



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321542-24

<b>Development</b>	Demolition of existing derelict dwelling house and construction of 2 dwelling houses in its place, together with all associated site works.
<b>Location</b>	Rossbehy, Rossbeigh, Glenbeigh, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	24114
<b>Applicant(s)</b>	Kacey & Tim O'Sullivan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David Browne & Siobhan Lankford
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> September 2025
<b>Inspector</b>	Suzanne White

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
4.0 Planning History.....	7
5.0 Policy Context.....	10
6.0 EIA Screening.....	14
7.0 The Appeal .....	14
8.0 Assessment.....	17
8.1. Principle of development.....	18
8.2. Visual impact on the character of the area .....	20
8.3. Appropriate Assessment.....	22
8.4. Other issues.....	24
9.0 Water Framework Directive .....	25
10.0 Recommendation .....	26
11.0 Reasons and Considerations.....	26
Appendix 1 - Form 1: EIA Pre-Screening	
Appendix 2 - Form 2 - EIA Preliminary Examination	
Appendix 3 - AA Screening Determination	
Appendix 4 - Appropriate Assessment Determination	
Appendix 5 - Water Framework Directive Screening	

## **1.0 Site Location and Description**

- 1.1. The site is located in Rossbeigh, c. 2.6 km to the west of the village of Glenbeigh, Co. Kerry. Rossbeigh comprises a cluster of residential dwellings, holiday cottages, the Rosspoint Bar & Restaurant and a kiosk, public toilets, parking and children's playground, all situated at the southern landward end of Rossbeigh Strand. The northern tip of this Strand corresponds with Inch Strand to the north east and between them they form the entrance to Castlemaine Harbour. Further to the north, the Dingle Peninsula forms a backdrop to this Harbour and the wider Dingle Bay.
- 1.2. The appeal site is a corner site, which forms frontage development to the regional road R564. There is an existing vehicular entrance from the R564. The L-11654 local road bounds the site to the rear (south). There is an open drain running along the western site boundary with the R564, which is culverted under the L-11654 and drains Outer Dingle Bay.
- 1.3. The site is 0.121ha in area and comprises a dilapidated single storey dwelling and its curtilage. Site levels rise from west to east across the site, from the regional road towards the local road. The site is bounded by hedging on all sides. The existing garden area is overgrown.
- 1.4. Directly adjacent to the north is a row of 4no. single storey semi-detached dwellings. To the rear (southeast) is a small development of holiday cottages, while to the southwest is a semi-detached pair of dwellings, both situated on the opposite side of the L-11654.
- 1.5. The pattern of development surrounding the site comprises predominantly single storey, but also some dormer and two storey, detached and semi-detached dwellings.
- 1.6. The settlement of Killorglin is c. 16km to the east. A Local Link bus service (R75) operates one service each way between Rossbeigh, Glenbeigh and Killorglin on Tuesdays.

## **2.0 Proposed Development**

- 2.1. The proposed development, as revised by Further Information received by the Planning Authority on 21/10/2024 is for:

- demolition of the existing derelict single storey dwelling of 60.5sqm;
- construction of two semi-detached, three-bed two-storey residential dwellings of 149sqm each;
- new access driveway and parking, accessed from the L-11654;
- existing entrance from the R564 reduced in width and converted to pedestrian access only;
- existing boundary treatments retained, except for formation of the new access driveway;
- connections to existing water mains and public sewage and all associated site works.

2.2. There appears to be some discrepancy between the layout shown on the site layout plans and floorplans submitted at further information stage. The site layout plan lower level (Drawing no. 22-013-100 RevB) shows the rear projection retained, whereas the site layout map (Drawing No. 01) and floorplans show this to be reduced in depth. The covering letter states that the rear projection has been reduced in depth and my assessment below is based on the scheme as indicated in the site layout map and floorplans.

2.3. The further information submitted by the applicant was deemed significant by the Planning Authority and the application was re-advertised.

2.4. I note that a Screening Report for Appropriate Assessment/Natura Impact Statement (NIS) was not submitted with this application, however the applicant's covering letter submitted with this application proposed that the NIS submitted under planning register no. 22/466 may be used for the proposed application.

### 3.0 Planning Authority Decision

#### Decision

Planning permission GRANTED subject to eleven conditions, by order dated 2nd December 2024.

#### Conditions

- Condition 3 related to the safe demolition of the existing dwelling, appropriate disposal of materials, protection of the public road, check for asbestos on site, submission of a construction and demolition resource waste management plan.

- Condition 4 removed exempted development rights for the 2no. houses.
- Condition 9 required that surface water is discharged to a soakpit on site, any damage to the public road is repaired and materials are prevented from being drawn onto the road.
- Condition 10 required implementation of landscaping and retention of existing boundary screening.

## **Planning Authority Reports**

### **Planning Reports**

The application was subject to a further information request. The main points of the planner's reports are set out below:

#### *Planner's Report dated 08/05/2024*

- Rossbeigh is identified as a settlement in the Rossbeigh LAP, part of the Killorglin Functional Area LAP 2010-2016
- The site is located on land zoned Rural General
- Concerns raised with regard to design (scale, private amenity space, impact on neighbouring residential amenity), visual impact
- Further information recommended in respect of boundary treatment, surface water disposal and revised drawings showing a reduction in the scale of development and the proposal in the context of adjoining development
- AA screened out and Stage 2 AA not required. EIA screened out.

#### *Planner's Report dated 08/05/2024*

- During the course of the assessment of the application, the Kenmare Municipal District LAP 2024-2030 became effective. Rossbeigh has not been identified as a settlement in this Plan despite the fact that Rossbeigh is served by public water and public sewerage and was designated as a settlement in the Killorglin Functional Area LAP 2010-2016 which was still in effect when this planning application was lodged.
- The Further Information response does not alter the conclusions reached in the previous report in relation to AA & EIA.

- This is a brownfield 'infill-type' site with public sewer connectivity. The proposed design and scale of development has been altered with the submission of revised details at FI stage. The visual impact is considered acceptable and the development would integrate well into the surrounding area.

### **Other Technical Reports**

- Housing Estates Unit (26/03/2024): raises issues in respect of the gradient of the estate road; need for fire hydrants; height and design of retaining structures; hardsurfacing specification; request for sightline drawing and potential improvements needed; drainage to entrance area; soakaway design; stop signage; public lighting; protection of public road; pedestrian gate to only open inwards; boundary treatments plan required; and conditions in respect of site development works and planning bond.
- Housing Estates Unit (01/11/2024): raises issues in respect of the gradient of the estate road; height and design of retaining structures; hardsurfacing specification; request for sightline drawing and potential improvements needed; drainage to entrance area; soakaway design; stop signage; public lighting; and conditions in respect of site development works and planning bond.

