



An
Coimisiún
Pleanála

Inspector's Report ACP-322925-25

Development	Two two-storey ancillary staff accommodation dwellings, two two-storey residential dwellings and a single storey yoga centre, connect all to existing water mains and public sewage and all associated site works. An NIS has been submitted.
Location	Rossbeigh, Glenbeigh, Co.Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460977
Applicant(s)	Con and Darren O'Sullivan
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant	Eileen Cahill
Observer(s)	None
Date of Site Inspection	26th September 2025
Inspector	Suzanne White

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1.0 Site Location and Description

- 1.1. The site is located in Rossbeigh, c. 2.6 km to the west 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. The appeal site includes Rosspoint Bar and Restaurant, which forms frontage development to the regional R564. The L-11654 local road bounds the site to the southwest. The site is raised relative to the regional road, overlooking Rossbeigh Strand to the north, while to its south are predominantly holiday cottages, set at a higher level on the foot of the slopes to Ross Behy, a standalone hill further to the south.
- 1.2. The application site of 0.596ha comprises two elements: the existing Rosspoint Bar & Restaurant of c. 0.25ha and the lands to the rear of c.0.34ha which are proposed for development. These lands appear to have previously been part of the curtilage of the existing dwelling to the west (according to the planning history), are presently overgrown with vegetation and slope upwards from north to south. There is an existing vehicular entrance from the local road.
- 1.3. The pattern of development surrounding the site comprises predominantly single storey, but also some dormer and two storey, detached and semi-detached dwellings.
- 1.4. 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 is for four two-bed two-storey semi-detached residential dwellings and a single storey yoga centre, all connected to existing water mains and public sewage systems and all associated site works. The units would be part single,

part two storey (built into the slope), contemporary style, flat roof dwellings. Each would have a terrace are facing Rossbeigh Strand. An area of green open space is to be retained to the east of the dwellings. It is not clear if this is intended as private amenity to serve same. The yoga centre building would also be single storey in height with a flat roof, set into the existing slope. Two of the units are proposed for staff accommodation associated with Rosspoint Bar & Restaurant, while the other two are proposed for the rental market. The development includes the provision of a stepped pedestrian route through the site, linking the L-11654 local road with the R564, via Rosspoint Bar & Restaurant.

2.2. Further information submitted by the applicant on the 25th March 2025 was deemed significant by the Planning Authority and was re-advertised. The further information response comprised the following:

- an Appropriate Assessment Screening Report and Natura Impact Statement;
- clarifications with regard to the specification and tenure of the dwelling units and yoga centre;
- a revised application site boundary plan, extended to include Rosspoint Bar & Restaurant;
- statement of need for the yoga centre and staff accommodation;
- revised cross sections, showing the proposed development in relation to adjoining properties;
- a revised site layout plan showing available sightline visibility and boundary treatments;
- the addition of handrails and safety measures to the design of all retaining structures and stepped footpaths.

3.0 Planning Authority Decision

Decision

Planning permission GRANTED subject to sixteen conditions, by order dated 9th June 2025.

Conditions

Condition 3 required implementation of the mitigation measures outlined in the NIS and set requirements for temporary soil storage and management of soiled water run-off during construction.

Condition 5 stipulated that the proposed dwelling units and yoga centre shall be ancillary to the use of the Rosspoint Bar & Restaurant.

Condition 6 restricted exempted development rights for the dwelling units.

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 11/02/2025

- the land at this location is zoned Rural General as per the KCDP 2022-2028. The site is an infill plot within the serviced settlement of Rossbeigh.
- clarification is required in relation to the proposed tenure of the units; the exclusion of the Rosspoint bar from the application boundary; the size of the units; the need for a yoga studio and staff accommodation.
- the proposal is not likely to impact negatively on residential amenities in the area.
- further cross sections required to show the height of the proposed units relative to Rosspoint bar and adjacent dwellings.

Planner's Report dated 09/06/2025

- following confirmation by the applicant that 2no. units were for staff accommodation and 2no. were for rental and that these and the yoga centre would remain within the applicant's ownership, the report considered that this was acceptable.
- The cross sections submitted were deemed acceptable and the report concluded that the proposed development was acceptable in terms of visual impact and would integrate well with Rossbeigh settlement, having regard to its design and location within the centre of Rossbeigh settlement, with the Rosspoint Bar & Restaurant and residential units on adjoining sites.

Other Technical Reports

- *Roads Department* (verbal): further information required for sight distance detail on local road to south.
- *Fire Services Department*: no objection.
- *Housing Estates Unit*: note that Roads to advise whether the public road to the south should be widened to cater for increased use arising from the development; request boundary treatment drawing; require handrails to retaining structures and stepped footpaths and recommendations for surfacing, landscaping and conditions.
- *Environmental Assessment Unit* (31/01/2025): further information required in the form of an Appropriate Assessment Screening Report.
- *Environmental Assessment Unit* (13/05/2025), following receipt of NIS as further information: Mitigation measures set out in the submitted NIS considered adequate to rule out adverse impacts on European Sites downstream. No objection, subject to condition.

Prescribed Bodies

Development Applications Unit, Department of Housing, Local Government and Heritage(29/01/2025) - recommended that an Appropriate Assessment (AA) Screening Report/ NIS is sought through a Further Information request.

An Taisce (19/05/2025) - the NIS appears to be incomplete with regard to the proposed method of excavated soil storage and removal. The proposal should also be checked against Article 4 of the Water Framework Directive, given the nearby poor quality Castlemaine Harbour transitional water body.

Third Party Observations

One submission, from the Appellant in this case, was received by the Local Planning Authority in relation to the application. In addition to the issues raised in the grounds of appeal (see Section 7 below), the submission also raises concerns in respect of the density of the proposed development and the need for staff housing.

4.0 Planning History

Appeal site (including land to the west):

ABP-305363 (19/168): planning permission refused to (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).

Adjacent lands to west:

ABP-321542-24 (PA ref. 24.114): current 3rd party appeal following a grant of planning permission by Kerry County Council. The application relates to (a) demolish existing derelict dwelling house; (b) construct 2 no. semi-detached dwelling houses in its place; (c) create a new access driveway and parking, while existing access will become pedestrian access only, together with all associated site works.

Note: the application site boundary for this application overlaps that of the subject appeal.

22/466: planning permission refused 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 related to density, visual impact, surface water disposal and Appropriate Assessment.

