural housing need. These categories, and my assessment of the applicants' compliance with each category, are as follows:

<b>Objective KCDP 5-15 Rural Housing Need Category</b>	<b>Assessment</b>
(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.	Mr Harrington is the son of a farmer and states that he currently resides with his wife and child in his parents' home on the family farm. The proposed house would be their first home for their permanent residence on the family farm and therefore I consider that this category is satisfied.
(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.	The appellants both have off-farm employment and have not contended that they are taking over the ownership and running of a farm on a full-time basis. This category is therefore not relevant.
(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.	The applicants do not work full-time in farming or the marine sector. This category is therefore not relevant.
(d) Persons who have spent a substantial period of their lives (i.e., over seven	While the appeal site is on Mr Harrington's family landholding, Mrs

<p>years), living in the local rural area in which they propose to build a first home for their permanent residence.</p>	<p>Harrington is also from the local rural area. Maps of her family's landholding and letters from the schools she attended and the parish priest were submitted with the appeal. I am satisfied that she has spent a substantial period of her life living in the local rural area, that this would be her first home for her permanent residence and that she therefore satisfies this category.</p>
<p>(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.</p>	<p>The applicants have not claimed to be living with a lifelong or life limiting condition and therefore this category is not relevant.</p>

7.2.4. Having regard to the assessment set out above, I conclude that the appellants have satisfactorily demonstrated that they come within the scope of rural housing need criteria (a) and (d) as set out in Objective KCDP 5-15 for housing proposals in a 'Rural Area under Urban Influence'.

### **7.3. Landscape and Visual Impact (Refusal Reason)**

- 7.3.1. The Planning Authority refused permission on the basis that the proposed development would contravene Development Plan Objectives KCDP 11-77 and KCDP 11-78 which seek 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 or have a material effect on views designated in the Development Plan”.
- 7.3.2. The appeal site is located in a very open and exposed coastal area, which is designated as a Visually Sensitive Area. The topography in the area generally falls from south to north, towards the coastal cliffs. Expansive views northward towards the coast are available from the ‘North Road’ (i.e. the local road to the south of the appeal site), which is at a higher elevation and which is part of the Wild Atlantic Way. These views are designated in the Development Plan as ‘Views & Prospects’ to be protected. I note that, contrary to the Planning Authority’s reason for refusal, Objectives KCDP 11-77 and 11-78 do not reference designated Views and Prospects. Instead, Objectives KCDP 11-79 and KCDP 11-81 seek to protect these views and prohibit development with a material effect on designated views.
- 7.3.3. Having inspected the site and vicinity, I agree with the appellants that the proposed development would not be readily visible from the North Road, given its location and proximity to existing buildings, and due to the presence of other intervening buildings and vegetation. I therefore do not consider that the proposed development will have a material effect on designated views and I do not consider that the proposed development would contravene Objectives KCDP 11-79 or KCDP 11-81.
- 7.3.4. I note Section 11.6.3.1 of the Development Plan which states that ‘Visually Sensitive Areas’ comprise the outstanding landscapes throughout the County which are sensitive to alteration and that development in these areas will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The Development Plan also states that it is imperative that these areas be protected in order to maintain the natural beauty and character of the County.
- 7.3.5. The appeal correctly notes that the Development Plan does not preclude development in designated Visually Sensitive Areas and sets out the appellants’

views on their compliance with the criteria for development in such areas, which are set out in Section 11.6.4 of the Development Plan (see Section 5.2.6 above).

- 7.3.6. With regard to the first criteria, the appeal notes that the entire family landholding is within the Visually Sensitive Area designation and sets out alternative locations on the landholding that were considered but found to be unsuitable for various reasons and that the only realistic option is west of the public road, i.e. the appeal site.
- 7.3.7. I consider that the appellants have not satisfactorily demonstrated that there are no more suitable alternative sites on the family landholding. While the entirety of the identified family landholding is within the Visually Sensitive Area designation, I consider that an alternative site to the east of the cul de sac local road would potentially be a more suitable location for an additional dwelling house. The appellants contend that such an option would require consent of other parties who have a right of way on a farm track or would potentially result in objections by other parties. However, no evidence of third party consent being required or refused was presented in the application or appeal.
- 7.3.8. With regard to the second, third and fifth criteria, it is contended that the proposed development is acceptable due to being sited as close to the existing cluster of buildings as possible, such that it will 'read' as an organic extension to this cluster. It is also contended that the house has been designed to be as unobtrusive as possible, and that while screening is limited, the simple design and materials of the house result in it being a visually acceptable feature in the landscape. With regard to the sixth criteria, the appellants contend that the clustering with the parental home and farm buildings will not result in further development in an unspoilt coastal area.
- 7.3.9. The lands to the west of the cul de sac road, extending to the cliffs and coastline, currently comprise an unspoilt coastal area which is open and exposed and of significant visual and landscape sensitivity and value. Notwithstanding the proximity to the existing cluster of buildings on the east side of the road, I consider that the proposed development would comprise expansion into this unspoilt coastal area and would comprise an obtrusive feature on the landscape with and would have an adverse impact on the visual and landscape amenities of this Visually Sensitive Area. While the appellants have proposed the preparation of a landscaping plan to integrate the proposed development into the landscape, I do not consider that this