### **Prescribed Bodies**

None.

### **Third Party Observations**

Three submissions were received by the Local Planning Authority in relation to the application. These were submitted by the Appellants (occupiers of the dwelling directly south-west of the appeal site), the adjoining occupier to the north and one other party. In addition to the issues raised in the grounds of appeal (see Section 7 below), the submissions also raise concerns in respect of:

- potential surface water run-off to the adjoining property to the north;
- boundary issues: the extent of the applicant's site needs to be clarified and the site appears to overlap with a recent planning application (24/60716) for the adjoining site
- overlooking
- visual impact

## 4.0 Planning History

### Appeal site:

**22/466:** planning permission refused by Kerry County Council for (a) demolish existing dwelling house on site (b) construct 2 no. semi-detached dwelling houses (c) construct a shared entrance access road with entrance wingwalls and pillars (d) connection to existing main sewer and (e) all associated site works. The reasons for refusal were:

- 1. The proposed development at this location would constitute excessive density of development by virtue of its visual impact on the landscape and would not integrate with the character of the landscape, which is necessary to preserve, in accordance with the overall objectives 00-4 and 00-5 of the Killorglin Functional Area Plan 2010-2016. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development at this location would constitute excessive density of development by virtue of its visual impact on the landscape and would seriously injure the amenities and depreciate the value of property in the vicinity. The proposed development would contravene objective ZL-1 of the Kerry County Development Plan 2015-2021 and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. The planning authority is not satisfied on the basis of the details submitted that surface water generated by the proposed development can be adequately disposed of on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 4. Due to the lack of information provided on the proposed drainage of the site and the connectivity to the nearby European Site, the Planning Authority is unable to complete an Appropriate Assessment of the proposed application. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.*

**21/714:** (a) demolish existing dwelling house on site (b) construct 2 no. semi-detached dwelling houses (c) construct a shared entrance access road with entrance wingwalls and pillars (d) connection to existing main sewer and (e) all associated site works. This application was deemed withdrawn on the 28<sup>th</sup> February 2022 after a further information request issued by the Planning Authority was not responded to.

Appeal site and adjoining lands to the east

**ABP-305363 (19/168):** planning permission refused for (a) Demolish existing dwelling house on site, (b) construct 6 no. detached dwelling houses, and (c) all associated site works including separate entrances, parking and boundary treatments. The reasons for refusal were:

*1. Having regard to the application as submitted and subsequently augmented and revised under further information, it is considered that the applicant has failed to submit sufficient information to enable the Board to fully assess and determine the proposed development. Specifically, the following gaps in the application have been identified:*

- No site survey of ground conditions,*
- No quantification of and commentary upon the lowering and raising of levels on the site and insufficient details of associated retaining measures,*
- No contextual visual depiction of the proposed development from the north of the site, and*
- No information on how surface water would be handled during the construction phase and insufficient information on how it would be handled during the operational phase, including details of the drain to which the proposed network would discharge to.*

*In these circumstances, it would be premature to grant planning permission and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. Notwithstanding the first reason for refusal and on the basis of the information submitted, it is considered that the proposed development would, due to its siting, size, and design, be unduly dominant and visually obtrusive with respect to surrounding properties, some of which are holiday cottages. Furthermore, the said dominance would lead to a loss of daylight to the properties denoted as houses 1 and 2, and the proposed house type C, while not dominating house 1, would lead to overlooking and a consequent loss of privacy at the same. The proposed development would seriously injure the amenities of properties in the vicinity of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*3. Notwithstanding the first reason for refusal, it is considered that the net increase in traffic movements generated by the proposed development would warrant improvement to (a) the north-eastern sightline across the western boundary of the site with the adjoining local road, (b) pedestrian facilities along the northern and western boundaries of the site, and (c) public lighting within the vicinity of the site. Furthermore, the proposed ramps to each of the house*



*plots from the public road should be designed to have a gradient of no more than 10% in the interests of their ready usability. In the absence of these improvements, it would be premature to grant permission and at variance with good road safety measures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

**17/1215:** planning permission refused for (a) construct 8 no. split level dwelling houses, comprising of 6 no. detached dwellings and 2 no. semi-detached dwellings, (b) demolish existing dwelling house on site, (c) and all associated site works including separate entrances, parking and boundary treatments. The reasons for refusal related to inadequate on-site parking provision resulting in a traffic hazard and the lack of details submitted in relation to the levels of the proposed fill to the eastern side of the site and consequent potential impact on residential amenities and depreciation of the value of property in the vicinity.

**08/1621:** planning permission granted for (a) retain the Ross Inn development within revised site boundaries and retain minor alterations to rear, (b) demolish existing dwelling house, (c) construct 12 no. 1 1/2 to 2 storey traditional style holiday homes with varying facades of single story, 1 1/2 storey and 2 storey units 1 to 4 comprises of 4 no. 3 bedroom houses in terrace format, units 5 to 9 comprises of 5 no. 3 bedroom houses in terrace format, units 10 to 12 comprises of 3 no. 3 bedroom houses in terrace format, (d) develop all associated site works. (Note: this permission was not implemented).

Adjoining lands to the east:

**ACP-322925-25 (PA ref. 24/60977):** decision pending in relation to an application for planning permission to construct 2no. two-bedroom two-storey ancillary staff accommodation to Ross Point. 2no. two-bedroom two-storey residential dwellings and a single storey yoga centre, connect all to existing water mains and public sewage and all associated site works all at Rossbeigh, Glenbeigh, Co.Kerry. An NIS has been submitted.

## 5.0 Policy Context

### Development Plan

#### Kenmare Municipal Local Plan 2024-2030

Rossbeigh is not listed as a settlement within the Settlement Hierarchy set out at Table 1.1 of this Plan. Rossbeigh Strand is recognised as a very popular local and visitor attraction providing year-round leisure walking opportunities and playground facilities, for its Blue Flag beach and for being listed as a 'Discovery Point' on the Wild Atlantic Way.

#### Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. Rossbeigh is not recognised as a settlement in the Development Plan. Glenbeigh, located c. 3km to the east, is the nearest settlement and is categorised as a 'Village' in the hierarchy. The relevant policies and objectives pertaining to the proposed development are set out below.

#### Volume 1 Written Statement

It is an objective of the Council to:

#### *Chapter 5: Rural Housing*

KCDP 5-4 Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), circular PL2/2017, National Planning Framework (NPOs 15 & 19) and the Development Management Guidance of this Plan.

#### 5.5.1 Identifying Rural Area Types

The site is located in a 'Rural Area Under Urban Influence'.

