



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322674-25

<b>Development</b>	Retention of partially completed dwelling, completion of dwelling, vehicular site entrance and associated site works
<b>Location</b>	No.12(A) Fuchsia Drive, Church Rd, Ballybunnion, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2560203
<b>Applicant(s)</b>	Brian and Caroline Fouhy
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brian and Caroline Fouhy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 July 2025
<b>Inspector</b>	Natalie de Róiste

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## 1.0 Site Location and Description

- 1.1. The site is the side garden of an existing semi-detached house, located at the closed end of a cul-de-sac, Fuchsia Drive, in Ballybunion, County Kerry. There are foundations in evidence in the side garden, in the form of a raised rectangular platform with a footprint of c. 44 sqm, immediately adjacent to the house gable. A garden shed with a pitched roof has been constructed directly to the rear of the existing house. The area between the house and shed is gravelled, while the area to the east of the foundation is concreted over. The remaining area of garden is under grass. There is a pedestrian gate in the front boundary wall to the side of the house, and a vehicular entrance to the rear boundary, giving onto an access lane serving the rear of Hillview Close, a development of bungalows to the north.
- 1.2. Fuchsia Drive is a development of 15 houses, each with in-curtilage parking to the front of the house. An L-shaped hammerhead turning area forms the end of cul-de-sac. A fence encloses the hammerhead, with a ditch or hedgerow located on the far side of the fence.
- 1.3. Fuchsia Drive is located close to the junction of Church Road and Main Street. The site is within a five-minute walk of the church and primary school on Church Road, a 5-10 minute walk to shops and restaurants on Main Street, and the playground on Cliff Road, a ten-minute walk to the beach and the cliff walk, and a 15-minute walk to the nearest secondary school, the public library, and the health and leisure centre.

## 2.0 Proposed Development

- 2.1. It is proposed to:
  - Retain the existing foundations.
  - Complete the construction of a new three-bedroom end-of-terrace two-storey house with dormer attic accommodation (95 sqm).
  - Provide a vehicular entrance off the turning area, with car parking and all associated site works.

I note there is a discrepancy in the site plan as submitted – the turning area is delimited by a fence which continues along the same line as the side boundary fence

to the garden. The proposed vehicular entrance would be at the extreme east end of the turning area, rather than having part of the turning area located beyond it.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refuse permission for the following reasons:

1. The proposed development would materially contravene planning condition no. 1 of planning reference number 05/75. The proposed entrance would interfere with the traffic movements at the permitted turning bay to serve the 12 houses of Fuchsia Drive. The proposed development would therefore, be contrary, to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard, because the proposed entrance is located at a turning bay and would affect traffic movements causing an obstruction to road users. 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**

- One report, dated 14.05.25, which noted the location, the planning history, the zoning, and the lack of any reports, referrals, or third party submissions. The report noted the site would be accessed off the turning area, which serves 12 houses, and that this arrangement was unacceptable. Any overspill parking would interfere with traffic movements. The proposal would contravene planning conditions of 05/75. There were no concerns regarding residential amenity, drainage, or visual amenity.

##### **3.2.2. Other Technical Reports**

- Environmental Assessment Unit – report dated 29.04.25, no AA or EIA required.

Referrals made to Planning Enforcement Unit, and to Listowel Municipal area (roads). No reports on file.

### 3.3. Prescribed Bodies

Referral made to Uisce Éireann, no report on file.

### 3.4. Third Party Observations

None on file.

## 4.0 Planning History

The following files were referred to in the planner's report.

- PRN 05/75

Site no 12, Church Road, Ballybunion (12 Fuchsia Drive)

Deemed withdrawn following request for Further Information.

Retain existing foundation up to D.P.C. level and permission to complete a private two storey extension with attic development at site no.12.

- PRN 04/4515 (provided as history file).

Church Road, Ballybunion (site which is now the green area at the front of Fuchsia Drive)

Remove existing 4 no portacabins and replace with a single-storey office/store with rooms in the attic. Also full planning permission for a parking area to facilitate same.

Permission refused for three reasons, overdevelopment, breaking the building line, and contravention of condition 24 of Planning Reg no 1271/01, which designated the area as green space.

- PRN 04/258 (provided as history file).

