



An
Coimisiún
Pleanála

Inspector's Report

ABP-322768-25

Development	Demolish existing house and construct replacement family dwelling with treatment unit/polishing filter and all associated services.
Location	Knocknaboola, Killorglin, Co. Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	2560214.
Applicant(s)	Deirdre Kearin.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Refuse Permission.
Observer(s)	None.
Date of Site Inspection	15 th August, 2025.

Inspector

Aiden O'Neill.

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Appendix 1 Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

Appendix 2 - AA Screening Determination

1.0 Site Location and Description

- 1.1. The proposed development site is an infill site located in a rural area c. 1km to the south-east of the development boundary of Killorglin, and comprises (i) an existing, derelict, single-storey, detached, rusted zinc-roofed former dwelling, c. 54.50m² in area, and boundary wall, fronting onto the public road at Annadale Cross at the junction of the L4010 and L-7505 on a plot of 0.02ha, and (ii) a separate greenfield site, c. 0.29ha, located to the south of the L-11738, to the west of, and at a higher level to, the derelict dwelling.
- 1.2. To the immediate north of the derelict dwelling ((i) above) is another derelict dwelling of a similar nature set among an area of overgrown trees/hedgerows that extends up the L-11738 to the greenfield site ((ii) above). To the south are 3no. detached dormer dwellings set back from the public road at a higher level, and further south is the 18no. detached, primarily single-storey, residential estate of Dun An Or. To the immediate west of the greenfield site are the foundations of a detached dwelling under construction. The greenfield site generally slopes from north to the west and south.

2.0 Proposed Development

- 2.1. Permission for development which will consist of the demolition of the derelict dwelling, including the existing boundary wall, and the construction of a modern 198m² single-storey 3-bed dwelling, facing, but set back from, the roadside boundary, with the pitched slate roof living accommodation and bedrooms areas (both 5.415m in height) separated by a feature flat-roofed entrance hall.
- 2.2. The roadside boundary is to be reconstructed as a low earth bank to ensure 90m sightlines are achieved, and planted with a native hedgerow. Alder trees are proposed for the eastern, southern and part western boundary, with fuchsia hedging for the remaining western boundary.
- 2.3. The proposed dwelling is to be connected to the public water supply and served by an individual treatment plant and percolation area. Surface water is to be managed on site via a soakpit.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on 16th May, 2025 for 2no. reasons as follows:

1. The proposed development would contravene materially condition no. 1 attached to an existing permitted development on site, planning reg. no. 06/3821. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-14 Rural Settlement Policy of the County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area under Significant Urban Influence. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report of 16th May, 2025, which is the basis for the Planning Authority's decision to refuse permission, set out the following considerations:

- The current application is a repeat application of Reg. No. 23/60255 which was refused permission.
- At pre-planning, it was stated that a replacement dwelling could be considered. The applicant did not however state at this time that a previous permission had already included the demolition of the existing derelict dwelling, as well as to construct 2 new dwellings. While the derelict dwelling was never demolished, the 2 no. new dwellings were built. The derelict dwelling is directly associated with a permitted development. The proposal would contravene a condition of an existing permitted development. A refusal of permission is therefore recommended.

- The proposed site is located in an area with an extremely high density of one-off houses all connected to individual wastewater treatment systems.
- The land at this location is zoned Rural General and designated as a Rural Area Under Significant Urban Influence.
- The applicant does not fall into any of the categories 'open to consideration' for a dwelling house in this area as per Objective KCDP 5-14. A refusal of permission is therefore recommended for non-compliance with the rural housing policy for the area.
- The proposed entrance to the site for the dwelling would be located on a minor local tertiary road with a low ambient speed. No traffic safety concerns noted.
- The proposal is not likely to impact negatively on residential amenities in the area.
- The visual impact is rated as generally acceptable. The main visual issue in this area relates to general excessive density of one-off houses.

3.2.2. Other Technical Reports

The report of the Environment Section dated 16th May, 2025 states that there is no objection to the proposed development, and recommends conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

There is a representation on file from Michael Cahill TD supporting the application.