#### 5.5.1.2 Rural Areas Under Urban Influence

In these areas, population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong rural/agricultural economic base. The key challenge in these areas is to maintain a reasonable balance between development

activity in the extensive network of smaller towns and villages and housing proposals in wider rural areas.

#### KCDP 5-15

In Rural Areas under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life limiting) and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, including their sons and daughters or a favoured niece/nephew where a farmer has no family of their own who wish to build a first home for their permanent residence on the family farm.
- b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent residence, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working full-time in farming or the marine sector for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent residence.
- d) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent residence.
- e) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation and currently live with a lifelong or life limiting condition and can clearly demonstrate that they 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.

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 5-23 Ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape.

KCDP 5-25 Seek to preserve traditional or vernacular rural houses in order to protect the varied types of housing stock in the County and to preserve the rural built heritage.

#### *Chapter 8: Gaeltacht Areas, Culture and Heritage*

KCDP 8-46 Encourage the retention, appreciation and appropriate revitalisation of the vernacular-built heritage of Kerry by deterring the replacement of good quality older buildings with modern structures and by protecting these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type.

#### *Chapter 11 Environment*

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

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.

Landscape Designations: The subject site has the landscape designation 'Rural General'. Other parts of Rossbeigh are designated within the 'Visually Sensitive Area'.

#### 11.6.3.2 Rural General

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

*Volume 6:*

#### Development Management Standards & Guidelines

1.5.10.1-1.5.10.10 Standards for residential development on rural and non-serviced sites.

#### Building a House in Rural Kerry – Design Guidelines

### **Natural Heritage Designations**

The site is located c.6m east of Castlemaine Harbour SPA (site code: 004029), c. 110m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.480m northeast of the Iveragh Peninsula SPA (site code: 004154), c. 2.5km west and northeast of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC and pNHA (site code: 000365), c. 5.7km south west of Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370) and c. 9.8km south of the Dingle Peninsula SPA (site code: 004153).

## **6.0 EIA Screening**

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.

## **7.0 The Appeal**

### **Grounds of Appeal**

One appeal was received from the owner of an adjoining dwelling to the south of the appeal site. The grounds of appeal can be summarised as follows:

- Refers the Commission to the issues raised in their original submission to Kerry County Council of 17th April 2024 (summarised below).
- Failure to comply with strict indicated timeframes formulated by the Planning Authority in the request for further information letter and subsequent correspondence to the applicant. Planning Authority did not meet obligations to adhere to the strict time limits set out in the legislation.
- Pages 1-13 of the Planner's Report were not admitted or presented by the Planning Authority in accordance with their statutory obligations, affecting the Appellant's ability to review documents, comment on the application and object. Planning Authority failed in its obligation to deal with all parties in a fair and reasonable manner, complying with the relevant statutory and regulatory requirements.
- The core issue of the scale of the development has not been addressed by further information submitted. The elevational treatment on the documentation file does not reflect an actual reduction in scale.
- Planner's Report does not include a review of points raised by third parties and assessment of internal reports of other technical officers. It does not

mention the Appellant's submission of the 15th November which highlights the noncompliance with the statutory timeline in relation to further information and press and site notices.

- The response in the original Planning Application form by the Applicants in relation to planning history is incomplete, referring only to one application. The planning history prepared by the Planning Officer does not identify all applications and decisions in relation to the subject site and in the immediate vicinity.
- Given the noncompliance with the statutory and regulatory requirements and the manner in which the application was processed and assessed, the decision is unreliable and open to challenge.
- Issues raised in submission to Planning Authority dated 17th April 2024:
  - i) insufficient information and documents submitted rendering the application invalid. No Natura Impact Statement submitted.
  - ii) increase in mass, bulk, scale and height of proposed development is disproportionately and significantly increased compared with the existing modest dwelling. There is scope for a more sympathetic design approach.
  - iii) established dimensions in the built environment. The proposed block should respect the dimensions (particularly footprint and gable width) of traditional heritage buildings in the area.
  - iv) landscaping: no surveys carried out in respect of impact on biodiversity, impact of deep excavations and the design of the proposed development. No landscape proposals submitted.
  - v) control of works: concern raised as to how it will be ensured that the proposed ridge height matches that of the existing dwelling, as proposed.
  - vi) services: concern raised with regard to potential overloading of the foul water system, lack of evidence of any licence applied for from Uisce Eireann or any report from Uisce Eireann in this regard.
  - vii) assessment limitations: full planning history not submitted; no reference to ABP cases; no reference to Planning Authority guidance on design, zoning

etc; no Natura Impact Statement. All readers of the file compromised from gaining a full understanding of the consequences of the proposed development.

- Issues raised in submission to Planning Authority dated 15th November 2024:
  - i) site notice: site notice displayed following submission of further information deemed significant was dated more than one week after the Planning Authority notified the applicant of this requirement, and was not therefore in accordance with the statutory requirements.
  - ii) height: the drawings submitted as further information do not indicate a reduction in the height of the proposed development, as requested by the Planning Authority.

### **Applicant Response**

A response was received from the first party, which may be summarised as follows:

- proposal has sought to retain all existing boundaries and to work within the ridge height of the existing house
- necessary surface clearance was carried out in order to establish the actual existing ground levels
- all ground water drainage is designed in accordance with building regulations and good practice
- minimum retaining walls are required generally
- drawings and details in relation to stormwater design and retaining structure design will be adjusted and revised in accordance with the architectural design drawings submitted with the Further Information
- the holiday home of the Appellants is situated to the south, across the public road and at a much higher level than the appeal site. The ridge height of the proposed development is the same as that of the existing dwelling. The existing floor level of the Appellant's dwelling is 19.55m. The ridge height of the proposed development is 0.95m higher.
- the orientation of the ridge of the existing dwelling is southwest to northeast. The proposed orientation is south, southwest to north and northeast. The



ridge of the proposed dwelling will not have any negative impact on the amenity of the Appellant's house (House B on the plans)

- substantial revisions and redesign work was entered into in the further information response. The projecting element to the southeast is omitted almost in its entirety, the entrances are now directly from the southeast, the balconies and higher level terraces to the west northwest elevation are omitted, the floor level of house 1 is reduced by 450mm, reflected at ridge level where a break is created and a reduction by half in length of the ridge level at 20.5m.
- Promotion of tourism in Kerry is a core principle in the KCC County Development Plan, as is the promotion of quality, sensitive and aesthetic design in the development of new projects. There is and will be a great need for accommodation and associated facilities.

### **Planning Authority Response**

None received.

### **Observations**

None received.

### **Further Responses**

None received.