Church Road, Ballybunion (site encompasses houses 6-15 Fuchsia Drive and the visitor parking)

Permission granted. Semi-detached dwellings on sites 6,7,8,9,10,11,12,13,14 and 15 with access road including all ancillary site works.

These history files in turn refer to applications 03/2027a (also known as 0392027) (permission granted for 13 houses on the Fuchsia Drive site) 02/375 (also known as

375/02 (permission refused for bungalow on the green space) and 1271/01 (permission granted for 8 houses on the Fuchsia Drive site).

## **5.0 Policy Context**

### **5.1. Listowel Municipal District Local Area Plan 2020-2026**

- 5.1.1. The site is zoned R2 Existing Residential. Section 2.7 deals with Land Use zoning, noting that residential areas such as R2 are intended primarily for housing development.
- 5.1.2. Section 3.3 of the LAP deals specifically with Ballybunion.
- 5.1.3. The vision for Ballybunion is to maximise its growth in population and services to a level that will encourage the development of a vibrant town throughout the year and to promote Ballybunion as an attractive national and international year-round visitor destination, while maintaining and enhancing its physical assets, unique character and natural attributes.
- 5.2. *Objective BN-GO-08 is to encourage the development of a compact and sustainable town structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites.*

### **5.3. Kerry County Development Plan 2022-28**

- 5.3.1. Ballybunion is identified as a Regional Town in the settlement hierarchy of the Kerry County Development Plan.
- 5.3.2. Chapter 4 Towns and Villages contains the following objective:  
*KCDP 4-2 Facilitate and support the sustainable development of towns and villages of sufficient scale and quality to be drivers of growth, investment, and prosperity.*
- 5.3.3. Volume Six Section 1 contains Development Management Standards and Guidelines.
- 5.3.4. Section 1.5.6.3 Corner/Side Garden Sites addresses the sub-division of existing sites to provide additional dwelling(s).

*The sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas will be considered in line with the following:*

- *Size, design, layout, relationship with existing dwelling and adjoining properties.*
- *Impact on the amenities of adjacent properties.*
- *Development Plan standards for existing and proposed dwellings.*
- *Building lines followed, where appropriate.*
- *Car parking for existing and proposed dwellings on site.*
- *Access arrangements including side/ gable and rear access/maintenance space.*
- *Adequate usable private open space for existing and proposed dwellings provided.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided.*

**5.3.5. Section 1.5.7.6 Off-street Parking in Residential Areas** sets out that:

*Where permitted, drive-ins/ front garden parking provision should generally:*

- *Not have outward opening gates.*
- *Have a vehicular entrance not wider than 3 metres, or 50% of the width of the front boundary, whichever is the lesser.*
- *Have an area of hard standing (parking space of 2.5 m x 5 m) and be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public footpath or road.*
- *Retain the balance as garden.*
- *In the case of established housing developments any replacement of front walls should match the existing material and design elements of neighbouring or adjacent properties within that particular housing development, such as piers, railing, stone/brick/render detailing etc.*
- *Have gates, walls, pillars and railings made good, and*

- *Utilise permeable paving in the interests of sustainable drainage.*

5.3.6. Section 1.20 Transport, Movement & Parking Standards notes the following:

#### *Section 1.20.2 Parking*

This section notes the following as part of a longer text:

*Whilst this Plan promotes a modal shift away from the private car to more sustainable modes of transport, the car will continue to be an important mode of transport, and therefore there will normally be a requirement to provide car parking as part of a development.*

It notes a preference for on-street car parking and shared parking clusters to facilitate increased housing densities, and notes that *“in relation to infill sites and sites adjacent to public transport corridors or civic parking facility, a flexible application of standards will be considered”*.

Table 3 sets out dimensions for car parking spaces as follows:

*In relation to Car Parking Design Standard Dimensions refer to Section 16 of the DoEHLG/DoT/DTO Traffic Management Guidelines and to the Metric Handbook Planning and Design Data (3rd Edition) and to the Design Manual of Roads and Streets DMURS (as amended).*

<u>Parking Space</u>	<u>Dimensions</u>
Perpendicular to kerb	5.0m x 2.5m
Adjacent to a wall or other obstruction	5.0m x 2.75m
Parallel to the kerb	6.0m x 2.5m
Accessible Parking Bay	5.0m x 2.5m + 1.2m to side and rear of each space
Loading Bay	6.0m x 3.0m
Circulation areas	6.0m in width

*Section 1.20.7 Car Parking Standards and Table 4: Parking Requirements* set out that for dwelling houses in sites such as this one, outside of town centres (zoned M2) and retail core areas in Tralee, Killarney and Listowel, a maximum of two car parking spaces should be provided.