4.0 Planning History

The following planning history applies to the proposed development site:

24/60257: Permission (a) to retain his house within revised boundaries and (b) retain the unauthorised sheds as constructed within revised site boundaries was granted

on 20th January, 2025. This permission relates to the first (northernmost) of the 2no. dwellings permitted under PA Ref. No. 06/3821, as extended, and includes the removal of the existing derelict dwelling from the red line boundary of PA Ref. No. 06/3821, as extended. A Request for Further Information dated 19th June, 2024 issued on this file, to include the following:

The Planning Authority note the derelict dwelling house to the northeast of the proposed site, now proposed for exclusion from current site. This derelict dwelling house was due to be demolished as per planning reg. no. 06/3821 with the construction of 2 no. dwelling houses. The 2 no. dwellings houses have now been constructed, including the current dwelling house on site, however the derelict dwelling house has not been demolished. Please indicate the reason why demolition of this derelict dwelling house has not taken place.

The applicant responded to state that PA Ref. No. 06/3821 inadvertently included the existing derelict dwelling. Its demolition was not required to qualify the applicant. The application only referred to the demolition of structures, and did not include the demolition of a dwelling. There was no condition requiring the demolition of the existing derelict dwelling. The applicant's ownership of the dwelling was not fully established in 2006.

23/60255: Permission to (1) demolish existing house at Knocknaboola, Killorglin, and (2) construct replacement family dwelling with mechanical treatment unit/polishing filter was refused on 14th December, 2023 for 2no, reasons (the same reasons as the current appeal file (ABP-322768-25):

1. The proposed development would contravene materially condition no. 1 attached to an existing permitted development on site, planning reg. no. 06/3821. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-14 Rural Settlement Policy of the County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area under Significant Urban Influence.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

20/1152: Permission was granted on 2nd February, 2021 to construct a single storey dwelling house with a site entrance, wastewater treatment system comprising a mechanical aeration unit, intermittent filter and soil polishing filter, overcoming the refusal of permission under PA Ref. No. 20/146.

20/146: Permission was refused on 18th June, 2020 to construct a single storey dwelling house with a site entrance, wastewater treatment system comprising a mechanical aeration unit, intermittent filter and soil polishing filter for 1no. reason, contravention of rural housing policy.

06/93821: An extension of duration of the 06/3821 permission was granted on 20th September, 2011, extending the permission to 15th January, 2013. The planner's report dated 9th September, 2011 noted that on the day of the site inspection that the derelict dwelling had not been demolished, but that 1no. of the houses was completed and the other one was constructed to wall plate level.

06/3821: Permission was granted on 4th December, 2006 for 1. The demolition of existing structures on site and 2. The construction of 2 dwelling houses with septic tanks and percolation areas.

Condition no. 1 The development shall be carried out in accordance with the plans and particulars submitted with the application save for amendments, which may be required by the conditions listed hereunder.

Reason: To ensure effective control be maintained and in the interests of the proper planning and sustainable development of the area.

The adjacent site (dwelling under construction (appellant's sister)) was subject to PA Ref. No. 24/60257.

5.0 Policy Context

Development Plan

The Kerry County Development Plan 2022-2028 is the applicable plan in this instance.

Chapter 5 sets out the Council's policies with respect to rural housing.

The relevant objectives are as follows:

- 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.

Section 5.5.1 of the Plan identifies the applicable Rural Area Types in accordance with the Sustainable Rural Housing Guidelines (2005). The proposed development site is located in a Rural Area Under Significant Urban Influence. Section 5.5.1.1 states that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the larger towns and villages, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Objective KCDP 5-14 applies which states that In Rural Areas under Significant Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong of life limiting condition) 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 occupation and currently live with a lifelong or life limiting condition and can clearly demonstrate that the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.

It is also stated that preference shall be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.

Section 5.7 of the Plan in relation to Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas states that the Planning Authority shall give priority and positive consideration to the renovation and restoration of existing structures and vacant buildings in the rural countryside for use as permanent primary residences. There will be a presumption against the demolition of vernacular dwellings and structures where restoration or adaptation is a feasible option. The replacement of an existing dwelling house may be considered in limited circumstances where the renovation or restoration of the building is not feasible given best conservation practices.