## **8.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Visual impact on the character of the area
- Appropriate Assessment

- Other issues

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including impacts on adjoining residential amenity, surface water drainage and traffic/access. These issues were not raised in the grounds of appeal. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

## **8.1. Principle of development**

- 8.1.1. Rossbeigh is located within a 'Rural Area under Urban Influence' according to the Kerry County Development Plan 2022-2028 'KCDP'. It is not identified as a settlement within the County Development Plan or within the Kenmare Municipal Local Area Plan 2024-2030.
- 8.1.2. The proposed development relates to the demolition of an existing dwelling and its replacement with two dwellings. Objectives KCDP 5-25 KCDP 8-46 of the Development Plan encourage the retention of vernacular built heritage by deterring the replacement of good quality older buildings where they contribute to the character of an area or are rare examples of a structure type. I note that the existing building is not of any recognised heritage value and that the Planning Authority raised no concern at its loss. I concur with this view and would consider that the demolition of the existing building and construction of a replacement dwelling on site is acceptable in principle.

### Rural Housing Need - New issue

- 8.1.3. The current application proposes the construction of two replacement dwellings on the site. The site is located within a Rural Area under Urban Influence according to the Development Plan, wherein Objective KCDP 5-15 requires that applicants for new residential development demonstrate an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area. As such, the net increase in dwellings on the site would be subject to consideration

against Objective KCDP 5-15. This issue was not raised by the Appellant in their grounds of appeal.

- 8.1.4. The initial Local Authority Planner's Report, dated 8<sup>th</sup> May 2024, notes that Rossbeigh is identified as a settlement in the Killorglin Functional Area LAP 2010-2016, though not in the Draft Kenmare Municipal District LAP 2024-2030. The Kenmare Municipal District LAP came into effect on the 24<sup>th</sup> May 2024. The second Planner's Report, dated 29<sup>th</sup> November 2024, following receipt of further information, noted that the Kenmare Municipal District LAP 2024-2030 became effective during the course of the assessment of the application. The report notes that Rossbeigh has not been identified as a settlement in the new plan despite being served by public water and sewerage. It further notes that the Killorglin Functional Area LAP 2010-2016 was still in effect when the application was lodged. The report does not include assessment of the proposed development against the objectives of the County Development Plan relating to rural housing.
- 8.1.5. As this issue was not raised in the grounds of appeal and was not assessed in the Planner's Reports, I consider that this is a new issue.
- 8.1.6. I note on Page 7 of the Kenmare MD LAP 2024-2030 the following statement:
- "This LAP replaces the previously adopted LAPs contained in the Kenmare Functional Area LAP 2010-2016, Killorglin Functional Area LAP 2010-2016, the Cahersiveen, Waterville & Sneem Functional Area Plans 2013-2019 and this also replaces the West Iveragh LAP 2019- 2025."
- 8.1.7. In my view it is clear that the Kenmare MD LAP 2024-2030 and the Kerry County Development Plan 2022-2028 form the planning framework for the area. I note that the latter shows the appeal site as being located within a 'Rural Area Under Urban Influence', to which Objective KCDP 5-15, relating to rural housing need, applies.
- 8.1.8. As the intended occupiers of the additional unit proposed on the site is unknown, neither a social nor economic need to live in this rural area can be established. A refusal is recommended on this basis. As noted above, this is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

## **8.2. Visual impact on the character of the area**

- 8.2.1. The Appellant raises concern with regard to the mass, bulk, scale and height of the proposed development, and its non-conformance with the character and pattern of development locally. They also raise concerns at the impact of the excavations required to facilitate the development and at the lack of landscaping proposals submitted. I note that the previous application on the site, PA ref. 22/466, which proposed two part 2, part 3 storey dwellings on the site was refused by the Planning Authority on grounds including overdevelopment and visual impact.
- 8.2.2. The appeal site is not located in an area categorised as 'Visually Sensitive' according to the KCDP 2022-2028, but is instead covered by the landscape designation of 'Rural General', which is applied to areas with a higher capacity to absorb development than visually sensitive landscapes. I note that, while parts of Rossbeigh are classed as 'Visually Sensitive', the cluster of buildings within which the appeal site is located has the 'Rural General' classification. Additionally, I note that the site is not located within any protected views and prospects. From my site observations, I note that the site is most visible from Rossbeigh Strand and, due to the local topography, is not widely visible on approach along the R564 from the southwest or east.
- 8.2.3. The appeal site is located within a cluster of existing buildings, though is prominent owing to its position fronting the R564 coast road. The existing dwelling is of modest proportions and, in terms of its massing, footprint, height and external appearance sits quietly within the landscape. The existing houses to the southeast and southwest are set at a higher ground level and, together with the existing boundary treatments on the site, provide screening to the site in views from these directions.
- 8.2.4. The layout of the proposed development comprises two parts. The western portion of the site would accommodate the two storey semi-detached dwellings, while the eastern portion would be allocated to access and parking. To accommodate the larger footprint proposed, compared with that of the existing dwelling, it is proposed to excavate into the slope of the site. The site layout plan submitted as further information indicates that levels on site would be reduced by up to 2 metres in depth towards the rear of the dwellings. Whilst I note that this plan incorrectly shows the original rear projection retained, it is useful in terms of the details provided of existing

and proposed site levels around the dwellings. The revised lower floor plan shows an excavated circulation area and store rooms (9.2sqm each) to the rear of the dwellings, with the same finished floor level as the lower ground floor of the dwellings. Consequently, the level of excavation would be similar to that shown in the site layout plan (Drawing no. 22-013-100 RevB). Retaining walls of up to 2.74m are indicated to the rear of the dwellings, while those to the side would range from 1-2metres in height. Ramps and stairwells are indicated to the rear of the dwellings to provide level access from the parking area to the upper ground floor of the dwellings and to provide stepped access to the lower ground floor.

- 8.2.5. The eastern portion of the site, accommodating the access and parking area to the rear of the dwellings, would be predominantly hard landscaped. Levels on site would be raised to provide a level entrance, beyond which would be a tarmac driveway and parking area, together with retained planting areas. Retaining walls would be required around the internal access road and parking areas. Some green spaces would be retained around the buildings and hard landscaped areas, though these would be sloped and of limited depth, therefore providing an aesthetic function only. Private amenity space would be provided to the dwellings by way of patios to the front and rear.
- 8.2.6. I note Objective KCDP 11-78 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 the area. The associated text at Section 11.6.3.2, relating to 'Rural General' landscape areas states that, notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designed to integrate into their surroundings. KCDP 5-22 requires that the design of housing in rural areas complies with the 'Building a house in Rural Kerry Design Guidelines 2009'. The Guidelines advise that the contours of the site should influence the design of a rural house i.e. any proposal should run with the slope to provide a design that integrates with the site and care should be taken to avoid extreme intervention such as excessive cutting of a hillside. Utilising a narrow plan house design or stepped ground levels instead will minimise the need for excessive excavations.
- 8.2.7. Having regard to these Development Plan objectives and guidance, and to the extent of excavation, retaining walls, ramps and steps and hard surfacing proposed, within

a limited site area, I consider that the proposed development would appear overly engineered and incongruous within the local context.

