



An
Coimisiún
Pleanála

Inspector's Report

ACP-322954-25

Question

Whether the renovation works to a detached ruin cottage and the construction of a single storey extension (floor area 39sqm approx) to the rear is or is not development and/or is or is not exempted development.

Location

Knocknaskeha, Killarney, Co. Kerry

Declaration

Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	EX1393
Applicant for Declaration	John Dooley
Planning Authority Decision	Is development, Is not exempted development

Referral

Referred by	John Dooley
Owner/ Occupier	John Dooley/Vacant
Observer(s)	None

Date of Site Inspection

2nd December 2025

Inspector

Matthew McRedmond

Contents

1.0 Site Location and Description	4
2.0 The Question	4
3.0 Planning Authority Declaration	4
3.1. Declaration	4
3.2. Planning Authority Reports	5
4.0 Planning History	5
5.0 Policy Context	6
5.1. Kerry County Development Plan 2022-2028	6
5.2. Natural Heritage Designations	7
6.0 The Referral	8
6.1. Referrer's Case	8
6.2. Planning Authority Response	8
7.0 Statutory Provisions	8
7.2. Planning and Development Act, 2000	8
7.3. Planning and Development Regulations, 2001	10
8.0 Assessment	13
8.1. Is or is not development	13
8.2. Is or is not exempted development	13
8.3. Regard to the Issue of 'Habitable House'	14
8.4. Abandonment of Use	14
8.5. Restrictions on Exempted Development	16
9.0 Recommendation	17
Appendix 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site is located at Knocknaskeha, a townland located 6km north-east of Killarney, Co. Kerry, adjoining an un-named public road to the south. The site is adjoined by residential properties to the east and west, and a wooded area to the north.
- 1.2. The site is approximately 0.24ha in area and currently has an existing derelict cottage consisting of stone walls with a corrugated iron roof, a concrete boundary wall to the road frontage, with planting behind and block boundary walls to the east and west. The remainder of the site is largely vacant to the rear.

2.0 The Question

- 2.1. The question referred to the Commission, by Frank Curran on behalf of John Dooly, in accordance with Section 5(3)(a) of the Planning and Development Act 2000, as amended, is as follows:

“Whether the renovation works to a detached ruin cottage and the construction of a single storey extension (floor area 39sqm approx) to the rear is or is not development and/or is or is not exempted development.”

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. The Planning Authority issued a declaration on 16th June 2025 which stated:
 - a) *“The proposed development would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended).”*
 - b) *“The said works would constitute development that comes within the scope of Section 3(1) of the said Act.”*
 - c) *“The nature and extent of the proposed refurbishment works to the ruin cottage would not come within the scope of exemption provided at Section 4(1)(h) of the Planning and Development Act 2000 (as amended).”*

d) *The proposed works comprising construction of a rear extension would not fall for consideration under exemption at Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as the structure on the site proposed to be extended is not a house.”*

Therefore, the proposed works would constitute development which is not exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (13/06/25): Basis for the Planning Authority decision. It assessed the proposal against the various criteria, conditions and limitations under Section 3 and 4 of the Planning and Development Act 2000 (as amended), Class 1 of Part 1 of Schedule 1 of the Planning and Development Regulations and considered that the proposal constituted development, would be beyond the scope of Section 4(1)(h) in relation to works to the exterior of a structure and the proposed exemption in relation to extension to a house would not apply, as the structure on site is a ruin. It concluded that the proposal is development and not exempted development by virtue of Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended) and Class 1, Part 1, Schedule 2 of the Regulations.

3.2.2. Other Technical Reports – None.

4.0 Planning History

4.1.1. **Kerry County Council Ref. 24/60729:** Permission refused for upgrade of waste water treatment system at the subject site, which was intended to serve the derelict house on site. Permission refused on grounds of prematurity in the absence of permission to restore the existing derelict house and ground conditions being unsuitable for the provision an on-site effluent treatment system.

4.1.2. **Kerry CC Ref. 23/505:** Permission refused for the repair of derelict cottage and use as a domestic store and construction of a replacement house served by an effluent treatment tank. The application was refused permission due to insufficient rural generated housing need and treatment of effluent on site.