In landscape terms, the proposed development site is located in a Rural General landscape designation.

Of relevance to this appeal is Section 3.3.4 of the Kerry County Development Plan 2003-2009, in relation to Rural Housing, which includes that the

replacement/rehabilitation of derelict houses should, in certain instances, be encouraged as a more sustainable option than the construction of new dwellings.

5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

The Sustainable Rural Housing Guidelines 2005 place an emphasis on sustaining and renewing rural communities, while also managing pressure for overspill development from urban areas in the rural areas closest to the main cities and towns.

5.2. Natural Heritage Designations

The proposed development site is located c. 0.266km to the south-west of the Castlemaine Harbour SAC (Site Code: 000343).

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 Water Framework Assessment

7.1 The subject site is located in a rural area of Knocknaboola, Killorglin, Co. Kerry. The nearest relevant water bodies are: Cottoner's (Laune), code IE_SW_22C050600, c. 0.59km to the east, the status of which is 'At Risk'; and Laune, code IE_SW_22L010510, c. 1.44km to the west, the status of which is 'Not at Risk';

7.2 The proposed development comprises the demolition of the existing house and construct replacement family dwelling with treatment unit/polishing filter and all associated services on a site at Knocknaboola, Killorglin, Co. Kerry.

7.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development to demolish existing house and construct replacement

family dwelling with treatment unit/polishing filter and all associated services, 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.

7.4 The reason for this conclusion is as follows:

- The nature and scale of the development proposed which includes a connection to a public water supply.
- Distance from the nearest relevant water bodies, and the lack of hydrological connections.

7.5 Conclusion

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.

8.0 The Appeal

8.1. Grounds of Appeal

A detailed First Party Appeal makes the following points:

- The applicant has been gifted a site by her uncle.
- Compliance with policy objective KCDP 5-14 is not open to the applicant as a favourite niece has already secured permission.
- The demolition of an existing house is included in the application.

- The applicant has been denied permission as the existing house to be demolished was already included in an application for 2no. houses (PA Ref. No. 06/3821).
- On foot of advice received that if the existing house was removed from PA Ref. No. 06/3821, then it would be available for reuse in a future application. The boundary for PA Ref. No. 24/60257 was revised to exclude the existing derelict house.
- Permission was refused under PA Ref. No. 25/60214 despite the removal of the derelict house from PA Ref. No. 06/3821.
- Removing the derelict house from PA Ref. No. 06/3821 is sufficient to remove the restriction placed on it by condition no. 1 of PA Ref. No. 06/38221, i.e., the existing dwelling house shall be demolished. Condition no. 1 is now irrelevant.
- The landowner should not have owned the derelict dwelling in 2006 and should not have included it in the application. It is plausible that he did not know it was included in the application. He only recently established ownership.
- The Planning Authority should have requested that the demolition of the house be stated as a separate element to comply with the Regulations. There was no record of how derelict the dwelling was in 2006. The demolition of a habitable house is not exempt. The demolition of the house was treated erroneously by classifying it as a structure.
- The demolition of the derelict house was not offered up in 2006 in order to obtain permission.
- The 7 year rule applies and no enforcement proceedings have been undertaken in respect of the derelict dwelling.
- PA Ref. No. 24/60257 has the effect of excising the derelict dwelling from the original permission under PA Ref. No. 06/38221.
- The structures referenced in the 2006 permission were predominantly agricultural in nature. The landowner is adamant that his intent was always to demolish the agricultural structures only.