- 8.2.8. With regard to the design of the proposed houses themselves, I note that they would be two storeys in height, have a pitched roof form and would be finished with a sand cement plaster, blue/black slates, grey pvc fascia and soffits and grey/black pvc windows. While they would feature large windows of horizontal emphasis at upper floor level on the front (west) elevations, I note that these dormer style windows would be set low in the roof profile. Although the Planning Authority's 'Building a House in Rural Kerry - Design Guidelines' generally advocate windows with vertical emphasis, having regard to the context, particularly the position of the site within a cluster of buildings and the presence of some variation in building design features in the surrounding area, I consider that the design of the dwellings themselves is compatible with this context. I note that the Planner's Report concluded that the visual impact of the development was considered acceptable and it would integrate well into the surrounding area.
- 8.2.9. Notwithstanding my conclusion with regard to the design of the individual dwellings, this does not overcome my concern raised above with regard to the level of intervention with existing site levels proposed and the extent of retaining structures, access features and hard landscaping. Overall, I consider that the proposed development could not be adequately integrated into the landscape at this location and would constitute a visually discordant feature in the context. Consequently, refusal is recommended on these grounds.

### 8.3. **Appropriate Assessment**

- 8.3.1. The 3rd Party grounds of appeal identify that a Natura Impact Statement (NIS) was not submitted with the application documentation and that no surveys have been carried out in respect of the impact of the proposal on biodiversity.
- 8.3.2. The site does not lie within a Natura 2000 site, however it is located c.6m east of Castlemaine Harbour SPA (site code: 004029), c. 110m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.480m northeast of the Iveragh Peninsula SPA (site code: 004154), c. 2.5km west and northeast of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC and pNHA (site

code: 000365), c. 5.7km south west of Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370) and c. 9.8km south of the Dingle Peninsula SPA (site code: 004153). A direct hydrological connection exists between the appeal site and the Castlemaine Harbour SPA and SAC in the form of an open drain which runs along the western site boundary and discharges to the Outer Dingle Bay.

- 8.3.3. I note that an NIS was submitted with the previous application pertaining to the site, PA ref. 22/466. The applicant, in their covering letter for the current application, proposed that the NIS submitted under PA. ref. 22/466 'may be used for the proposed new application on the same site'. They noted that the site and actual existing landscape environment remain the same as in the previous application. They further proposed to comply with the processes, recommendations, conclusions and mitigation measures contained within the NIS during the construction and operation phases of the development.
- 8.3.4. One of the reasons for refusal of the previous application for the site, PA ref. 22/466, was that the Planning Authority was unable to complete an Appropriate Assessment of the proposal, due to the lack of information provided on the proposed drainage of the site and its connectivity to a nearby European Site.
- 8.3.5. The Local Authority Planner's Report for this application included an Appropriate Assessment Screening exercise for the proposed development. This concluded that, having regard to the existing development on site, nature of the development proposed, the nature of the receiving environment, the distances to the nearest European sites, and the lack of a realistic or meaningful pathway for impact, that it was reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment was not therefore required.
- 8.3.6. An up-to-date, development specific NIS has not been submitted with the application. In my opinion, scientific doubt remains as to the absence of adverse effects from the proposed development on Castlemaine Harbour SAC and Castlemaine Harbour SPA. Therefore, adverse effects arising from aspects of the proposed development cannot be excluded for these European Sites. I recommend a refusal on this basis.

## 8.4. Other issues

### Wastewater

- 8.4.1. The Appellant raised concern that the proposal could result in the potential overloading of the public foul water system, noting also the lack of evidence of any licence applied for from Uisce Eireann or any report from Uisce Eireann on file. It is proposed to connect the development to the public water supply and foul drainage systems. On review of the Wastewater Treatment Capacity Register on Uisce Eireann's website, as of 16th October 2025, Rossbeigh WWTP was indicated to have spare capacity available. Having regard to the relatively modest scale of development proposed and in the absence of any evidence to demonstrate a lack of capacity in the local sewerage system, I am satisfied that the proposed development would be acceptable with regard to public health.

### Application site boundary

Third party submissions received by the Planning Authority at application stage raise concern that the application site boundary overlaps with that of an application (PA ref. 24/60977) for the adjoining site to the east. That application is also the subject of a current appeal, ACP-322925-25. I note that the two applications do overlap partially and that the applicant in this case states, on the application form, that they are the owner of the lands. I have no reason to believe that the applicant does not have sufficient interest to carry out the development, if granted. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.

### Site notice

- 8.4.2. The Appellant raises concern that a site notice was not erected by the applicant within the timeframe stipulated by the Planning Authority and the relevant legislation following notification by the Planning Authority that the further information received was deemed significant. I note that documentation associated with the applicant's further information response was received by the Planning Authority within 6 months of the further information request issued by the Planning Authority and was accepted by the Planning Authority. I am satisfied that this did not prevent the concerned party



from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

#### Compliance with approved plans

- 8.4.3. The Appellant raises concern as to how it will be ensured that the proposed ridge height matches that of the existing dwelling, as proposed. In this regard I note that, where planning permission is granted, development is required to be carried out in accordance with the approved plans. The matter of enforcement falls under the jurisdiction of the planning authority.

#### Other procedural issues

- 8.4.4. I note concerns raised by the Appellant in relation to the processing of the application by the Planning Authority, specifically the publication of part of the Planner's Report and the layout and content of the Planner's Report. I am satisfied that the full report has been submitted to the Commission by the Planning Authority. I also note concern raised by the Appellant that the applicant's submission and Planner's Report do not list the full planning site history and planning applications in the vicinity. I am satisfied that I have reviewed, and listed above, the planning history relevant to this appeal. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

## **9.0 Water Framework Directive**

- 9.1. A Screening Determination is attached at Appendix 5 below.
- 9.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

## 10.0 Recommendation

I recommend that planning permission is REFUSED, for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