- 4.1.3. **Kerry CC Ref. 22/1075:** Permission refused to renovate and extend old cottage and install an effluent treatment tank. Permission refused on 3no. grounds including legal interest in the land, non-compliance with rural settlement policy, and inadequate treatment of effluent on site.
- 4.1.4. **Kerry CC Ref. 22/427:** Permission refused for demolition of existing house and construction of a house and effluent treatment tank. Permission refused on the basis of Rural housing need and inadequate treatment of effluent.
- 4.1.5. **Kerry CC Ref. 13/489:** Permission refused for demolition of existing structure and construction of house, garage and polishing filter. Refused on grounds of soil conditions.
- 4.1.6. **Kerry CC Ref. 93/8:** Permission refused to demolish existing cottage and erect new house.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

- 5.1.1. The subject site is not zoned. There are two landscape designations in the Development Plan under Chapter 11, Section 11.6.3 which are 'Visually Sensitive Areas' and 'Rural General'. The subject site is not within a visually sensitive area, so is therefore within the 'Rural General' area.
- 5.1.2. Rural General areas are defined as follows at Section 11.6.3.2 of the Development Plan:

"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."

5.1.3. Section 4.3.4 of the Plan relates to 'Derelict and Vacant Properties' but is focused on urban areas. Protection of wildlife within derelict properties is also a recommendation under this section.

5.1.4. Objective KCDP 4-26 is to: *Implement a programme of active land management to tackle dereliction, vacancy and underutilisation of lands and fragmented patterns of land ownership up to and including compulsory acquisitions and support the implementation of Policies included in Housing for all – A New Housing Plan for Ireland in relation to active land management, dereliction and vacancy, including the emerging Residential Zoned Land Tax.*

5.1.5. Objective KCDP 4-39 seeks to '*Take into consideration the potential for impact on wildlife as part of derelict site renovation proposals, as outlined in S 4.3.4 of this plan.*'

5.1.6. Section 5.7 of the Development Plan refers to '*Renovation and Restoration of Existing and Vacant Building Situated in Rural Areas*'.

5.1.7. Objectives KCDP 5-24 to KCDP 30 relate to the renovation and restoration of buildings. The following objectives are of relevance:

"KCDP 5-27 Facilitate the sensitive restoration and conversion to residential use of disused vernacular or traditional buildings as permanent places of residence."

"KCDP 5-30 Facilitate and support the objectives and actions of the plan "Housing for All, a New Housing Plan for Ireland" to tackle vacancy and the efficient use of existing housing stock in relation to vacant, derelict structures including heritage buildings."

5.2. **Natural Heritage Designations**

5.2.1. The subject site is located approximately 2km west of the SAC: 000365 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365).

6.0 The Referral

6.1. Referrer's Case

6.1.1. The referrer's case may be summarised as follows:

- The property has always been residential but has been vacant for a long period. The landowner has applied for the vacant house derelict grant. Kerry County Council Housing Section sought the Section 5 in order to access the grant.
- The building is a house as it has an Eircode, the septic tank that serves the house is registered with Irish Water.
- Photographs of existing house presented with fuse board intact.
- Proposed extension to the rear is less than 40sqm and is therefore exempted development.
- Four walls and metal roof are still intact.
- All of the above should confirm that the building is a dwelling.

6.2. Planning Authority Response

6.2.1. No response on file.

7.0 Statutory Provisions

7.1. The appropriate legal context for the referral is the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended). The following specific provisions are relevant to this case:

7.2. Planning and Development Act, 2000

7.2.1. Section 2(1) - Interpretation

In this Act, except where the context otherwise requires –

- “habitable house” means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;
 - “house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;
 - “structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate “use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.
 - “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

7.2.2. Under Section 3(1) In this Act,

“development” means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land.

7.2.3. Under Section 4(1) The following shall be exempted developments for the purposes of this Act –

- (h) development consisting of the use of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such.

7.2.4. Under Section 4(2)(a) - The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act ...

7.3. Planning and Development Regulations, 2001

Article 6(1)

7.3.1. Subject to the restrictions in Article 9, Article 6(1) provides for the classes of exempted development under Column 1 of Parts 1, 2 and 3 of Sch. 2, subject, where applicable, to the conditions and limitations opposite such classes as set out in column 2.