- With the shortage of housing, such houses are being brought back into use in great numbers. The demolition of the house was treated erroneously by simply classifying it as a structure and allowing it to be demolished as an agricultural structure with little consideration of its dwelling potential.
- The procedure adopted in the 2006 application in relation to the demolition of the dwelling was defective.
- It was also debatable as to whether the 2006 Plan allowed a grant of permission for speculative housing – the applicant stated he was to sell the houses – in a Rural General area.
- Taking the derelict dwelling out of the 2006 permission will not negate or undermine that permission.
- The renovation of the derelict dwelling was considered but the Council Roads Area Engineer firmly advised that the demolition and relocation of the dwelling to the L11738 was the safest road safety option, with 90m sight lines available.
- A precedent would not be established if permission was granted as it is a unique situation.
- This is not a repeat application as the derelict house was now not sterilised by the 2006 permission.
- The Planning Authority is very much conflicted in relation to this application.
- The development site is an infill site, is serviceable (no issue with effluent disposal), is not prominent, has no traffic safety issue and good sight distances.
- The applicant has an acute housing need due to her personal circumstances.
- The appeal includes 5no. appendices, including the pre-planning consultation letter.
- The Commission is requested to overturn the decision and grant permission.

8.2. **Applicant Response**

N/A

8.3. **Planning Authority Response**

None.

8.4. **Observations**

None.

8.5. **Further Responses**

None.

9.0 **Assessment**

9.1 Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issue which requires consideration in this appeal is that raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

9.2 The main appeal issues are as follows:

- Material Contravention
- Compliance with the rural housing policies of the Development Plan

9.3.1 Material Contravention

9.3.1.1 The Planning Authority's first reason for refusal states that the proposed development would contravene materially condition no. 1 attached to an existing permitted development on site, PA Ref. No. 06/3821.

9.3.1.2 PA Ref. No. 06/3821 granted permission for 1. The demolition of existing structures on site and 2. The construction of 2 dwelling houses with septic tanks and percolation areas. This permission was extended under PA Ref. No. 06/93821.

9.3.1.3 I note the arguments made by the appellant that the development description did not specify that an existing dwelling was to be demolished, and that the existing

dwelling to be demolished was also not owned by the applicant at the time. I also note the arguments put forward in the appeal that the demolition of the derelict house was not offered up in 2006 in order to obtain permission.

9.3.1.4 It is further argued in the appeal that the permitted retention of a dwelling within revised boundaries, PA Ref. No. 24/60257, removed the derelict dwelling, previously permitted to be demolished, from PA Ref. No. 06/3821, the effect being that the derelict dwelling would then be available for reuse in a future application. In other word, removing the derelict house from PA Ref. No. 06/3821 is sufficient to remove the restriction placed on it by condition no. 1 of PA Ref. No. 06/38221. It is argued that condition no. 1 is now irrelevant.

9.3.1.5 However, contravention of a planning condition attaching to a previous permission is not in itself a reason for refusal. It is legitimate to seek permission to amend a development or the terms thereof, and that is what has been done in this instance with the subsequent permission under PA Ref. No. 24/60257.

9.3.1.6 For this reason, I do not agree with the Planning Authority's first reason for refusal, that the proposed development materially contravenes condition no. 1 attached to PA Ref. No. 06/38221.

9.4 Compliance with Rural Housing policy.

9.4.1 I note and acknowledge the personal circumstances of the applicant.

9.4.2 I also note that the proposed development site is an infill site between the applicant's sister's house (under construction) and the adjacent, established dwellings. I also acknowledge that the applicant has been gifted the site by her uncle.

9.4.3 However, as acknowledged by the applicant's agent, the applicant does not meet the requirements of Objective KCDP 5-14 of the Kerry County Development Plan 2022 in Rural Areas under Significant Urban Influence, which applies in this instance. Section 5.5.1.1 of the Plan states that these rural areas exhibit characteristics such as evidence of considerable pressure for development of housing due to proximity to such urban areas.

9.4.4 The applicant's sister, as the favoured niece, has already availed of Objective KCDP 5-14a) to establish her rural housing need.