would mitigate the impact and I further consider that it would detract from the open and exposed character of the landscape.

7.3.10. In conclusion, I consider that the proposed development would be contrary to the criteria that apply to development in Visually Sensitive Areas and that it would contravene Objectives KCDP 11-77 and KCDP 11-78 of the Development Plan due to its impact on a designated visually sensitive landscape area.

7.3.11. I recommend that planning permission be refused for this reason.

#### **7.4. Wastewater Treatment**

7.4.1. A Site Suitability Assessment was submitted with the application, including photographs of trial holes and details and drawings of the proposed system.

7.4.2. The site is identified on mapping as being 'PI' Poor Aquifer, with High vulnerability and Moderate permeability. Soils are Till derived from Devonian Sandstones and subsoil is Quaternary sediments with bedrock outcrop or subcrop. Bedrock is Lower Limestone Shale and no Karst features are present in the vicinity or wells within 200m. The assessor assigns a groundwater protection response of R1, i.e. "acceptable subject to normal good practice". I would agree with that assessment.

7.4.3. The trial hole was excavated to a depth of 2.8m and no bedrock, water or mottling was encountered. With regard to subsurface percolation, the average T-value for the subsoil was 61.21. For surface percolation, the average P-value for the soil was 34.86. These figures indicate that the site is suitable for a secondary or tertiary system.

7.4.4. The proposed system is a Tricel Novo unit with a Sandcell sand polishing filter with a design for a PE of 5, based on the 3 bedrooms.

7.4.5. I note that the Site Assessment Unit of the Planning Authority had no objection to the wastewater treatment proposals, subject to standard conditions. Having reviewed the submitted information and having inspected the site, I consider that the proposed treatment system in this instance would be acceptable.

## 8.0 AA Screening

- 8.1. Refer to Appendix 2. The appeal site is located within the Kerry Head SPA (Site Code 004189) and c. 85m from the Lower River Shannon SAC (Site Code 002165).
- 8.2. With regard to the Lower River Shannon SAC, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European site in view of the site's Conservation Objectives and that it can therefore be excluded from further consideration.
- 8.3. With regard to the Kerry Head SPA, on the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Kerry Head SPA, in view of the site's Conservation Objectives. The SPA hosts an internationally important population of Chough and a nationally important population of Fulmar. The Conservation Objectives are to restore and maintain the favourable conservation condition of these two species, respectively. I consider that the potential for significant effects associated with disturbance impacts within the SPA cannot be ruled out on the basis of the information before the Commission.
- 8.4. Should the Commission agree with this assessment, it is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).
- 8.5. As this AA issue may be considered a new issue, the Commission may wish to seek the views of relevant parties. However, having regard to the substantive reason for refusal with respect to landscape and visual impact, it may not be considered necessary to pursue the matter.

## 9.0 Water Framework Directive

- 9.1. Refer to Appendix 3. I conclude that on the basis of objective information, that the proposed development in its own right 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

- 10.1. I recommend that permission be **refused** for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

1. The appeal site is located within an open and exposed coastal area which is designated as a 'Visually Sensitive Area' in the Kerry County Development Plan 2022 – 2028. It is considered that the proposed development would be unduly obtrusive by virtue of its impact on the landscape and that it would detract from the character, integrity and scenic value of the area. The proposed development would therefore be contrary to Objectives KCDP 11-78 and KCDP 11-78 of the Kerry County Development Plan 2022-2028.

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.