5.0 Policy Context

National Planning Framework – First Revision April 2025

NPO 32 Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

NPO 34: Continue to facilitate tourism development and in particular the Strategy for the Future Development of National and Regional Greenways, and a Blueways and Peatways Strategy, which prioritises: A coordinated approach to the sustainable management of outdoor recreation sites; Projects on the basis of their environmental sustainability, achieving maximum impact and connectivity at national and regional level while ensuring their development is compliant with the National Biodiversity Action Plan, the national climate change objective and requirements for environmental assessments.

Regional Spatial and Economic Strategy for the Southern Region

RPO 49 Innovation in Rural areas: It is an objective to support innovation, enterprise start-ups and competitiveness of our rural Region.

RPO 50 Diversification: It is an objective to further develop a diverse base of smart economic specialisms across the rural Region, including innovation and diversification in agriculture (agri-Tech, food and beverage), the marine (ports, fisheries and the wider blue economy potential), forestry, peatlands, renewable energy, tourism (leverage the opportunities from the Wild Atlantic Way, Ireland's Ancient East and Ireland's Hidden Heartlands brands), social enterprise, circular economy, knowledge economy, global business services, fin-tech, specialised engineering, heritage, arts and culture, design and craft industries as dynamic drivers for the rural economy.

RPO 53 Tourism: It is an objective to:

a. Enhance provision of tourism and leisure amenity to cater for increased population in the Region including recreation, entertainment, cultural, catering, accommodation, transport and water infrastructure.

Local Policy

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 3: Core & Settlement Strategy

KCDP 3-2 Support the sustainable growth and prioritise development of the county's settlements in accordance with the Settlement Hierarchy and the Core Strategy.

Chapter 5: Rural Housing

KCDP 5-2 Protect and promote the sense of place and culture and the quality, character and distinctiveness of the rural landscape that make Kerry's rural areas authentic and attractive places to live, work and visit.

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.

Objective 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.

Chapter 9 Economic Development

KCDP 9-1 Ensure that a sustainable approach is taken to enterprise development and employment creation across all sectors of the Kerry economy.

KCDP 9-9 Optimise the amount of employment growth and enterprise creation across all economic sectors and ensure that growth is distributed in a sustainable manner across the County in accordance with the Settlement Strategy.

KCDP 9-13 Support and promote the recovery of the Tourism Sector in Kerry as it recovers from the effects of the Covid 19 pandemic and re-establishes itself as one of the county's key economic drivers.

Chapter 10 Tourism and Outdoor Recreation

KCDP 10-1 Adhere to the principles of sustainable tourism and have regard to its current and future economic, social and environmental impacts on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change.

10.1.1 Sustainable Tourism and Climate Action Sustainable tourism is defined as 'tourism that takes full account of its current and future economic, social, and environmental impacts, addressing the needs of visitors, the industry, the environment, and host communities'. Sustainable tourism development involves a concern for the impact of the industry on the host community, climate change and on the physical environment. Sustainable tourism planning therefore requires a balance to be struck between the needs of the visitor, the place, heritage assets and the host community.

KCDP 10-2 Facilitate sustainable tourism development throughout the County and particularly in areas where tourism is currently underdeveloped and where there is a need for local tourism development initiatives including Greenways, Blueways, Peatways, Cycleways, Walkways and Marine Leisure.

KCDP 10-4 Facilitate and support the sustainable development of tourism along, or in close proximity to public transport routes.

KCDP 10-7 Promote and facilitate sustainable tourism as one of the key economic pillars of the County's economy and a major generator of employment and to support the provision of facilities such as hotels, aparthotels, guesthouses, bed and breakfasts, tourist hostels, caravan and camping, glamping, cafes, restaurants, visitor attractions and activity tourism.

KCDP 10-11 Encourage tourism developments, increased visitor accommodation, interpretation centres, and commercial / retail facilities serving the tourism sector to be located within established settlements thereby fostering strong links to a whole range of other economic and commercial sectors and sustaining the host communities.

KCDP 10-13 Facilitate the sustainable development of the Wild Atlantic Way touring route by:

- Facilitating the sustainable development of viewing points and other facilities at appropriate locations along the Wild Atlantic Way,
- Facilitating road improvement works, the provision of lay-bys/passing spaces and parking spaces at appropriate locations.
- Addressing traffic and visitor management issues, with specific focus on integration of public transport timetabling to facilitate improved visitor dispersal, having regard to environmental sensitivities and designations in the area.

10.3.1 Wild Atlantic Way - Over 450km of the 2,500km route (20%) is located in County Kerry. Along the route a number of Discovery Points have been identified, consisting of viewing points and lay-bys. These Discovery Points are generally located in remote coastal areas outside of the main towns and villages. As such, they are intended to provide visitors with a viewing opportunity as they travel along the route, and also as a device to entice visitors to the more remote and peripheral areas of the coast, thus potentially increasing overnight stays. Kerry County Council are committed in conjunction with Failte Ireland to sustainably improve facilities along the WAW route subject to appropriate environmental assessments.

KCDP 10-21 Promote and support the sustainable development of all weather and family-friendly attractions and amenities in appropriate locations that will contribute to the dispersal of tourism throughout the County.

KCDP 10-22 Facilitate the development of the necessary tourism infrastructure, visitor attractions and supporting facilities at appropriate locations in the County in a manner that does not have an adverse impact on the locality, host community and environment.

KCDP 10-29 Direct tourism-based development including Hotels, Guesthouses and B&Bs to towns and villages where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

KCDP 10-67 Promote opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the development will not have a negative impact on the rural environment.

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.

1.12.1 Tourism Infrastructure Developments

While seeking to ensure that most tourism development locate in or close to towns and villages, the Council recognises that by its nature, some tourism development may require other locations. Developments that may be open to consideration outside settlement centres include indoor and outdoor recreation facilities, golf courses, swimming, angling, sailing/boating, pier/marina development, equestrian and pony trekking routes, adventure/interpretative centres and associated ancillary uses, tourist related leisure facilities including walking and cycling. The Council also recognises that existing tourism infrastructure facilities may require ancillary facilities (for example club houses, accommodation and other structures associated with them). These facilities must be subsidiary and connected to the main facility and at an appropriate scale. Holiday home accommodation for sale, sublet or finance the facility will not be permitted. Any application for new or additions to an existing tourism facility shall include;

- Comprehensive justification of need for the facility
- Overall master plan of the facility
- Documentary evidence of compliance with the other requirements of the Development Plan

Building a House in Rural Kerry – Design Guidelines

Natural Heritage Designations

The site is located c. 20m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.20m east of Castlemaine Harbour SPA (site code: 004029), c.510m 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

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

Grounds of Appeal

One appeal was received, from the owner of the adjoining dwelling to the east of the appeal site and of the holiday cottages to the south of the proposed 4no. houses.