7.3.2. Schedule 2, Part 1 (Development within the curtilage of a house), Class 1 relates to the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house. The limitations include restrictions on floor area (40 sqm in the case of ground floor extensions) and height etc.

Article 10(1)(d)

7.3.3. Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

7.4. Relevant Referral Cases

Abandonment of Use

7.4.1. Under case ref. ABP-306083-19, the Board considered whether the proposed extension to the rear of an existing stone cottage at Townleyhall, Drogheda, Co. Louth was/was not development/exempted development. The Board concluded that the existing cottage was not in residential use and there is no evidence of any residential use of this cottage in recent times, or for a significant period of time, and the resumption of such residential use would now constitute a change of use that is material, having regard to the potential for consequences in planning terms,

including the potential for implications in terms of wastewater, the provision of services in an unzoned, unserviced rural area, proximate to Natura 2000 sites and the potential for the intensification of use of the access and local road network in the vicinity, and would, therefore, constitute development beyond the scope of exempted development.

- 7.4.2. Under case ref. RL3395, the Board considered whether the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo was/was not development/exempted development. The Board concluded that there was no evidence of any residential use of this derelict building in over 30 years, and was, therefore, satisfied that the residential use was abandoned; and the resumption of a habitable use of the subject building would constitute a change of use that is material.
- 7.4.3. Under case ref. RL3352, the Board considered whether works carried out to a derelict single-storey farmhouse for habitable use at Carrigmartin, Ballyneety, County Limerick was/was not development/exempted development. The Board concluded that there was no evidence of any residential use of this derelict building in over 20 years, or any evidence of an intent to resume such use over that time, and the Board was, therefore, satisfied that the residential use was abandoned; and the resumption of a habitable use of the building would constitute a change of use that is material.

Alterations/Improvement of a Structure

- 7.4.4. Under case ref. RL2748, the Board considered whether the replacement and/or alterations of windows and doors at 'The Mews', Ballinlough, Dunshaughlin, County Meath was/was not development/exempted development. The Board concluded that the works came within the scope of Section (4)(1)(h) of the Planning Act as they did not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures.
- 7.4.5. Under case ref. RL2592, the Board considered whether (a) a domestic extension and (b) works of repair and renewal to a dwelling known as 'Rose Cottage' at Brockagh, Glendalough, County Wicklow were/were not development/exempted development. The Board concluded that the works were of a nature and scale consistent with the purposes of maintenance, improvement or other alteration to a

structure and which did not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and therefore came within the exempted development provisions of Section 4(1)(h) of the Planning Act.

7.5. **Relevant Legal Precedent**

Abandonment of Use

7.5.1. **Dublin County Council v. Tallaght Block Co. Ltd.**

This case determined that a use of land can be abandoned and that a change of use will occur when an abandoned use is recommenced. Hederman J. in the Supreme Court stated: "Where a previous use of land has been not merely suspended for a temporary period and determined period, but has ceased for a considerable time, with no evidenced intention of resuming it at any particular time, the tribunal of fact was entitled to find that the previous use had been abandoned, so that the resumption constituted a material change of use."

7.5.2. **Cork County Council v. Ardfert Quarries Ltd.**

In this case a site had been used as an animal food processing plant from 1953 – 1966, it had been vacant from 1966 to 1970 and it had been used to manufacture and store tyres from 1970 to 1974. The High Court held that the use of the premises as a general industrial building from 1953-1956 had been abandoned by its non use from 1966-1970. Murphy J. stated: "Having regard to the elapse of time and the absence of any satisfactory explanation therefore, I must conclude that the use as of the operative date was subsequently abandoned."

7.5.3. **Meath County Council v. Daly, The High Court**

The court decision held that the resumption of the use of a premises which had been used for car repairs and petrol sales pre 1964, after that use had been abandoned since 1964 from time to time by the user of the premises for other purposes, and particularly by its user from 1969 for some years by a double glazing company, was a material change of use.

7.5.4. **Wicklow County Council v Jessup and Smith [2011]**

The High Court considered whether works to a cottage constituted exempted development. The court held that, despite the paucity of admissible evidence, a

reference to the character of the property by the respondents' agent represented a declaration against their interest and was duly admissible as evidence that the works in question were not exempted development within the meaning of S. 4(1)(h) of the Planning and Development Act. I note that the concept of abandonment was also considered, where Edwards J. held that the evidence as to the state of disrepair of the cottage, which was alleged to have been abandoned before habitation resumed, was vague, unsatisfactory and equivocal.