1. Having regard to the location of the site within a Rural Area Under Significant Urban Influence, as identified in the Kerry County Development Plan 2022-2028, where housing is restricted to persons demonstrating local need in accordance with Objective KCDP 5-15, it is considered that an exceptional rural generated housing need has not been demonstrated for the proposed net increase in dwellings at this location. The proposed development, in the absence of any identified locally based need, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the topography of the site, to the extent and depth of excavation required to accommodate the proposed development, to the resulting extent, scale and design of retaining features, steps and ramps required to facilitate the development and to the extensive areas of hard landscaping proposed relative to the site area, it is considered that the proposed development would fail to be adequately absorbed and integrated into the landscape at this location, would constitute a visually discordant feature in the context, would seriously injure the visual amenities of the area, and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Commission cannot be satisfied that the proposed development individually, or in combination with other

plans or projects would not result in adverse effects on the integrity of Castlemaine Harbour SPA (site code: 004029) and Castlemaine Harbour SAC (site code: 000343), in view of the sites' Conservation Objectives. An up-to-date, development specific Natura Impact Statement has not been submitted with the application, consequently scientific doubt remains as to the absence of adverse effects on these European Sites arising from the proposed development. In such circumstances the Board is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

---

Suzanne White  
Planning Inspector

21<sup>st</sup> October 2025

**Appendix 1**  
**Form 1 - EIA Pre-Screening**

<b>Case Reference</b>	ABP-321542-24
<b>Proposed Development Summary</b>	Demolition of existing derelict dwelling house and construction of 2 dwelling houses in its place, together with all associated site works See detailed description in Section 2 of the Inspector's Report
<b>Development Address</b>	Rossbeigh, Glenbeigh, Co.Kerry
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<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>	State the Class here
<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>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	

<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.
--	--

Castlema

<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** Suzanne White **Date:** 21<sup>st</sup> October 2025

**Appendix 2**  
**Form 2 - EIA Preliminary Examination**

<b>Case Reference</b>	ABP-321542-24
<b>Proposed Development Summary</b>	Demolition of existing derelict dwelling house and construction of 2 dwelling houses in its place, together with all associated site works See detailed description in Section 2 of the Inspector's Report
<b>Development Address</b>	Rossbeigh, Glenbeigh, 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>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The c.0.121ha site comprises a dilapidated dwelling house and overgrown lands located within a serviced rural cluster of residential dwellings, holiday cottages and commercial use.  The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.  The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.
<b>Location of development</b>  (The environmental sensitivity of geographical	The site is not located within any protected areas. The site is located c.6m east of Castlemaine Harbour SPA (site code: 004029), c. 110m south of Castlemaine Harbour SAC and pNHA (site code: 000343),

<p>areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>c.480m northeast of the Iveragh Peninsula SPA (site code: 004154), c. 2.5km west and northeast of the Killarney National Park, McGillycuddy and Caragh River Catchment SAC and pNHA (site code: 000365), c. 5.7km south west of Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370) and c. 9.8km south of the Dingle Peninsula SPA (site code: 004153).</p> <p>The development would be located in a serviced rural cluster and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>I have identified a gap in the information available as to the potential for the proposed development to result in adverse effects on Castlemaine Harbour SAC and Castlemaine Harbour SPA, set out in detail in Appendix 4 below and Section 8.3 of my report above. A refusal reason is recommended on this basis. Notwithstanding, given the nature and scale of development proposed, I do not consider that this would trigger the need for further EIA assessment.</p>
---	---



	<p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural cluster environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<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:** Suzanne White **Date:** 21<sup>st</sup> October 2025

### Appendix 3

#### Screening for Appropriate Assessment

#### Test for likely significant effects

Case file: ABP-321542-24

#### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	Demolition of existing derelict dwelling house and construction of 2 dwelling houses in its place, together with all associated site works See detailed description in Section 2 of the Inspector's Report.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The c.0.121ha site currently comprises an uninhabited dwelling house and overgrown land located within a rural cluster of residential dwellings, holiday cottages and commercial use. The lands slope up from northwest to southeast. The NIS submitted with the previous application on site, PA ref. 22/466, identified the presence of Japanese Knotweed on site. The site is located c.6m east of Castlemaine Harbour SPA (site code: 004029), c. 110m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.480m northeast of the Iveragh Peninsula SPA (site code: 004154), c. 2.5km west and northeast of the Killarney National Park, McGillycuddy and Caragh River Catchment SAC and pNHA (site code: 000365), c. 5.7km south west of Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370) and c. 9.8km south of the Dingle Peninsula SPA (site code: 004153).

	<p>Surface water will be managed on site via SUDS features, with runoff collected and drained to soakpits within the green spaces.</p> <p>No details of construction timing or duration have been provided.</p>			
<b>Screening report</b>	No. Although the applicant refers to a Natura IMpact Statement (NIS) submitted in respect of the previous application for the site, PA. ref. 22/466.			
<b>Natura Impact Statement</b>	No. Although the applicant refers to a Natura IMpact Statement (NIS) submitted in respect of the previous application for the site, PA. ref. 22/466.			
<b>Relevant submissions</b>	The third party appellant has raised the lack of submission of an NIS within their grounds of appeal.			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<p>The European Sites potentially within a zone of influence of the proposed development are listed in the table below.</p>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup></b>	<b>Distance from proposed</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup></b>

	Link to conservation objectives (NPWS, date)	development (metres/km)		Y/N
1. Castlemaine Harbour SPA (site code: 004029)	<p>Red-throated Diver (Gavia stellata) [A001]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p>	c.6 metres west	Yes, proximity and presence of an open drain on the western site boundary which drains to the Outer Dingle Bay coastal waterbody (IE_SW_230_0000) and therefore to the Castlemaine SAC and SPA.	Yes – Identified pathway via potential surface water discharge and close proximity of site to SPA.

	<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Wetland and Waterbirds [A999]</p> <p><a href="#">Castlemaine Harbour SPA   National Parks &amp; Wildlife Service</a></p>			
Castlemaine Harbour SAC (site code: 000343)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p>	c. 110 metres north	Yes, proximity and presence of an open drain on the western site boundary which drains to the Outer Dingle Bay coastal waterbody	Yes – Identified pathway via potential surface water discharge and close

	<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 (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p>		<p>(IE_SW_230_0000) proximity of and therefore to the site to SAC.</p> <p>Castlemaine SAC and SPA .</p>	
--	---	--	---	--

	<p>Humid dune slacks [2190]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p><a href="#">Castlemaine Harbour SAC   National Parks &amp; Wildlife Service</a></p>			
<p>2. Iveragh Peninsula SPA (site code: 004154)</p>	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Peregrine (Falco peregrinus) [A103]</p>	<p>c. 480m southwest</p>	<p>Indirect via surface water discharge.</p>	<p>No – Separation distance and lack of</p>



	<p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p><a href="#">Iveragh Peninsula SPA   National Parks &amp; Wildlife Service</a></p>			hydrological link.
<p>3. Killarney National Park, McGillicuddy and Caragh River Catchment SAC (site code: 000365)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p>	c.2.5km	No.	No – Separation distance, lack of hydrological link and the nature and scale of the proposed development.

