



An
Coimisiún
Pleanála

Inspector's Report ACP-323443-25

Development	Construction of 9 houses and all associated site works.
Location	Sandhill Road, Ballybunion, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24/302
Applicant(s)	Gary O'Driscoll
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gary O'Driscoll
Observer(s)	None
Date of Site Inspection	November 04 th , 2025
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.78 hectares, is located off Sandhill Road of Ballybunion, Co. Kerry. The old Irish college is located to the east of the site while the Ballybunion Holiday Village is located to its west and a GAA club to its north. Ballybunion golf course and the sea are located on the opposite side of Sandhill Road.
- 1.2. The site is currently under grass and is largely bounded by concrete walls (apart from southern boundary which is undefined) and is accessed from a narrow laneway, off a road that provides access to Ballybunion Holiday Village and a number of other detached residential properties. This laneway is in relatively poor condition and gated.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of 9 no. detached houses and all associated site works. All proposed dwellings are four-bed detached properties with floor area of 207m². One unit is being put forward to comply with Part V requirements.
- 2.2. In total, 18 no. car parking spaces are proposed. Works include the renewal of tarmac road surface and existing concrete footpath, while maintaining the existing widths.
- 2.3. In terms of water supply, a new connection to the public mains is proposed with a new wastewater connection to the public sewer.
- 2.4. Details were submitted, by way of response to Further Information to the planning authority which sought to demonstrate a right of way over the access laneway.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for two reasons relating to:

1. It is considered that the proposed development would endanger public safety by reason of a traffic hazard, because the proposed access roads widths detailed on drawings 24-053-02 Road Safety Junction 1, 24-053-003 Road Safety Junction 2 & 24-053-004 Road Safety Junction 3, submitted in reply to further information request do not meet the requirements as set out in DMURS (Design Manual for Urban Roads and Streets) and would pose a road safety concern regarding traffic, pedestrian and vulnerable road users' safety. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that sightlines at the proposed junction with the public road (L-1002 Sandhill Road) do not meet the requirements as set out in DMURS (Design Manual for Urban Roads and Streets) and would pose a road safety concern regarding Traffic, Pedestrian and vulnerable road users' safety. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area (sic).

Further Information was requested by the planning authority in relation to (i) legal right of way (ii) roads issues (iii) drainage matters (iv) liaise with Uisce Eireann (v) open space provision. The planning authority considered the FI response to be significant and requested the submission of revised public notices. These notices were duly submitted by the applicant.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Reflects decision of planning authority; recommends refusal of permission

3.2.2. Other Technical Reports

Roads Report- Refusal recommend (date 22/07/2025) for reasons similar to those of the planning authority

Housing Estates Unit- Recommendations set out relating primarily to finished detail and specifications (date 23/06/2025)

Biodiversity Officer- No ecological or environmental reports have been submitted in support of the proposal. Notwithstanding same, it is considered that the site is of low ecological importance. Proposals submitted do not appear to have to have incorporated a nature-based solutions approach. The quality/usability of the proposed open space is questionable and appears to have been located towards the south of the site so as to correspond with the location of the proposed attenuation tank. A nature-based approach may facilitate improved public open space provision. Further Information requested (29/08/2024). No further report received.

3.3. **Prescribed Bodies**

Uisce Eireann: No objection in principle (date 24/06/2025).

Water

The COF states a connection is feasible without infrastructure upgrade by Uisce Éireann. It further notes, the Watermain connection can be made onto the Watermain that serves Ballybunion Holiday Village, subject to any permissions and easements which shall need to be obtained by the developer.

Wastewater

The COF states a connection is feasible without infrastructure upgrade by Uisce Éireann. It further notes, the sewer Connection shall be made to the Public Sewer onto the L-1002-0 roadway.

3.4. **Third Party Observations**

One observation was received by the planning authority regarding placement of 'STOP' sign and impacts in privacy.

4.0 Planning History

92/1166

Permission GRANTED for extension to Colaiste building

5.0 Policy Context

5.1. National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework, First Revision
- Regional Spatial & Economic Strategy for the Southern Region

5.2. Local Planning Policy

Development Plan

The Kerry County Development Plan 2022-2028 applies.

Ballybunion is designated as a Regional Town, as per Map 3.3 of the Kerry County Development Plan and section 3.5.1.2

Volume 6, Section 1 Development Management Standards & Guidelines

Section 1.5.4.4 Public Open Space

Listowel Municipal District Local Area Plan 2020-2026 applies

Ballybunion is designated as a District Town within the settlement hierarchy.

Section 3.1.3 of LAP

It is a strategic aim of the settlement strategy to support the sustainable development and growth of these settlements to meet population target as set out in section 3.1.1 of the County Plan at a scale, layout and design that reflects the character of each town, so that they can function as adequate service and employment centres for the surrounding hinterland.

Part C District Towns

Section 3.3 Ballybunion

Zoning:

Objective S1- Education which seeks to 'provide for educational facilities.

The County Development Plan describes these zones as 'Providing for the wide range of educational facilities and related development. Where appropriate the provision of ancillary accommodation and facilities will be accommodated'.

The LAP further states in relation to Community Services/Facilities (S1-S6)- Those areas designated for educational, institutional and civic land uses generally include community related development including schools & colleges, residential healthcare institutions and where appropriate the provision of ancillary accommodation and facilities.

'Residential Unit' is stated as being 'Open for Consideration' in Areas zoned for Community Services/Facilities.