The grounds of appeal can be summarised as follows:

- Visual impact: visual obtrusion and dominance relative to surrounding properties. Lack of mitigation. Impact on the amenities of the area. Lack of a visual depiction of the overall proposal from the north and west, consequently any assessment of visual impact can only be provisional.
- Impact on amenity value of existing developments in the area. Loss of views to holiday cottages arising from the siting of the proposed houses.
- Loss of light and privacy to adjoining properties.

- Insufficient information to demonstrate that surface water would be satisfactorily managed during the construction and operational phases.
- Application must be assessed under the Water Framework Directive. Potential impact on the adjoining SAC/SPA/pNHA arising from the inconclusive proposals for cut, fill and disposal of spoil and surface water drainage.
- The net increase in traffic movements would create a traffic hazard.
- The proposal would be prejudicial to public health, given the lack of information from Uisce Eireann as to the suitability of the sewage system and lack of plans to upgrade the sewerage system in the area.

Applicant Response

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

- It is stated that the houses proposed would allow for the long-term sustainability of a valuable local employer and service provider. The response indicates that the co-applicant, Darren O'Sullivan, would occupy one of the units. It is stated that, given the demands of late-night opening, logistical support and the known difficulties in retaining rural hospitality staff, that it is essential that Darren is based in close proximity to the premises. The Kerry County Development Plan explicitly supports rural dwellers with strong local ties. The National Planning Framework allows for rural housing in areas with a tradition of rural settlement.
- No substantiated evidence to suggest that the proposed development would compromise the amenity value of nearby holiday homes. The proposed development has been carefully designed to integrate into the landscape and character of the area.
- Previously granted planning permissions reflect a consistent planning approach to this landholding.
- The lands are zoned for development.
- The proposal is consistent with Development Plan Objectives:
 - the site is not designated as a protected view or landscape constraint area;

- there are no traffic, infrastructure or drainage capacity concerns identified by the Local Authority;
 - the proposed design is modest, site-sensitive and appropriate in scale and character (3D montages attached);
 - the massing and materiality is considered unobtrusive to the existing area;
 - the scale and massing is carefully considered to mitigate visual impact from the public road.
- prevention of rural decline.
 - potential impact on amenity of local holiday homes is unsubstantiated.
 - There is no encroachment on protected habitats.

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:

- Land use
- Visual impact on the character of the area
- Impact on adjoining residential amenities
- Traffic and parking
- Water/Wastewater
- Appropriate Assessment

8.1. Land use

- 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. I note that the application documents and Planning Authority's Planner's Report refer to Rossbeigh as being a settlement and/or development node. These classifications applied to Rossbeigh under the Killorglin Functional Area LAP 2010-2016, however this is no longer the operative development plan for the area.

Proposed staff and rental dwelling units

- 8.1.2. Clarification as to the use and ownership of the proposed 4no. houses was the subject of a request for further information by the Planning Authority. In response, the applicant stated that 2no. houses (Units 1&2) were for the rental market and 2no. houses (Units 3 & 4) were for staff accommodation associated with Rosspoint Bar & Restaurant. It was further stated that Units 1 & 2 would remain in the ownership of the applicants. The 1st party, in their response to the grounds of appeal, indicate that one of the dwellings would be occupied by Darren O'Sullivan, one of the applicants in this case, and intended future operator of the Rosspoint Bar & Restaurant. The proposed occupancy of the other staff unit is not clear. I note from the applicant's Further Information response and the Planning Authority Planner's report that the Bar & Restaurant opens seasonally. A sign on the Bar & Restaurant on the date of my site visit, 26th September, stated that it was closed for the season and indicated that it would reopen in 2026.
- 8.1.3. 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. The two houses proposed for market rental (indicated to be longterm rental in the Design Statement) would not be in accordance with this Objective, as the occupiers of the units are unknown and therefore neither a social nor economic need to live in this rural area can be established. A refusal is recommended on this basis.

- 8.1.4. With regard to the proposed units for staff accommodation, these are proposed to be ancillary to the existing Rosspoint Bar & Restaurant. I note that Development Plan policies generally seek to direct tourism development into designated settlements, however I would consider that the extension or provision of ancillary facilities to support the established hospitality use on this site could be considered acceptable. However, I have concerns in relation to the nature of the proposed accommodation in this case.
- 8.1.5. The Rosspoint Bar & Restaurant operates seasonally and there is no suggestion in the submitted documents that this would change. It is stated that the provision of staff accommodation would enable the bar & restaurant to operate more consistently, though no details are provided. The justification submitted by the applicant states that staff members reside in Killorglin and Killarney and that the applicants, one of whom would occupy one of the units, are from the local area. Having regard to the seasonal nature of the bar & restaurant and to the fact that existing staff have accommodation in local settlements/the local area, I do not consider that adequate justification has been provided by the applicant to justify the provision of two houses for staff accommodation ancillary to the existing bar & restaurant use.
- 8.1.6. I have concerns also in relation to the nature of accommodation proposed, which comprises two relatively large (162sqm units consisting of 2bedrooms + office) residential houses not directly integrated with the bar & restaurant. Information has not been provided to justify the need for the type of accommodation proposed in this case, having regard to the staff profile and needs of the business, particularly given its seasonality.
- 8.1.7. Having regard to the above factors, I consider that the proposed dwellings fall to be considered under the rural housing policies of the Development Plan. The provisions of the development plan for permitting rural housing are restricted to persons that can demonstrate an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area. Some details of the background of one of the applicants is provided in the 1st party response to the appeal, however no documentary evidence has been provided and consequently I consider that it would not be sufficient to demonstrate a housing need under

Objective KCDP 5-15. I therefore consider that permission should be refused on this basis.