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Niall Haverty  
Senior Planning Inspector

16<sup>th</sup> December 2025

## APPENDIX 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321449-24
<b>Proposed Development Summary</b>	House and associated works
<b>Development Address</b>	Clashmelcon, Causeway, Co. Kerry
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	
<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.	
<input type="checkbox"/> No, No further action required.	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	N/A
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-321449-24</b>
<b>Proposed Development Summary</b>	House and associated works
<b>Development Address</b>	Clashmelcon, Causeway, Co. Kerry
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>	Proposed development comprises the construction of a detached single storey dwelling, wastewater treatment system and all ancillary works in a rural area. The development, by virtue of its scale, design, location and characteristics does not pose a risk of major accident and/or disaster or is vulnerable to climate change. It presents no significant risks to human health.
<b>Location of development</b>	The subject site is located in a rural area close to existing one-off rural housing. The site is within the Kerry Head SPA but, having regard to the limited scale of the proposed development, it is considered that such matters can be addressed through a planning assessment and consideration of AA.
<b>Types and characteristics of potential impacts</b>	Having regard to the scale, nature and characteristics of the proposed development, the likely limited magnitude and spatial extent of effects, and absence of cumulative impacts, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## APPENDIX 2

<b>Screening for Appropriate Assessment Test for likely significant effects</b>								
<b>Step 1: Description of the project and local site characteristics</b>								
<b>Brief description of project</b>	House and associated works							
<b>Brief description of development site characteristics and potential impact mechanisms</b>	Single storey house and associated wastewater treatment system. Site is within Kerry Head SPA and c. 85m from the coastline at its closest point.							
<b>Screening report</b>	No							
<b>Natura Impact Statement</b>	No							
<b>Relevant submissions</b>	<p><b>KCC Environmental Assessment Unit:</b> Significant effects on the special conservation interests for which Kerry Head SPA is designated are considered unlikely. Fulmar is a seabird not associated with the habitat type found on the site, which is predominantly improved agricultural grassland. Chough forage in coastal grasslands with a tight sward. The site is inside the SPA but the habitat type is not suitable breeding habitat – the species tend to breed on coastal cliff faces or buildings. Species are likely to forage in the area but the site is not suitable. Suitable foraging/breeding habitat for the species is abundant within the SPA boundaries and extends over an extensive area. No significant effects on the SPA are considered likely.</p>							
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>								
In my opinion, the only European Sites within a potential zone of influence of the proposed development are the Kerry Head SPA, which the site is located within, and the Lower River Shannon SAC, located at the coastline, c. 85m north of the site.								
European Site (code)	Qualifying interests Link to conservation objectives <sup>1</sup> (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N				
Kerry Head SPA (004189)	Fulmar ( <i>Fulmarus glacialis</i> ) [A009] Chough ( <i>Pyrrhocorax pyrrhocorax</i> ) [A346]	0m (appeal site is within SPA)	Direct connection due to site being within SPA and close to cliffs where QI species may breed. Potential use of site by QI species.	Y				
Lower River Shannon SAC (002165)	Sandbanks which are slightly covered by sea water all the time [1110]	85m	Potential hydrological connection via	Y				

<p>Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Coastal lagoons [1150]  Large shallow inlets and bays [1160]  Reefs [1170]  Perennial vegetation of stony banks [1220]  Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]  Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]  Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]  Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]  <i>Petromyzon marinus</i> (Sea Lamprey) [1095]  <i>Lampetra planeri</i> (Brook Lamprey) [1096]  <i>Lampetra fluviatilis</i> (River Lamprey) [1099]  <i>Salmo salar</i> (Salmon) [1106]  <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]  <i>Lutra lutra</i> (Otter) [1355]</p>		surface water runoff or groundwater via wastewater system	
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<sup>1</sup> Kerry Head SPA: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004189.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004189.pdf)

Lower River Shannon SAC: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002165.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf)

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

**AA Screening matrix**

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 1: Kerry Head SPA (004189)</b> Fulmar ( <i>Fulmarus glacialis</i> ) [A009]  Chough ( <i>Pyrrhocorax pyrrhocorax</i> ) [A346]	Direct: Construction works within SPA and introduction of a new dwelling within the SPA.	<p>Potential disturbance/displacement to QI species which may use cliffs c. 85m north of the site and which may forage on or in the vicinity of the site.</p> <p>The Site Synopsis notes that the site includes the sea cliffs and land adjacent to the cliff edge and that it supports an internationally important population of breeding Chough (Annex I species) and a nationally important population of Fulmar. It is one of the most important sites in the country for Chough.</p> <p>The Conservation Objectives are to restore the favourable conservation condition of Chough and to maintain the favourable conservation condition of Fulmar. The attributes and targets include the adequate availability of forage and the level of disturbance of breeding and foraging sites.</p> <p>While the proposed development is limited in scale and extent, I consider that the possibility of significant effects cannot be ruled out without further analysis and assessment.</p>
<b>Likelihood of significant effects from proposed development (alone):</b>		<b>Yes</b>
<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>		<b>N/A</b>
<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>		<b>Yes</b>
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2: Lower River Shannon SAC (002165)</b>	Indirect: Potential for temporary negative	No significant effects likely.