8.0 Assessment

8.1. Is or is not development

8.1.1. The question before the Commission to determine, is whether or not the restoration of the existing structure/dwelling and associated 39sqm extension to the rear, constitutes 'development'. Development is defined in the Act as the carrying out of any 'works' on, in, under or over land or the making of any material change of use in any of the structures or other land. 'Works' include the act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. It is from the planning history of the site and existing structure that works appeared to have taken place relative to the restoration of the dwelling house, including the restoration of the eastern gable wall of the structure. The structure is currently in a derelict state, with boarded windows, decaying plaster and a rusting roof with open sections. There can be no doubt that the proposed restoration of the dwelling house involves elements of construction, repair and renewal, and alteration to the existing structure through the provision of a 39sqm extension to the rear and as such undoubtedly falls within the definition of 'works'. The referrer does not contest that works are required to restore the building to a habitable condition. It is reasonable therefore for the Commission to conclude that the proposed restoration and extension of the structure falls within the definition of 'works' and therefore constitutes development.

8.2. Is or is not exempted development

8.2.1. The planning merits as to whether or not the development should take place is not the basis on which to determine the referral. The sole purpose of a Section 5

Referral is to determine, when a question arises in any particular case, what is or is not development or what is or is not exempted development within the meaning of the Act. The purpose of a Section 5 Referral is therefore not to adjudicate on the particular planning merits associated with a case, or whether or not a proposal is in accordance with the proper planning and sustainable development of the area, but rather a referral under Section 5 of the Act is confined to a legal interpretation as to whether or not planning permission is required in accordance with the provisions of the Act and associated Regulations. The Commission should therefore restrict its deliberations to the referral question before it and not the planning merits of the case.

8.3. Regard to the Issue of 'Habitable House'

8.3.1. The Owner puts forward that the restoration and extension of the derelict dwelling, constitutes a residential use, which is a continuation of the original and intended residential use. He puts forward that there is an existing electricity fuse board within the dwelling, and the septic tank is registered with the Department of Housing, Local Government and Heritage (Despite the referrer submitting this was from Irish Water). Details have not been given as to the history of when the structure was last used as a dwelling, or how long it has been in derelict condition. Documents or drawings of the development showing when the structure was last used as a dwelling are not on file. On my site visit, I noted that the structure which faces the local road is in a deleterious state with boarded windows, a corroded roof with holes in it and crumbling plaster to the internal and exterior walls. Therefore, the structure could not be seen as a habitable dwelling. The planning history on the site is noted, particularly that it was proposed to demolish the dwelling as far back as 1993 and it could not be said that the property or the site is currently in residential use or is a habitable house.

8.4. Abandonment of Use

8.4.1. As noted in his referral to the Commission, the Owner of the site refers to the continuous use of the structure as a dwelling. These are concepts referred to in the Planning Authority Reports relevant to the subject site, whereby they consider the subject structure is in a ruinous condition and use as a dwelling house has long since been abandoned. Based on case law some suggested tests of abandonment

relevant to this issue are referred to in 'Environmental and Planning Law in Ireland' (Yvonne Scannell, 1995) i.e:

- The intention of the owner and/or occupier to abandon or not abandon.
- The period during which the use was discontinued. The longer the period the more likely the use is to be abandoned.
- Whether or not there have been any intervening issues.
- The physical condition of the land or structure.

8.4.2. In this case it has been put forward that it is the intention of the owner to resume the residential use of the site, although the referrer submits the structure has been vacant for 'quite some time'. He submits that it is his intention to restore the property in line with the vacant house derelict grant. However, I would consider that it is necessary to have regard to the factual issues; relevant to the length of time it has not been in residential use and the physical condition of the structure. It is not sufficient for the owner to have an intention not to abandon when the structure has not been in use for some time as a dwelling house and is now physically not habitable and is in derelict condition.