*Section 1.20.9 Bicycle Parking Standards* sets out that 1 private secure cycle parking space should be provided per bed space.



## 5.4. National Policy and Guidance

5.4.1. *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*

5.4.2. These standards are intended to allow greater flexibility in residential design standards, supporting innovation in housing design and a greater range of house types, supporting the delivery of more compact ‘own-door’ housing at the right locations. The Specific Planning Policy Requirements (SPPRs) set out take precedence over previous standards set in Development Plans, and planning authorities are required to apply them in decision making.

SPPR 2 sets out Minimum Private Open Space Standards for Houses as follows:

House	Minimum Private Open Space Standards	Max Semi-Private (in lieu)
1 bed	20 sq.m	10 sq.m
2 bed	30 sq.m	15 sq.m
3 bed	40 sq.m	20 sq.m
4 bed+	50 sq.m	25 sq.m

SPPR 3 sets out maximum (rather than minimum) standards for car parking, while SPPR 4 sets out minimum standards for cycle parking. For intermediate and peripheral locations such as this one, the maximum rate of car parking provision, shall be 2 spaces per dwelling. All new housing shall include safe and secure cycle storage – for units with ground level open space such as this one, no special provisions are mandated, and the presumption is that storage is provided in the garden.

5.4.3. *Design Manual for Urban Roads and Streets (DMURS)*

5.4.4. This sets out statutory guidance and standards in relation to the design of individual streets to promote safer and more vibrant streets.

## 5.5. Natural Heritage Designations

- Lower River Shannon SAC site code 002164 – 530 metres to the west
- Cashen River Estuary pNHA 001340 – 760 metres to the southwest

## 5.6. 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.

## 5.7. Water Framework Directive Screening

- 5.7.1. The subject site is located in a built up area in Ballybunion town, c. 540 metres west of the Island Slack Little River, 2.5 metres south of the Kilconly South River, within the Kilconly South sub basin (IE\_EA\_09B130400). It is located c. 170 metres from the Mouth of the Shannon Coastal Water Body (IE\_SH\_060\_0000). The site is located on top of the ground water body Abbeyfeale (IE\_SH\_G\_001).
- 5.7.2. The proposed development comprises the provision of a house.
- 5.7.3. No water deterioration concerns were raised in the planning appeal.
- 5.7.4. I have assessed the 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.
- 5.7.5. The reason for this conclusion is as follows:
- the small scale and nature of the development
  - the distance from the nearest water bodies and the lack of hydrological connections

- 5.7.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One appeal was received, from the first party against refusal. Issues are summarised as follows:

- This is a modest efficient development, fully supported by Development Plan policy and National policy and guidance, including Objectives 3b and 11 of the NPF, promoting compact efficient growth within existing settlements.
- The first reason for refusal makes no sense – application 05/75 was withdrawn. No decision was made, and no planning conditions were issued or are enforceable.
- The vehicular entrance would not interfere with the operation of the turning bay. It does not encroach on the turning bay, and does not obstruct traffic or pedestrian movement. The provision of a vehicular entrance would create a deterrent to misuse of the turning bay for car parking, as such parking would block the entrance.
- In any event, the turning bay is currently regularly used for informal visitor parking, and photographs and mapping are provided to demonstrate.
- The parking space at the side of the new house exceeds DMURS minimum standards, and the proposal meets all access, safety, visibility and movement requirements.
- The applicant is willing to provide line markings, signage, or low profile bollards, subject to agreement with the council, should such planning conditions be considered appropriate.
- The Board is requested to overturn the decision and grant permission.

## 6.2. Planning Authority Response

None received.

## 6.3. Observations

None received.

## 6.4. Further Responses

None received.