Yoga/wellness centre

- 8.1.8. In terms of the proposed yoga centre, this is also described in the submitted documentation as a meditation and wellness centre which would be open year-round and is part of a broader strategy to grow and diversify the business (Rosspoint Bar & Restaurant) in response to the increasing demand within the wellness tourism sector. The operator would be the applicant's sister, who is already operating a similar service in the area.
- 8.1.9. Development Plan Objectives (particularly KCDP 10-11) generally encourage tourism development to be located within settlements. However, I note also CDP objectives which seek to: facilitate sustainable tourism development throughout the County, particularly where it is currently underdeveloped (KCDP 10-2); facilitate the provision of new facilities including visitor attractions and activity tourism (KCDP 10-7); support all-weather attractions and amenities in appropriate locations that will contribute to the dispersal of tourism throughout the County (KCDP 10-21); and promote opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the development will not have a negative impact on the rural environment (KCDP 10-67). These objectives also note that such development should not have an adverse impact on the locality, host community and environment. RPO 50 of the Regional Strategy, which encourages innovation and diversification across the rural region in a range of sectors including tourism, and specifically refers to leveraging the opportunity of the Wild Atlantic Way, is also relevant.
- 8.1.10. In this case, I note that Rossbeigh is a popular beach destination and is a 'Discovery Point' on the Wild Atlantic Way tourist route. The area is served by the Rosspoint Bar & Restaurant and a kiosk at the beach, together with holiday cottages and a playground. I consider that the proposed yoga centre/wellness centre would be a complementary use which would diversify the range of tourism services locally, whilst also generating employment and potentially providing a year-round service for the local population. Also, given the nature of the use as a meditation and wellness centre, a quiet rural location would seem appropriate. Subject to other relevant

considerations including visual impact, residential amenity, traffic and environmental impacts, which are considered below, I consider that the proposed use could be considered in this location. I note that the principle of development was accepted by the Planning Authority.

8.2. Visual impact on the character of the area

- 8.2.1. The Appellant raises concern with regard to the visual impact of the proposed development, particularly the four houses, by reason of visual obtrusion and dominance.
- 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 surrounded by development on all sides and I would therefore consider it an infill site. The proposed houses have a stepped floorplan, working with the gradient of the site, which falls from south to north. The 4no. houses and the yoga centre building would present as single storey flat roofed structures to the L-11654 local road and would be appropriately scaled in my view. I note that the applicant has specified flat roofs in response to a refusal reason for the previous application for the site (ABP-305363-19) which found the proposal to be dominant and visually obtrusive.
- 8.2.4. In views from the R564 (northwest), the 4no. houses would be 2 storeys in height and would be seen in the context of the surrounding development, screened to a large part by the existing Rosspoint Bar & Restaurant and row of semi-detached cottages to the west. The submitted plans, sections and 3D visualisation of the proposed development are sufficient, in my opinion, to evaluate the potential impact

of the proposed development on the character of the area. The site section drawings submitted by the applicant as further information show the proposed development in relation to existing neighbouring development and, in my view, show the scale and mass of the proposal relating positively to existing development and 'stepping down' the slope effectively.

8.2.5. I note that the public toilets/kiosk structure at the beach is flat roofed and there are flat roofed extensions to houses visible locally, however the flat roof form of the proposed buildings would not be typical of the character of existing development in the area. All of the structures are to be clad in burnt larch, which would not be a typical external treatment for structures in this area, though I do note some variation in external treatment locally, including coloured render and stone cladding. I note that the Planning Authority attached a condition requiring that all external finishes shall be neutral in colour, tone and texture, which suggests a preference for white/off-white render, though the Planner's Report makes no reference to the materials and concludes overall that the visual impact is acceptable and that the proposal should integrate well with Rossbeigh settlement.

8.2.6. Overall, given the infill nature of the site, its location outside a 'visually sensitive area', the screening provided by existing surrounding structures, the single storey height of the yoga centre, the domestic scale of the proposed houses and the good quality materials facing materials indicated, I consider that the proposed development could be absorbed visually within this location, without significant negative impact on the wider landscape. I note also that a landscape plan and boundary treatment details, indicating new planting, were submitted, which would help to assimilate the development in the landscape and mitigate its visual impact. Subject to conditions in this regard, I am satisfied that the proposed development would not result in an adverse impact on the visual amenities of the area.

8.3. Impact on adjoining residential amenities

8.3.1. The Appellant has raised concern that the proposed development will impact on the amenity value of existing developments in the area, result in loss of views to existing holiday cottages and cause loss of light and privacy to adjoining properties.

- 8.3.2. The proposed houses would be oriented northwest southeast. Their northwest (rear elevations) would overlook the carpark of the Rosspoint Bar & Restaurant, generating no overlooking, overbearance or overshadowing concerns. The southeast elevations would front the local road, with a small setback. Given the single storey scale of the houses on this side, their flat roof form and the 'front to front' relationship with the dwelling on the opposite side of the road, I do not consider that issues of overlooking, overbearance or overshadowing arise for that dwelling.
- 8.3.3. Proposed Unit 2 would be set off the boundary with the Appellant's dwelling to the east by c.12m, which I consider sufficient to rule out any overbearance or overshadowing issues arising. A glass balustrade to the rear terrace of Unit 2 at ground floor level could be required by condition to be 1.8m in height and consist of opaque glass in order to prevent overlooking of the Appellant's rear garden, in the event of a grant of permission.
- 8.3.4. Proposed Unit 3 and the proposed public steps between the local road and Rosspoint Bar & Restaurant would be located close to the eastern boundary of the existing cottage to the northwest (on the R564). Having regard to the separation distance of c. 12m between the two dwellings, the relatively modest height of the proposed development and the lack of any windows in Unit 3 facing the existing cottage, I consider that no material impact on amenity in terms of overbearance, overlooking or overshadowing would arise. For these reasons, I do not consider that the impact would be so significant as to result in a material loss of amenity to occupiers of the existing cottage.
- 8.3.5. With regard to the Appellant's concern at the loss of views to their existing holiday cottages located to the rear/south of the proposed houses, I note that there is not an absolute right to the retention of an existing view. I also note that the proposed development would retain green open areas in front of part of the existing two storey rental property and dormer type Rossbeigh Beach House located to the south, which are understood to be in the ownership of the Appellant. Given the flat roof, single storey form of the proposed houses, I consider that the impact on outlook to these properties would be limited and reasonable in the context, having regard to the pattern of development locally, whereby dwellings are located on the hillslope at differing levels and to some extent arranged in rows.