- 9.4.5 In this instance, the applicant broadly relies on the general approach set out in Section 5.7 of the Plan in relation to the replacement of an existing dwelling house, which, in this instance, is the existing derelict dwelling that to be demolished under PA Ref. No. 06/38221.
- 9.4.6 Notwithstanding that it is clear that restoration of the existing dwelling is unfeasible, not least for traffic safety reasons as referred to in the appeal, with which the Area Engineer for Kerry County Council agrees, the demolition of the existing derelict dwelling has already provided the basis for 2no. replacement, and fully constructed and occupied dwellings as permitted under PA Ref. No. 06/9831, as extended.
- 9.4.7 The drawings submitted with the 06/9831 application clearly included the derelict dwelling in the red line boundary of the application, and also clearly identified it as one of the structures to be demolished. Therefore, the demolition of the existing dwelling formed part of the plans and particulars lodged with the PA Ref. No. 06/3821. Its demolition and replacement cannot be counted twice.
- 9.4.8 The argument that the development permitted under PA Ref. No. 24/60257 has the effect of making the derelict dwelling available for reuse in a future application is without foundation in this context. The demolition of existing structures, including the derelict dwelling, provided the planning context for the construction of the 2no. dwellings in their place.
- 9.4.9 In this context, I agree with the Planning Authority, and the applicant's agent, that the applicant does not satisfy the requirements of the Council's rural housing policy. The Planning Authority's second reason for refusal is recommended to be upheld.
- 9.4.10 I also note that the Planning Authority is concerned that the proposed site is located in an area with an extremely high density of one-off houses all connected to individual wastewater treatment systems, which is a relevant consideration in this instance, however, having regard to the substantive reason for refusal it is recommended that this new issue not be pursued.

10.0 AA Screening

See Appendix 2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA

screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Castlemaine Harbour SAC (Site Code: 000343) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections.
- Taking into account the screening determination by the Planning Authority.

11.0 Recommendation

11.1. I recommend that permission is refused for the following reasons.

12.0 Reasons and Considerations

The Commission is not satisfied, on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-14 Rural Settlement Policy of the County Development Plan 2022-2028, having regard to the location of the application site in an area designated a Rural Area under Significant Urban Influence. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

Aiden O'Neill

Aiden O'Neill

Planning Inspector

26th August, 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ABP-322768-25
Proposed Development Summary	Demolish existing house and construct replacement family dwelling with treatment unit/polishing filter and all associated services.
Development Address	Knocknaboola, Killorglin, Co.Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	

☐ 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. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) of Part 2 of Schedule 2. Threshold is 500 dwelling units.

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)?

Yes ☐

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Ad on full

26th August, 2025

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322768-25
Proposed Development Summary	Demolish existing house and construct replacement family dwelling with treatment unit/polishing filter and all associated services.
Development Address	Knocknaboola, Killorglin, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The site comprises an infill site within an existing rural area characterised by existing primarily individual dwellings. 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 use.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development is an infill site in a rural area, and is designated as a Rural Area Under Significant Urban Influence. The site is not located within, or immediately adjoining, any protected areas. The development 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.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no significant cumulative considerations having regard to other existing and/or permitted projects.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Ad onull

26th August, 2025

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2: AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case file: ABP-322768-25

Brief description of project	Normal Planning appeal Demolish existing house and construct replacement family dwelling with treatment unit/polishing filter and all associated services at Knocknaboola, Killorglin, Co. Kerry
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is 0.061ha and is located in a rural area. The proposed development site is located c. 0.266km to the south-west of the Castlemaine Harbour SAC (Site Code: 000343). There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.
Screening report	No Kerry County Council screened out the need for AA.
Natura Impact Statement	No
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
Castlemaine Harbour SAC (Site Code: 000343)	19no. habitats https://www.npws.ie/protected-sites/sac/000343	c. 0.266km	No direct connection, Possible indirect	Y

¹ summary description / **cross reference to npws website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Further Commentary / discussion

Due to the location of the development site, its contained nature, and the distance between the site and the nearest designated site, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

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

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 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 (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110]	Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.

Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salicion albae</i>) [91E0] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
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 a European Site. No mitigation measures are required to come to these conclusions.		
Screening Determination Finding of no likely significant effects		

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Castlemaine Harbour SAC (Site Code: 000343) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections.
- Taking into account the screening determination by the Planning Authority.

Ad. O'Sullivan

26th August, 2025

Inspector: _____

Date: _____