	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>			
--	--	--	--	--

	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Geomalacus maculosus</i> (Kerry Slug) [1024]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</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>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Alosa fallax killarnensis (Killarney Shad) [5046]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> <p><a href="#">Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC   National Parks &amp; Wildlife Service</a></p>			
<p>4. Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370)</p>	<p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p>	c.5.7km	No.	No – Separation distance, lack of hydrological link and the nature and scale of the

	<p>Geomalacus maculosus (Kerry Slug) [1024]</p> <p><a href="#">Lough Yganavan and Lough Nambrackdarrig SAC</a></p> <p><a href="#">  National Parks &amp; Wildlife Service</a></p>			proposed development.
<p>5. Dingle Peninsula SPA (site code: 004153).</p>	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p>	c.9.8km	Indirect via surface water discharge.	No – Separation distance provides a significant dilution factor to any water based contaminant.

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

The subject site comprises an uninhabited dilapidated dwelling and overgrown undeveloped lands within a rural cluster. The site is not located in a European site and no direct impacts on a European site would occur.

There is an open drain which runs along the western site boundary and provides a direct hydrological link between the site and Castlemaine Harbour SPA and SAC. Consequently, surface water borne pollutants, including hydrocarbons, and sediments have the potential to

reach these Natura 2000 sites during the construction stage, potentially resulting in changes to habitat quality arising from deterioration in water quality. Degradation to water quality and subsequent habitat may undermine conservation objectives associated with the qualifying interests for these sites. There is potential for invasive species on site to spread to the SAC and SPA which could, over time, result in negative effects on habitats and communities in these sites.

Surface water run-off at operational stage is proposed to be attenuated and infiltrated on site using standard measures including soakpits. The development is proposed to be connected to the existing wastewater network.

A current planning appeal (ACP-3222925-25, LPA ref. 24/60977) relating to the adjacent site to the west relates to the construction of 4no. dwellings and a yoga centre. I have not identified any other projects locally which may result in in-combination and/or cumulative effects.

The matrix below identifies possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects).

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Castlemaine Harbour SPA (site code: 004029)  Red-throated Diver ( <i>Gavia stellata</i> ) [A001]  Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]  Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	The project is not directly connected with or necessary to the management of a European Site.  <b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.	Risk of surface water borne pollutants and particulate matter reaching the SAC resulting in changes to habitat quality arising from deterioration in water quality.

Mallard ( <i>Anas platyrhynchos</i> ) [A053] Pintail ( <i>Anas acuta</i> ) [A054] Scaup ( <i>Aythya marila</i> ) [A062] Common Scoter ( <i>Melanitta nigra</i> ) [A065] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Sanderling ( <i>Calidris alba</i> ) [A144] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Greenshank ( <i>Tringa nebularia</i> ) [A164] Turnstone ( <i>Arenaria interpres</i> ) [A169] Chough ( <i>Pyrrhocorax pyrrhocorax</i> ) [A346] Wigeon ( <i>Mareca penelope</i> ) [A855] Wetland and Waterbirds [A999]	<b>Indirect:</b>  As above for surface water, pollutants, particulate matter and disturbance during the construction phase. Disruption from noise and visual presence during construction phase. Spread of invasive species.	Degradation to water quality and subsequent habitat may undermine conservation objectives associated with the qualifying impacts for the site.
<b>Likelihood of significant effects from proposed development (alone): Yes</b>		

If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A

Possibility of significant effects (alone) in view of the conservation objectives of the site\* Yes

	Impacts	Effects
<b>Site 2:</b> Castlemaine Harbour SAC (site code: 000343)  Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Annual vegetation of drift lines [1210]  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 ( <i>Glaucopuccinellietalia maritima</i> ) [1330]  Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p><b>Direct:</b></p> <p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p><b>Indirect:</b></p> <p>Construction phase: risk of surface water runoff from construction entering estuary/harbour waters.</p> <p>Emissions and particulate matter during the construction phase could have an indirect impact on qualifying species and/or habitats.</p>	<p>Risk of surface water borne pollutants and particulate matter reaching the SAC resulting in changes to habitat quality arising from deterioration in water quality.</p> <p>Degradation to water quality and subsequent habitat may undermine conservation objectives associated with the qualifying impacts for the site.</p>



<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</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>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>Disruption from noise and visual presence during construction phase.</p> <p>Spread of invasive species.</p>	
<p><b>Likelihood of significant effects from proposed development (alone): Yes</b></p>		

**If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A**

**Possibility of significant effects (alone) in view of the conservation objectives of the site\* Yes**

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development, alone or in combination with other plans and projects, would not result in likely significant effects on the Iveragh Peninsula SPA (site code: 004154), the Killarney National Park, McGillicuddy and Caragh River Catchment SAC (site code: 000365), the Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370) and the Dingle Peninsula SPA (site code: 004153).

It is not possible to exclude the possibility that the proposed development would result in significant effects on Castlemaine Harbour SAC (site code: 000343) or Castlemaine Harbour SPA (site code: 004029) from effects associated with surface water contamination, disturbance and the spread of invasive species.

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.

**Proceed to AA.**

## Appendix 4

### Appropriate Assessment Determination

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

A Natura Impact Statement (NIS) was not submitted with this application. I note that an NIS, prepared by Hibernian Environmental Consulting Ltd, dated 04/04/2022, was submitted with the previous application pertaining to the site, PA ref. 22/466, and that the applicant, in their covering letter for the current application, proposed that the NIS submitted under PA. ref. 22/466 may be used for this application. They noted that the site and actual existing landscape environment remain the same as in the previous application. They further proposed to comply with the processes, recommendations, conclusions and mitigation measures contained within the NIS during the construction and operation phases of the development.

I note that the site boundary is the same for both applications, that both relate to demolition of the existing dilapidated dwelling and its replacement with two larger dwellings and that the quantum (floorspace) of development proposed is reduced in this current application, compared to PA ref. 22/466. However, there are factors which make reliance on this NIS problematic for undertaking Appropriate Assessment in respect of the current application. Firstly, the information upon which the NIS is based was gathered in 2021/2022, including a site visit dated 1st November 2021. Due to the lack of any updated survey information or addendum report, I am concerned that the NIS may not present an up-to-date, and therefore accurate, account of the habitats and species on site. Secondly, I note that the NIS relates to a different development proposal for the site, with a different drainage strategy, though I acknowledge that detailed drainage proposals for the operational phase have been provided for this application and, importantly, these show that all surface water drainage can be dealt with on site. As noted in the Screening Stage

Assessment above, there is potential for significant effects on the Castlemaine Harbour SAC and SPA due to surface water contamination, disturbance and spread of invasive species arising from the construction stage of the proposed development. In the absence of appropriate mitigation measures, the proposed development could therefore have significant effects on these Natura 2000 sites.