8.4. Traffic and parking

- 8.4.1. In respect of traffic safety, the Appellant has raised concern that the net increase in traffic movements would create a traffic hazard. I note that, according to the Local Authority Planner's report, the Area Engineer did not raise concern in respect of traffic impact. I consider that the volume of traffic that would be generated by 4no. new houses would be modest, particularly as two are proposed as staff accommodation with a direct pedestrian link to the Rosspoint Bar & Restaurant. The Yoga Centre would have a floor area of 150sqm, of which 67sqm would comprise the yoga studio space. The occupancy/capacity of the yoga centre is not stated, however based on its usable floor area, I consider that it would be modest.
- 8.4.2. The Area Engineer requested further information with regard to sightline visibility. The applicant submitted a revised site layout plan showing sightlines from 3no. points within the two parking areas accessed from the local road. No further concerns were raised by the Planning Authority in this regard. I note that sightlines at the junction with the regional road to the east are good. At the junction with the regional road to the west, sightlines are restricted to the northeast. Given that this is an existing situation and having regard to the number of properties served by this junction I do not consider that a reason for refusal would be warranted, having regard to the scale and nature of the proposed development.
- 8.4.3. With regard to parking, 14no. spaces are indicated, including 2no. accessible and 2no. EV parking spaces. The parking standards set out in the Development Management Standards and Guidelines of the KCDP 2022-2028 indicate a requirement for 2no. spaces per dwelling. There is no applicable standard for yoga centres or indoor leisure/sports facilities. I note that no concern was raised by the Planning Authority in respect of parking provision. Based on the floor area of the hall within the yoga centre (67sqm) and its capacity, I consider that 10no. spaces would be reasonable provision for this element.

8.5. Water/Wastewater

Surface Water

- 8.5.1. The 3rd Party Appellant raised concern that insufficient information had been submitted to demonstrate that surface water would be satisfactorily managed during

the construction and operational phases. I note that this was a reason for refusal of the previous appeal on the site, ABP-305363 (19/168), which proposed to discharge some surface water runoff to an existing surface water drain to the west of the site, with the remainder assumed to discharge to soakpits on site.

- 8.5.2. The 1st Party response to the grounds of appeal does not comment on this issue. I note that no concern was raised with regard to surface water drainage in the Planner's Report or any reports from other sections of the County Council. A condition (12) was attached to the Planning Authority's decision requiring surface water from the proposed development to be collected and disposed of on-site.
- 8.5.3. GSI mapping indicates that the site is located over a locally important aquifer. Groundwater vulnerability is categorised as 'moderate'. The subsoils are 'TDS' Till derived from Devonian sandstones. Subsoil permeability is categorised as 'moderate'. The OPW's flood maps do not show the site as being the subject of any identified flood risk.
- 8.5.4. The submitted surface and boundary treatment plan indicates 6no. soakpits within the site which would drain surface water from the roofs, footpaths and car parking spaces. The application is not supported by details of infiltration testing, the design of the proposed soakpits or proposals for petrol interceptors.
- 8.5.5. The proposed soakpits would be located within green, undeveloped areas of the site. Compared with the previous application for the site (ABP-305363, 19/168), a greater proportion of the lands would be retained as green space. Based on the soil characteristics and extent of green areas retained, I consider that soakpits would be feasible to manage surface water drainage from the development. A condition could be added to any grant of permission requiring details to be agreed with the Planning Authority prior to commencement of development.
- 8.5.6. Consequently, I consider that the proposed development is acceptable with regard to surface water management.

Wastewater

- 8.5.7. The Appellant raised concern that the proposal would be prejudicial to public health, given the lack of information from Uisce Eireann as to the suitability of the sewage system and lack of plans to upgrade the wastewater treatment system in the area. I

note that no consultation response was received by the Planning Authority from Uisce Eireann during the application process. It is proposed to connect all parts of 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 30th September 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.

8.6. Appropriate Assessment

- 8.6.1. The 3rd Party grounds of appeal raise concern in relation to the lack of details provided of surface water management during construction and consequent potential impact on the Natura 2000 sites.
- 8.6.2. The site does not lie within a Natura 2000 site, however it is located c. 20m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.20m east of Castlemaine Harbour SPA (site code: 004029), c.510m 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).
- 8.6.3. In response to a Further Information request from the Planning Authority, the applicant submitted a Natura Impact Statement, dated August 2024.
- 8.6.4. A Screening Determination and AA are attached as Appendices 3 & 4 below. 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

8.6.5. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the 2no. European sites can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.6.6. My conclusion is based on the following:

- Assessment of construction and operational impacts.
- The conservation interest features considered in the AA.
- The proposed development will not affect the attainment of conservation objectives for the European sites or prevent or delay the restoration of favourable conservation condition.
- Effectiveness of mitigation measures proposed.

9.0 Water Framework Directive

9.1.1. A Screening Determination is attached at Appendix 5 below.

9.1.2. 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 a SPLIT DECISION, to grant the yoga centre and refuse the four dwellings, as set out below.

Recommendation A

I recommend that planning permission is REFUSED for works comprising ‘Two two-storey ancillary staff accommodation dwellings to Rosspoint and two two-storey residential dwellings and all associated site works’, for the following 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 development of four houses 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.

Recommendation B

I recommend that planning permission is GRANTED for 'yoga centre and all associated works', for the following reasons and considerations and subject to the conditions set out further below:

Reasons and considerations:

Having regard to the provisions of the Kerry County Development Plan 2022-2028, including KCDP 10-67 (which promotes opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the development will not have a negative impact on the rural environment) and RPO 50 of the Regional Spatial & Economic Strategy for the Southern Region 2020-2032, the location of the site in Rossbeigh which is recognised as a 'Discovery Point' on the Wild Atlantic Way, the nature, scale and design of the proposed yoga centre and its position within a rural cluster, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or out of character with the surrounding area and would not seriously damage the amenities of the adjoining residential properties or generate a traffic hazard. This element of the proposed development would be in accordance with the provisions of the current Development Plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th March and 15th April 2025, 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. This permission relates to the proposed yoga centre and associated works only. Revised site layout and landscaping drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, to show the following:

(a) a revised parking layout to serve the yoga centre, comprising of 10no. car parking spaces in total, including 1no. disabled space and 1no. EV charging space; and

(b) the provision of 4no. bicycle parking spaces.

Reason: To ensure adequate off-street parking and bicycle parking provision is available to serve the proposed development.

3. (a) The mitigation measures contained in the submitted Natura Impact Statement (NIS), relevant to the permitted development (yoga centre and associated works), shall be implemented.
(b) Any excavated soil/subsoil temporary storage area to be located on site shall be located on flat terrain a minimum of 10m from any watercourse.
(c) No soiled water run-off shall be permitted to leave the site during the construction works.

Reason: In the interests of clarity and to protect the integrity of European Sites.

4. Prior to commencement of any works on site, the developer shall carry out an evaluation and quantification of all construction, demolition and excavation waste (including hazardous waste) likely to arise during all phases of development/construction and shall develop a waste management and disposal plan for all such waste arisings. A copy of this plan shall be submitted to, and agreed in writing by, the Planning Authority prior to the commencement of development.