## 7.0 Assessment

7.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, and the material submitted by the applicant. I have inspected the site, and I have had regard to relevant local/regional/national policies and guidance. I consider the substantive issues to be considered as follows:

- Planning history and status of development
- Traffic Hazard and impact on the turning area

### 7.2. Planning history and status of development

7.2.1. This house (no 12) was one of ten houses granted permission under application 04/258, following a manager's order dated 22<sup>nd</sup> March 2004.

7.2.2. A Bond Release Report (dated 29 April 2010) and an Inspection Report by the Housing Estates Unit (dated 28 November 2011) on the file both note in a list of defects to be addressed by the developer the existence of '*a part-built extension to the east side of dwelling no 12 that a retention application was applied for but no decision was ever issued. This will have to be regularised.*' This corresponds to reg ref 05/75, referred to in the planner's report. This was not provided as a history file, but is available for inspection on the Council website. I have consulted the online planning register of the Planning Authority, and this confirms that the application was deemed withdrawn, and no permission was granted.

- 7.2.3. The first reason for refusal therefore contains an error, referring to a condition of a non-existent permission. The substantive issue, that of traffic, is addressed below.
- 7.2.4. No information has been provided on enforcement proceedings, if any, on the site. In any case, the submission of a planning application is an appropriate measure to regularise the situation regarding the unfinished development on the site.
- 7.2.5. There is a vehicular entrance to the rear of the site, giving onto a grass verge at the bend in the lane to the rear. This gate is shown on the submitted drawings. It is not shown on the site plan of the parent permission, nor is it referred to in any of the history files provided. The planner's report states, *'car parking would need to be provided at the rear of the site where there is an existing entrance from a laneway north of the site subject to approval from the Roads Section of the Listowel Municipal Office.'* The current application proposes a lawn to the rear of the new house, and does not propose using the vehicular entrance as an access for the new car parking area at the side of the house. The appeal is assessed on this basis.

### **7.3. Traffic Hazard and impact on the turning area**

- 7.3.1. The second reason for refusal is because of traffic hazard because *'the proposed entrance is located at a turning bay and would affect traffic movements causing an obstruction to road users.'* Although not reflected in the decision to refuse, the planner's report also expressed concerns regarding overspill parking, due to the provision of one car parking space, with any additional cars parked outside the site boundaries.
- 7.3.2. In this instance, the turning area serves a small housing estate of 15 houses, all of which have in-curtilage parking for two cars. The majority of residents would perform their manoeuvres into and out of their driveways without needing recourse to the turning area. Similarly, visitors to the estate who park in one of the six visitor parking spaces would not require the turning area for manoeuvres. The turning area is most likely to be required by drivers of delivery vans, emergency vehicles, service vehicles, or other larger vehicles.
- 7.3.3. In principle, I do not consider the provision of a vehicular entrance off a turning area to be an obstruction to road users using the area to turn. It is an entirely typical arrangement, with turning areas of various shapes found in numerous older cul-de-

sacs, with vehicular entrances accessed from the turning area. I note that the driveway to house no 11 is located due south of the turning area, and accessed off it. The DMURS guidance document favours on-street parking and permeable streets, and as such does not offer any guidance on the design of turning areas for cul-de-sacs, or the provision of driveway entrances. Nonetheless, the provision of a vehicular access of 2.7 metres for a three-bedroom house would not create a large volume of additional traffic through the turning area, or traffic at an inappropriate speed. Given the small number of vehicles requiring the use of the turning area, it would not unduly interfere with access to and egress from the proposed new parking area.

7.3.4. Regarding the design details of this driveway, I note it is unusual being located to the side of the gable of the house, rather than in front of the house. As a result, there would be less visibility from the vehicular entrance than from a typical driveway. However, given the location of the entrance at the end of a cul-de-sac, the slow speeds and limited number of vehicles using the turning area, and the slow speeds and limited number of vehicles using the entrance, I do not consider this arrangement particularly hazardous. It is a similar arrangement to a garage entrance located on a parking court or rear lane.