<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>impacts on water quality due to construction related emissions. However, standard good practice construction methods will be adequate to avoid significant impacts.</p> <p>In the operational phase, there is the potential for wastewater contamination of groundwater reaching the SAC, however the proposed wastewater treatment system and sand polishing filter designed in accordance with EPA CoP, which is required regardless of the proximity to the European Sites, would be sufficient to avoid the potential for significant impacts.</p>	
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<b>Likelihood of significant effects from proposed development (alone):</b>	<b>No</b>
<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	<b>No</b>
<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	<b>No</b>
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>	
<p>I conclude that the proposed development alone or in combination with other plans or projects would not result in likely significant effects on the Lower River Shannon SAC (Site Code 002165). No mitigation measures are required to come to these conclusions.</p> <p>However, it is not possible to exclude the possibility that proposed development alone would result in significant effects on Kerry Head SPA (Site Code 004189) from effects associated with disturbance impacts to QI species, with this European Site being of international importance for an Annex I species (Chough).</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>	

## APPENDIX 3 – WATER FRAMEWORK DIRECTIVE

STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>ACP Ref. No.</b>	<b>ABP-321449-24</b>	<b>Townland, address</b>	Clashmelcon, Causeway, Co. Kerry
<b>Description of project</b>	House and associated works		
<b>Brief site description, relevant to WFD Screening,</b>	<p>Site is a greenfield site located in a rural area close to the coastline (c. 85m) and within Kerry Head SPA. The site is surrounded by well drained grassland, with a road to the east and a farm track bisecting the site. There is a drain along the eastern edge of the road. There are a number of small watercourses in the area draining to the sea, which together are identified as the Meenogahane_010. The closest mapped watercourse is located c. 60m north of the site and appears to be connected to the drain that runs along the road.</p>		
<b>Proposed surface water details</b>	Collected surface water will be drained via soakpits to ground		
<b>Proposed water supply source &amp; available capacity</b>	New private well		
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Wastewater treatment system and polishing filter		
<b>Others?</b>	N/A		
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>			

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (2019-2024)	Risk of not achieving WFD Objective (2019-2024)	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	60m	Meenogah ane_010	Good	Under Review	No pressures identified	The proposed development will provide for an on-site wastewater treatment system with sand polishing filter designed to EPA CoP standards with surface water directed to soakpits. No hydrological connection to surface watercourse, although there is potential for construction phase contamination/pollution of the watercourse via run-off or spillage.
Coastal Waterbody	85m	Mouth of the Shannon (Has 23;27)	Good	Not at risk	No pressures identified	The proposed development will provide for an on-site wastewater treatment system with sand polishing filter designed to EPA CoP standards with surface water directed to soakpits. No hydrological connection to

						coastal waterbody in the operational phase, although there is potential for construction phase contamination/pollution of the watercourse via run-off or spillage.
Groundwater waterbody	Underlying site	Kerry Head IE_SH_G_118	Good	Not at risk	No pressures identified	The proposed development will provide for an on-site wastewater treatment system with sand polishing filter designed to EPA CoP standards with surface water directed to soakpits. In the construction phase there is potential for contamination via spillages to ground.
<p><b>Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b></p>						
<b>CONSTRUCTION PHASE</b>						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River Waterbody	Meenogahane _010	None	None	Standard Construction Measures / Conditions	No	Screened out
2.	Coastal Waterbody	Mouth of the Shannon (Has 23;27)	None	None	Standard Construction Measures / Conditions	No	Screened out
3.	Groundwater r waterbody	Kerry Head IE_SH_G_118	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
4.	Groundwater r waterbody	Kerry Head IE_SH_G_118	Drainage	Contamination with wastewater	Wastewater treatment system with sand polishing	No	Screened out

					filter designed to EPA CoP standards		
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						