Reason: In the interest of environmental protection and reducing waste.

5. Details of the materials, colours and textures of all the external finishes to the proposed building 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.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. The 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, including hydrocarbon interceptors as appropriate, for the written agreement of the planning authority.

Reason: In the interest of achieving a sustainable disposal of surface water.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Any damage to the adjoining roadways arising from the proposed development shall be made good at the developer's expense, to the satisfaction of the Planning Authority.

Reason: In the interests of orderly development and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and [residential] amenity.

11. The yoga centre building shall only be used between 07:00 hours and 22:00 hours on any day of the week, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

12. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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.

Suzanne White
Planning Inspector

7th October 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322925-25
Proposed Development Summary	Four two-storey residential dwellings and a single storey yoga centre, connect all to existing water mains and public sewage and all associated site works. An NIS has been submitted.
Development Address	Rossbeigh, Glenbeigh, 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 Part 1, 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.	State the Class here
☒ 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)	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.

Castlema

Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 7th October 2025

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322925-25
Proposed Development Summary	Four two-storey residential dwellings and a single storey yoga centre, connect all to existing water mains and public sewage and all associated site works. An NIS has been submitted.
Development Address	Rossbeigh, Glenbeigh, 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 a serviced rural cluster of residential and commercial development. 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.
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 site is not located within any protected areas. The site is located c. 20m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.20m east of Castlemaine Harbour SPA (site code: 004029), c.510m 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). 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. 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.

	The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments. 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.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
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.

Inspector: Suzanne White **Date:** 7th October 2025

Appendix 3

Standard AA Screening Determination Template

Test for likely significant effects

(For use in all cases beyond de minimis criteria)

Screening for Appropriate Assessment Test for likely significant effects Case file: ABP-322925-25	
Step 1: Description of the project and local site characteristics	
Brief description of project	See detailed description in Section 2 of the Inspector's Report. Four two-storey residential dwellings and a single storey yoga centre, connect all to existing water mains and public sewage and all associated site works. An NIS has been submitted.
Brief description of development characteristics and potential impact mechanisms	The c.0.34ha site currently comprises undeveloped, overgrown land located within a cluster of existing buildings comprising of a mix of residential dwellings, holiday cottages and commercial use. The lands are overgrown and slope up from northwest to southeast. The site is located c. 20m south of Castlemaine Harbour SAC and pNHA (site code: 000343), c.20m east of Castlemaine Harbour SPA (site code: 004029), c.510m 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). Surface water will be managed on site via SUDS features, with runoff collected and drained to soakpits within the green spaces. No details of construction timing or duration have been provided.
Screening report	Y
Natura Impact Statement	Y

Relevant submissions	The third party has raised concerns in relation to the impact of any cut, fill and disposal of soil and surface water drainage on the adjoining SAC/SPA/pNHA. A submission to the Planning Authority by The Department of Housing, Local Government and Heritage (29/01/2025) states that, due to the proximity of the proposed development site to the Castlemaine Harbour SAC and the Castlemaine Harbour SPA, the planning authority should satisfy themselves that the proposals will not result in a significant negative impact on these Natura 2000 sites. It is further recommended that an AA Screening Report/NIS is sought through further information request. A Screening Report/NIS was subsequently submitted. A submission (29/01/2025) to the Planning Authority by An Taisce states that the NIS appears to be incomplete with regard to the proposed method of excavated soil storage and removal. A report (13/05/2025) from the Planning Authority's Environmental Assessment Unit notes the submission of an NIS as further information at application stage. The options in the report for management of excavated material and control of soiled water run-off are noted and the mitigation measures are considered adequate to rule out adverse impacts on European Sites downstream. The report states that the Castlemaine Harbour SAC and SPA, which are downstream are estuarine waters naturally carrying sediment loads, and not overly vulnerable to sediment input. Conditions are recommended in respect of implementation of the mitigation measures in the NIS, the location of any excavated soil on site and prevention of soiled water run-off.
The submitted Screening Report/Natura Impact Statement does not identify all relevant features relating to the site. In particular, potential significant effects on the Iveragh SPA (located c. 510m to the southwest of the site) are not considered. Also, the presence of an open drain c. 40m west of the site and the Faha Stream further southwest (albeit upslope) are not identified in the report. However, it is considered that these omissions do not preclude the completion of a screening exercise and appropriate assessment of the proposed development.	
Step 2. Identification of relevant European sites using the Source-pathway-receptor model The European Sites potentially within a zone of influence of the proposed development are listed in the table below.	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (metres/km)	Ecological connections ²	Consider further in screening ³ Y/N
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] Embryonic shifting dunes [2110] 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, <i>Alnion incanae</i>, <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]	c. 20 metres	Yes, proximity and presence of an open drain c. 40metres to the west which drains to the Outer Dingle Bay coastal waterbody (IE_SW_230_0000).	Yes – Identified pathway via potential surface water discharge and close proximity of site to SAC.

	Petalophyllum ralfsii (Petalwort) [1395] Castlemaine Harbour SAC National Parks & Wildlife Service			
Castlemaine Harbour SPA (site code: 004029)	Red-throated Diver (Gavia stellata) [A001] Cormorant (Phalacrocorax carbo) [A017] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Common Scoter (Melanitta nigra) [A065] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Sanderling (Calidris alba) [A144] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Turnstone (Arenaria interpres) [A169] Chough (Pyrrhocorax pyrrhocorax) [A346] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999] Castlemaine Harbour SPA National Parks & Wildlife Service	c. 20 metres north	Yes, proximity and presence of an open drain c. 40metres to the west which drains to the Outer Dingle Bay coastal waterbody (IE_SW_230_0000).	Yes – Identified pathway via potential surface water discharge and close proximity of site to SPA.
Iveragh Peninsula SPA (site code: 004154)	Fulmar (Fulmarus glacialis) [A009] Peregrine (Falco peregrinus) [A103] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199]	c. 510m	Indirect via surface water discharge.	No – Separation distance and lack of hydrological link.

	Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346] Iveragh Peninsula SPA National Parks & Wildlife Service			
Killarney National Park, McGillycuddy and Caragh River Catchment SAC (site code: 000365)	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Taxus baccata</i> woods of the British Isles [91J0] <i>Geomalacus maculosus</i> (Kerry Slug) [1024] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	c.2.5km	No.	No – Separation distance, lack of hydrological link and the nature and scale of the proposed development.