### **Appropriate Assessment Conclusion**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the following European sites in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required:

Castlemaine Harbour SAC

Castlemaine Harbour SPA

An up-to-date, development specific NIS has not been submitted with the application. In my opinion, scientific doubt remains as to the absence of adverse effects from the proposed development on Castlemaine Harbour SAC and Castlemaine Harbour SPA. Therefore, adverse effects arising from aspects of the proposed development cannot be excluded for these European Sites.

## Appendix 5

<b>Appendix 5: Water Framework Directive Screening</b>			
<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	<b>321542-24</b>	<b>Townland, address</b>	Rossbeigh, Glenbeigh, Co. Kerry
<b>Description of project</b>		Demolition of existing derelict dwelling house and construction of 2 dwelling houses in its place, together with all associated site works See detailed description in Section 2 of the Inspector's Report.	
<b>Brief site description, relevant to WFD Screening,</b>		The subject site contains a dilapidated dwelling house and lands adjacent which are undeveloped and overgrown and is located within the rural cluster of Rossbeigh. The FAHA (Kerry)_010 river water body (IE_SW_22F270920), which discharges to the Outer Dingle Bay coastal body (IE_SW_230_0000), is situated c. 40m southwest and upslope of the appeal site. Outer Dingle Bay is located c. 6m west of the site. Castlemaine Harbour (IE_SW_230_0200) is located c.110m to the northeast. The	

	Caragh_50 (IE_SW_22C020700) river water body, c. 700m to the east, flows north and discharges into Castlemaine Harbour. The groundwater body is referred to as Cahersiveen (IE_SW_G_022) is described as poorly productive bedrock and its WFD status is 'not at risk'. The site is situated in the Laune-Maine-Dingle Bay catchment area and the Ferta sub-catchment
<b>Proposed surface water details</b>	Discharge to groundwater via soakpits.
<b>Proposed water supply source &amp; available capacity</b>	Uisce Eireann mains water connection
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Proposed Uisce Eireann Wastewater connection. The Wastewater Treatment Capacity Register on Uisce Eireann's website, as of 16th October 2025, indicates spare capacity available at Rossbeigh WWTP.
<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	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	40m	Faha (Kerry)_010 (IE_SW_22F270920)	Good	Under review	No pressures	No- stream is upslope of site.
River Waterbody	700m	Caragh_50 (IE_SW_22C020700)	Good	Not at risk	No pressures	No - separation distance.
Coastal Water	6m	Outer Dingle Bay (IE_SW_230_0000)	High	Under review	No pressures	Indirect via surface run-off.
Transitional Waterbody	100m	Castlemaine Harbour (IE_SW_230_0200)	Poor	At risk	Nutrients, agriculture	Indirect via surface run-off.

Groundwater Waterbody		Underlying site	Cahersiveen (IE_SW_G_022)	Good	Not at risk	No pressures	Yes – the aquifer is classified as having moderate vulnerability
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (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. 1	Surface	Faha (Kerry)_010	No pathway given the separation distance, location of waterbody upslope of project and the limited scale of proposed development.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
2.	Surface	Caragh_50	No pathway given the separation distance and the limited scale of proposed development.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
3.	Surface	Outer Dingle Bay (IE_SW_230_00000)	Indirect pathway via surface water run-off.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened in

4.	Surface	Castlemaine Harbour (IE_SW_230_0200)	Indirect pathway via surface water run-off.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened in
5.	Ground	Cahersiveen (IE_SW_G_022)	Pathway exists with good drainage characteristics. Proposed SUDS features would allow direct infiltration to ground.	As above	Standard construction practice	No	Screened in
<b>OPERATIONAL PHASE</b>							
1.	Surface	Faha (Kerry)_010	No pathway given the separation distance, location of waterbody upslope of project and the limited scale of proposed development	N/A	N/A	No	Screened out

2.	Surface	Caragh_50	No pathway given the separation distance and the limited scale of proposed development an	N/A	N/A	No	Screened out
3.	Surface	Outer Dingle Bay (IE_SW_230_0000)	Indirect pathway via surface water run-off.	Hydrocarbon spillage and siltation	SUDs features	No	Screened out
4.	Surface	Castlemaine Harbour (IE_SW_230_0200)	Indirect pathway via surface water run-off.	As above	SUDs features	No	Screened out
5.	Ground	Cahersiveen (IE_SW_G_022)	Proposed SUDS features would allow direct infiltration to ground.	As Above	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
1.	N/A						

## STAGE 2: ASSESSMENT

### Details of Mitigation Required to Comply with WFD Objectives – Template

#### Surface Water

<b>Development/Activity</b> e.g. culvert, bridge, other crossing, diversion, outfall, etc	<b><u>Objective 1: Surface Water</u></b> Prevent deterioration of the status of all bodies of surface water	<b><u>Objective 2: Surface Water</u></b> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<b><u>Objective 3: Surface Water</u></b> Protect and enhance all artificial and heavily modified bodies of	<b><u>Objective 4: Surface Water</u></b> Progressively reduce pollution from priority substances and cease or phase out emission, discharges	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation</b>
--	--	--	---	---	--

			water with aim of achieving good ecological potential and good surface water chemical status	and losses of priority substances	under art. 4.7)
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	<b>Describe mitigation required to meet objective 4:</b>	
<b>Construction works</b>	Site specific construction mitigation methods as part of a CEMP e.g. silt fences,	Site specific construction mitigation methods as part of a CEMP e.g. silt	N/A	N/A	YES

	management of excavated material etc.	fences, management of excavated material etc.			
<b>Stormwater drainage</b>	Adequately designed SUDs features, permeable paving, etc	Adequately designed SUDs features, permeable paving, etc	N/A	N/A	YES
<b>Details of Mitigation Required to Comply with WFD Objectives</b>					
<b>Groundwater</b>					
<b>Development/Activity</b>  e.g. abstraction, outfall, etc.	<b><u>Objective 1: Groundwater</u></b>  <b>Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater</b>	<b><u>Objective 2 : Groundwater</u></b>  <b>Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*</b>	<b><u>Objective 3:Groundwater</u></b>  <b>Reverse any significant and sustained upward trend in the concentration of any pollutant</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed</b>	

			<b>resulting from the impact of human activity</b>	<b>without a derogation under art. 4.7)</b>
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1: operational stage surface water drainage scheme	Adequately designed SUDs features, permeable paving, retention and detention basins etc	N/A	N/A	YES