8.4.3. The Planning Authority provides that they are satisfied that the structure was not in use as a house for an extended period. It appears that the structure is derelict, and the use has been abandoned. Therefore, the term 'habitable house' is irrelevant in the context of Schedule 2, Part 1, Exempted Development – General, Class 1 of the Planning and Development Regulations 2001 (as amended), which refers to the extension of a 'house'. It is of note that this refers to Development within the curtilage of a house and does not specifically refer to a habitable house. I consider this to relate specifically to a structure that is in use as a house, which it is clear the subject structure currently is not. I have regard to Article 10(1)(d) in relation to change of use that is acceptable if the use is authorised and is not abandoned. For the reasons set out, including the planning history of the site that has seen the site lie vacant for a number of years with an intention to demolish the structure in 1993, I consider the use to be abandoned.

8.4.4. As noted in Column 2, Conditions and Limitations, of Part 1 of Schedule 2, regard is had to the floor area of an extension to the house. Having regard to the Conditions

and Limitations of this Class 1, subsection 4(c) is of note in that it includes the word 'dwelling' and subsection 5 which refers to rear extensions includes the wording reserved exclusively for the use of the occupants of the house. Also, of note is Class 50 (b) Miscellaneous of the said Schedule which includes regard to the demolition of a habitable house. All relate to the exempted development provisions applying to a 'house' which the subject structure is not.

8.4.5. Therefore, it is not stated in the regulations that there is a distinction or that a house/structure which is not habitable, can avail of the exemptions offered by Class 1 of the Schedule. Rather, I consider it as a material change of use to convert this now derelict structure, where it appears the habitable use has been long abandoned, back to residential use. I consider that the proposal constitutes development which does not come within the scope of any of the legislative provisions for exempted development and is therefore not exempted development.

8.5. **Restrictions on Exempted Development**

8.5.1. I accept that some elements of the structure as existing may be original, however, while the structure to be restored now appears derelict, it has not been clarified as to the extent the restoration will reflect the original external appearance of the structure. I consider that the extent of the works to be undertaken to enable the restoration of the original dwelling on this site are such that they do not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended as they would materially affect the external appearance of the structure. There would appear to be minimal possibility of retention of the original building fabric and essentially the restoration of the existing structure on site, which is not habitable, can more accurately be described as works/renovations that would constitute a replacement dwelling rather than a restored dwelling. Replacement roof, new windows, new door, replacement rendering, would all amend the appearance of the structure to such an extent that it would depart from the original appearance. As outlined above, the use has been nevertheless abandoned, and a new permission is required for the use of the site as residential. I therefore consider that the said works and change of use are not exempted development and would require planning permission.

8.6. **Change of Use**

8.6.1. In this case the argument being put forward is whether or not these works relevant to the restoration of the dwelling are exempted development. Regard is had to the Statutory Provisions Section above and to Changes of Use as provided in Article 10(1) of the Planning and Development Regulations 2001, as amended. In particular, Article 10(1)(d). Therefore, as noted in this section, Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not...be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned. It is of note as set out above, that the use has been abandoned, given the length of time the structure has not been in use as a dwelling.

8.7. **Screening for Appropriate Assessment**

8.7.1. Having regard to nature and scale of the development and the nature of the receiving environment and the distance and lack of connections to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

9.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the restoration of an existing structure at Knocknaskeha, Killarney, Co. Kerry is or is not development or is or is not exempted development:

AND WHEREAS Mr. John Dooley requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 16th day of June 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Mr. John Dooley (c/o Mr. Frank Curran) referred this declaration for review to An Coimisiún Pleanála on the 3rd day of July, 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the provisions of the Kerry County Development Plan 2022-2028
- (g) the planning history of the site,
- (h) relevant precedent referrals and judgements, and
- (i) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The works and alterations to be carried out to facilitate the residential use of the now derelict structure would constitute “works” that are “development” under Section 3(1) of the Planning and Development Act 2000 (as amended).
- (b) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the

documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would now constitute a change of use that is material, having regard to the potential for consequences in planning terms. It would, therefore, constitute development, which development does not come within the scope of any of the legislative provisions for exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (X) (x) of the 2000 Act, hereby decides that the restoration of the subject structure is development and is not exempted development.

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.

Matthew McRedmond
Senior Planning Inspector

08th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-322954-25
Proposed Development Summary	Renovation of existing structure for use as a dwelling and extension to the rear.
Development Address	Knocknaskeha, Killarney, 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)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input checked="" type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
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?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
--	--

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____