	Euphydrys aurinia (Marsh Fritillary) [1065] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Alosa fallax killarnensis (Killarney Shad) [5046] Vandenboschia speciosa (Killarney Fern) [6985] Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC National Parks & Wildlife Service			
Lough Yganavan and Lough Nambrackdarrig SAC (site code: 000370)	Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Geomalacus maculosus (Kerry Slug) [1024] Lough Yganavan and Lough Nambrackdarrig SAC National Parks & Wildlife Service	c.5.7km	No.	No – Separation distance, lack of hydrological link and the nature and scale of the proposed development.
Dingle Peninsula SPA (site code: 004153).	Fulmar (Fulmarus glacialis) [A009] Peregrine (Falco peregrinus) [A103] Chough (Pyrrhocorax pyrrhocorax) [A346]	c.9.8km	Indirect via surface water discharge.	No – Separation distance provides a significant dilution factor to any water based

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

The subject site comprises overgrown undeveloped land within a rural cluster. The site is not located in a European site and no direct interests on a European site would occur.

The site is elevated however, giving the potential for surface water borne pollutants and sediment to reach the Castlemaine Harbour SPA and SAC during the construction stage, 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 impacts for 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. Given the proximity of the site to these European sites, there is potential also for disturbance during construction works.

A current planning appeal (ABP-321542-24, LPA ref. 24/114) relating to the adjacent site to the west relates to the demolition of the existing dwelling and construction of two dwellings on the site. 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 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]	The project is not directly connected with or necessary to the management of a European Site. Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: Construction phase: low risk of surface water runoff from construction reaching sensitive receptors but could potentially enter estuary/harbour waters.	Risk of surface water borne pollutants and particulate matter reaching the SAC resulting in changes to habitat quality arising from deterioration in water quality. Degradation to water quality and subsequent habitat may undermine conservation

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] 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> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <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]	Emissions and particulate matter during the construction phase could also have an indirect impact on qualifying species and/or habitats. Disruption from noise and visual presence during construction phase however the infill nature of the site means disturbance from visual presence is not likely to be increased from the current context. No likely spread of invasive species due to the existing rural cluster nature of the site and no requirement to import soils.	objectives associated with the qualifying impacts for the site.
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Likelihood of significant effects from proposed development (alone): Yes

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
Site 2: Castlemaine Harbour SPA (site code: 004029) Red-throated Diver (Gavia stellata) [A001] Cormorant (Phalacrocorax carbo) [A017] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Common Scoter (Melanitta nigra) [A065] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Sanderling (Calidris alba) [A144] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162]	The project is not directly connected with or necessary to the management of a European Site. Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: As above for surface water, pollutants, particulate matter and disturbance in terms of noise during the construction phase.	Risk of surface water borne pollutants and particulate matter reaching the SAC 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 impacts for the site.

Greenshank (Tringa nebularia) [A164] Turnstone (Arenaria interpres) [A169] Chough (Pyrrhocorax pyrrhocorax) [A346] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999]		
Likelihood of significant effects from proposed development (alone): Yes		
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, McGillycuddy 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 and disturbance. 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.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of four two-storey residential dwellings and a single storey yoga centre in view of the relevant conservation objectives of 2no. European sites based on scientific information provided by the applicant. The 2no. sites comprise the Castlemaine Harbour SAC and the Castlemaine Harbour SPA.

The information relied upon includes the following:

- Natura Impact Statement prepared by Kerry Ecological Services
- Planning application documents
- NPWS website outlining conservation objectives, site synopsis and statutory instruments for protected sites.
- Water Quality data from the EPA online GIS system

I note some deficiencies in the submitted NIS report. In particular, some of the mitigation measures set out in Section 8.3 of the report are presented in draft. However, I am satisfied that there is sufficient information available to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

The third party has raised concerns in relation to the impact of any cut, fill and disposal of soil and surface water drainage on the adjoining SAC/SPA/pNHA.

A submission to the Planning Authority by The Department of Housing, Local Government and Heritage (29/01/2025) states that, due to the proximity of the proposed development site to the Castlemaine Harbour SAC and the Castlemaine Harbour SPA, the planning authority should satisfy themselves that the proposals will not result in a significant negative impact on these Natura 2000 sites. It is further recommended that an AA Screening Report/NIS is sought through further information request.

A submission (dated 19/05/2025) to the Planning Authority by An Taisce states that the NIS appears to be incomplete with regard to the proposed method of excavated soil storage and removal.

A report (13/05/2025) from the Planning Authority's Environmental Assessment Unit notes the submission of an NIS as further information at application stage. The options in the report for management of excavated material and control of soiled water run-off are noted and the mitigation

measures are considered adequate to rule out adverse impacts on European Sites downstream. The report states that the Castlemaine Harbour SAC and SPA, which are downstream are estuarine waters naturally carrying sediment loads, and not overly vulnerable to sediment input. Conditions are recommended in respect of implementation of the mitigation measures in the NIS, the location of any excavated soil on site and prevention of soiled water run-off.

Site 1: Castlemaine Harbour SAC (site code: 000343)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation) and disturbance

See Sections 5, 6 & 7 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary) NIS section 8
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]	Maintain / restore favourable conservation condition	Surface water run-off carrying silt/sediment, nutrients, pollutants and or dust deposits could enter the aquatic environment, resulting in negative impacts in terms of disturbance and/or displacement of species, on important and sensitive species.	Aquatic buffers - no disturbance within 10m of any watercourse and no drains opened which discharge to watercourses. Silt curtains to be installed along the western boundary with the public road and along the boundary with Rosspoint Bar car park. Surface water managed to ensure no contaminated run-off to local drains. Silt fences to be installed during construction. Two options for management of excavated soil are presented: storage on site

Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] 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] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra fluviatilis</i> (River Lamprey) [1099]			at least 10m from any watercourse or soil to be removed off site and not stockpiled. The Design Statement submitted with the application states that soil will be removed and not stockpiled. Best practice pollution control measures proposed.
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Salmo salar (Salmon) [1106]			
Lutra lutra (Otter) [1355]			
Petalophyllum ralfsii (Petalwort) [1395]			

- Note: The following QIs were not considered due to their location or habitat upstream:

Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Site 2: Castlemaine Harbour SPA (004076)