7.3.5. I note the Development Plan standards at Section 1.5.7.6 *Off-street Parking in Residential Areas* and find the proposed development largely compliant. No details are given on proposed gates or boundary treatments. This could be addressed by condition in the event of a grant. The Development Plan sets out that for parking spaces beside a wall, the minimum dimensions should be 2.75 metres by 5.0 metres – wider than the typical 2.5 metres, to allow for the obstruction on one side. This space is just shy of that width, at 2.7 metres. However, it is located between the gable wall of the new house and the existing boundary wall, and is thus obstructed on both sides, in the manner of a garage. The Development Plan sets no minimum for such situations, but I note the *Metric Handbook Planning and Design Data (3rd Edition)* to which the Development Plan refers, sets the minimum width for a garage at 2400 mm, permitting egress on the drivers side only. A ‘*more generous garage permitting passenger access*’ is required to be 2800 to 3200 mm wide. As such, I consider the proposal acceptable.

7.3.6. Regarding the quantum of car parking, both the Development Plan and the *Compact Settlement Guidelines* set 2 car parking spaces as a maximum for a site such as this, rather than the minimum required. Ballybunion does not have a railway station or high frequency bus services, and as a result provision for car ownership is prudent. The site is located within the built up area of the town, in close walking distance to the town centre and numerous local services, lessening the need for multiple cars. I have consulted the results of the 2022 Census for Ballybunion town, available on [cso.ie](https://cso.ie), and note that of 649 households who responded to the question on car ownership and availability, 16% had no car, 51% had 1 car, 28% had 2 cars, and 5% had 3 or more motor cars. As such, I consider the provision of 1 car parking space to be appropriate, and unlikely to lead to significant risks of overspill parking. The appellant has proposed road markings to prevent overspill parking; however, these are proposed outside the red line area, and as such I make no recommendation for a condition regarding same.

#### 7.4. Other Issues

- 7.4.1. Regarding residential amenity, there would be some diminution of residential amenity of the existing house, due to the loss of side and rear access, and the diminution of outdoor amenity space. It would retain c. 25 sqm of useable outdoor amenity space, and I consider this acceptable, particularly given the proximity to the beach, playground and cliff walk.
- 7.4.2. The proposed new house is substantially compliant with the relevant Ministerial Guidelines on room sizes, room widths, and storage space. I have considered the development in line with the criteria set out in *Section 1.5.6.3 Corner/Side Garden Sites* of the Development Plan and find it to be acceptable. It would not have any significant overlooking, overbearing, or overshadowing impacts on any neighbouring property. The rear elevation is more akin to a three-storey elevation than to a two-storey house with a dormer window; however, given the distance from the property it backs onto at Hillview Close (some 14 metres to the rear boundary, and over 30 metres to the rear elevation of the bungalow), visual impacts are acceptable.

## 8.0 AA Screening

- 8.1.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

## 9.0 Recommendation

I recommend a grant of permission for the following reasons:

## 10.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-28, including the residential zoning of the site and the parameters set out in *Section 1.5.6.3 Corner/Side Garden Sites*, and *Section 1.20.2 Parking*, and the guidance set out in *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. The proposed development shall be used as a permanent dwelling, and not as a holiday home or for provision of commercial overnight guest accommodation, unless otherwise authorised by a prior grant of planning permission.

Reason: To clarify the extent of the permission as advertised in the public notices, and in the interests of neighbouring residential amenity.

3. Details of boundary treatments, gates, and landscaping, to comply with the standards set out in *Section 1.5.7.6 Off-street Parking in Residential Areas of the Development Management Standards and Guidelines of the Kerry County Development Plan 2022-28*, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity, and compliance with Development Plan policy and standards.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development

5. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

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

Reason: To safeguard the amenity of property in the vicinity.

7. The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

Reason: To provide adequate water and wastewater facilities.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an

agreement in writing with the planning authority in accordance with Section 94 and Section 96 of the Planning and Development Act 2000, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

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Natalie de Róiste  
Planning Inspector

25 August 2025

## Appendix 1:

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322674-25
<b>Proposed Development Summary</b>	Retention and completion of dwelling
<b>Development Address</b>	12(A) Fuchsia Drive, Church Rd, Ballybunnion, 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>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>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 Class 10(b)(iv) [Urban Development – 10 hectares – 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>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b> <i>[Delete if not relevant]</i>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> <i>[Delete if not relevant]</i>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Retention and completion of construction of house
<b>Development Address</b>	12(A) Fuchsia Drive, Church Rd, Ballybunnion, 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).	Construction of a single house in an urban area, connected to public services.  The development would not result in the production of significant waste, emissions, or pollutants.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is in a built up area, 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 proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)