**Summary of Key issues that could give rise to adverse effects (from screening stage):
[examples]**

- (i) **Water quality degradation (construction and operation) and disturbance**

See Sections 5, 6 & 7 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary) NIS Section 8
Red-throated Diver (Gavia stellata) [A001] Cormorant (Phalacrocorax carbo) [A017] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054]	Maintain / restore favourable conservation condition.	Surface water run-off carrying silt/sediment, nutrients, pollutants and or dust deposits could enter the aquatic environment, resulting in negative impacts in terms of disturbance and/or displacement of species,	Aquatic buffers - no disturbance within 10m of any watercourse and no drains opened which

Scaup (Aythya marila) [A062] Common Scoter (Melanitta nigra) [A065] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Sanderling (Calidris alba) [A144] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Turnstone (Arenaria interpres) [A169] Chough (Pyrrhocorax pyrrhocorax) [A346] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999]		on important and sensitive species.	discharge to watercourses. Silt curtains to be installed along the western boundary with the public road and along the boundary with Rosspoint Bar car park. Surface water managed to ensure no contaminated run-off to local drains. Silt fences to be installed during construction. Two options for management of excavated soil are presented: storage on
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			site at least 10m from any watercourse or soil to be removed off site and not stockpiled. The Design Statement submitted with the application states that soil will be removed and not stockpiled. Best practice pollution control measures proposed.
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The above table is based on the documentation and information provided on the file and reference to NPWS data. The submitted NIS does not identify the relevant attributes and targets of the Qualifying Interests, however I am satisfied that these have been included above.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Water quality and status

Water quality of the Outer Dingle Bay for the WFD 2016-21 monitoring period is classified as 'Review', while for the previous period 2013-18 it was classified as 'High', according to the EPA Catchment Summary for the Laune-Maine-Dingle Bay Catchment Summary WFD Cycle 3. Castlemaine Harbour transitional waterbody status was classified as 'Poor' for 2016-21 and its WFD Risk profile is 'At Risk'. The FAHA 22 river body status is listed as 'Good' in 2016-2021 and currently has the WFD risk status 'Review'.

Water quality degradation in SACs

Good quality water is necessary to maintain the populations of the Annex I habitats and Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt and pollutant laden surface water reaches the estuary and harbour. Decrease in water quality would compromise conservation objectives for Annex 1 habitats and Annex II species listed and increased sedimentation and pollution could alter habitat quality for spawning or nursery grounds. Ecological surveys at the site showed no signs of fauna. No operational phase impacts are anticipated.

Water quality degradation in SPAs

Good quality water is necessary to maintain the populations of the Annex I species listed. Water quality degradation is the main risk from unmanaged site works where silt and pollutant laden surface water reaches the estuary and harbour. Decrease in water quality would compromise conservation objectives for Annex 1 species listed and increased sedimentation and pollution could alter habitat quality for feeding and nesting grounds. Ecological surveys at the site showed no signs of birds listed as QIs. No operational phase impacts are anticipated.

Disturbance

Ecological surveys at the site showed no signs of fauna. Given the limited scale and temporary nature of the construction works, the lack of suitable habitat at the site for Otter, the distance to the SAC and the intervening landuse (existing buildings and road network) and the ability of Otter to move away from disturbance, no significant disturbance effect on this species is likely.

Mitigation measures and conditions

Please refer to Section 8 of the NIS for a full list of detailed mitigation measures.

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance) application of specific mitigation measures.

In-combination effects

The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided and publicly available, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts

would be temporary in nature and mitigation measures are described to prevent ingress of silt and pollutant laden surface water. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the 2no. European sites named above. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

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

Following an examination, analysis and evaluation of the NIS, all associated material submitted and publicly available, I consider that adverse effects on site integrity of the 2no. European sites can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Assessment of construction and operational impacts.
- The conservation interest features considered in the AA.
- The proposed development will not affect the attainment of conservation objectives for the European sites or prevent or delay the restoration of favourable conservation condition.
- Effectiveness of mitigation measures proposed.

Appendix 5

Appendix 5: Water Framework Directive Screening			
WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322925-25	Townland, address	Rossbeigh, Glenbeigh, Co. Kerry
Description of project		Four residential dwellings and a yoga centre, connection to public water and wastewater network and surface water infiltrated on site.	
Brief site description, relevant to WFD Screening,		The subject site is located on undeveloped lands 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. 80m southwest and upslope of the appeal site. Outer Dingle Bay is located c. 40m west of the site. Castlemaine Harbour (IE_SW_230_0200) is located c.100m 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	
Proposed surface water details		Discharge to groundwater via soakpits.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection	

Proposed wastewater treatment system & available capacity, other issues			Proposed Uisce Eireann Wastewater connection. The Wastewater Treatment Capacity Register on Uisce Eireann’s website, as of 12th September 2025, indicates spare capacity available at Rossbeigh WWTP.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Statu s	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	80m	Faha (Kerry)_010 (IE_SW_22F 270920)	Good	Under review	No pressures	No- stream is upslope of site.
River Waterbody	700m	Caragh_50 (IE_SW_22C 020700)	Good	Not at risk	No pressures	No - separation distance.
Coastal Water	40m	Outer Dingle Bay	High	Under review	No pressures	Indirect via surface run-off.

		(IE_SW_230_0000)					
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.	Surface	Faha (Kerry)_010	No pathway given the separation distance, location of waterbody	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out

			upslope of project and the limited scale of proposed development an				
2.	Surface	Caragh_50	No pathway given the separation distance and the limited scale of proposed development an	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
3.	Surface	Outer Dingle Bay (IE_SW_230_0000)	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
OPERATIONAL PHASE							
1.	Surface	Faha (Kerry)_010	No pathway given the separation distance, location of waterbody upslope of	N/A	N/A	No	Screened out

			project and the limited scale of proposed development				
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	Indirect pathway via	As above	SUDs features	No	Screened out

		(IE_SW_230_0200)	surface water run-off				
5.	Ground	Cahersiveen (IE_SW_G_022)	Proposed SUDS features would allow direct infiltration to ground.	As Above	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
1.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed		

crossing, diversion, outfall, etc	bodies of surface water	surface water with aim of achieving good status	heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	discharges and losses of priority substances	without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Site specific construction mitigation methods described in the CEMP e.g. silt fences, management of excavated material etc	Site specific construction mitigation methods described in the CEMP e.g. silt fences, management of excavated material etc	N/A	N/A	YES
Stormwater drainage	Adequately designed SUDs	Adequately designed SUDs features, permeable paving, etc	N/A	N/A	YES

	features, permeable paving, etc				
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1:</u> <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
Development Activity 1 :	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:		
Development Activity 2:	Adequately designed SUDs features,	N/A	N/A	N/A	

	permeable paving, retention and detention basins etc			
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