Section 2.3.6 of LAP-...the plan has a target that at least 30% of new housing to be delivered within the existing built up fabric of Ballybunion on infill and or brownfield sites

Objective BD-01- Require at least 30% of new housing development to be delivered within the existing built up areas on infill and or brownfield sites in Ballybunion

Objective BN-GO-08- Encourage the development of a compact and sustainable town structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites.

5.3. **Natural Heritage Designation**

The nearest designated site- Lower River Shannon SAC (Site Code 002165)- is approximately 650m from the subject site.

5.4. **EIA Screening**

See completed Appendix 1 and 2, Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.5 **Appropriate Assessment Screening**

5.5.1 See Appendix 2 below

5.5.2 I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

5.5.3 The subject site is located approximately 650m from the Lower River Shannon SAC (Site Code 002165), the nearest designated site.

- 5.5.4 The proposed development comprises the construction of 9 no. detached dwellings, together with ancillary site development works. There are no open watercourses on, or adjacent to the site. The habitat on site is considered to be of low ecological value, not suitable for feeding by Qualifying Interest birds. The site is not located within a flood zone.
- 5.5.5 Concerns regarding impacts on integrity of designated sites were not raised in the submissions received.
- 5.5.6 An AA Screening Report was not submitted with the application. The planning authority state that having regard to the nature of the development proposed, existing development on site and the distance of the site from any SAC or SOA, they consider that there is no likely potential for significant effects to Natura 2000 sites and AA is not required. The Biodiversity Officer notes that the site is of low ecological importance and requests a surface water management plan be submitted.
- 5.5.7 Having considered the nature, scale and location of the project, I am satisfied that the above designated site can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Nature of works e.g. small scale nature of the development
 - Location-distance from nearest European site and lack of connections
 - The hydrological distance of indirect pathways to this European Site where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
 - Taking into account screening report by the PA
- 5.5.8 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 5.5.9 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.
- 5.5.10 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

5.6 Water Framework Directive

5.6.1 The subject site is located approximately 610m east of the coastline (Mouth of the Shannon (HAs 23;27) Coastal waterbody) (Site Code: IE_SH_060_0000) (Good status using monitoring technique) and approximately 670m from the Killeheny stream (Moderate status using modelling technique). It is within the Island Sack Little_010 river basin (Code IE_SH_23I100800). It is within the Ballybunion Ground waterbody (Site Code: IE_SH_G_027) which has overall good status. The proposed development comprises the construction of 9 no. dwellings, together with ancillary site development works including road improvement works. See section 2 above for detailed assessment. This is an infill site, utilising existing roads infrastructure. It is proposed to connect to mains drainage and water infrastructure. SuDS measures are proposed. Neither the planning authority nor Uisce Eireann have raised concerns in this regard. There are no watercourses on the site. No water deterioration concerns were raised in the planning appeal.

5.6.2 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.

5.6.3 The reason for this conclusion is as follows

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections
- Lack of concerns raised by the planning authority

5.6.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6 Appeal

6.1 Grounds of Appeal

One first-party appeal submission was received, which may be broadly summarised as follows:

- Infill site, located a short walk from centre of Ballybunion; well-designed compact site
- Compliance with national policy documents including NPF, DMURS and local policy context Kerry CDP
- Planning authority failed to have due regard to specific site conditions of a fully serviced site, which is zoned for residential development
- Refusal does not acknowledge proposed road safety measures; does not negatively impact on surrounding development and residential amenity
- Highlights discussions with PA
- Considers that they unjustly applied standards for new roads upon this existing road network
- Stage 1 Road Safety Audit included in appeal submission

Reason No. 1

- Planner generally supportive of proposal but based refusal on Municipal Roads Office report
- On basis of Stage 1 RSA (prepared as part of FI response to PA) several revisions were made to proposal including major improvements to junctions noted in refusal reason
- 2 of the 3 junctions cited involve existing ground conditions, lane widths, footpaths and boundary wall- applicant can only work within context of these

conditions; existing of road widths are existing and serving the surrounding development without incident

- Junction 1: Proposed provision of a signalised junction at Junction 1 (with main public road) where there are currently no traffic safety measures; is grossly neglected and poses a serious traffic hazard to both pedestrians and vehicles. Upgrades include pedestrianised traffic lights, road markings and pedestrian crossing; total compliance is an impossibility
- Junction 2: (junction of existing residential area estate road with site access); presently no road safety measures; is neglected with no clear delineation of vehicular/pedestrian traffic. Proposed improvements outlined that are considered to meet requirements of DMURS
- Junction 3: only new junction; fully under control of design team and is fully compliant with criteria of DMURS

Reason No. 2

- Proposed road safety measures/solution to deficiencies at existing junction to provide a signalised junction (as recommended in RSA) were ignored by PA
- Proposal would overcome any safety concerns where sightline restrictions would be mitigated through the provision of a signalised junction with further safety measures provided to pedestrians by means of a pedestrian crossing; removes the necessity for extending sightlines

Concerns decision of PA to be flawed; consider that proposed upgrades and amendments to Junction 1 should have been provided already by the PA as a workable solution to a difficult scenario.

6.2 Applicant Response

N/A

6.3 Planning Authority Response

None

6.4 Observations

None

6.5 Further Responses

None

7.0 Assessment

7.1 The proposed development comprises the construction of 9 no. detached dwellings and all ancillary site development works including road improvement/upgrade measures. Permission was refused by the planning authority for two reasons relating to traffic safety concerns and compliance with DMURS.

7.2 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 prescribed bodies, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of proposed development/policy context
- Refusal reasons
- Design Principles- Density and Public Open Space
- Other matters

7.3 Principle of proposed development/policy context

7.3.1 I highlight to the Board that this may be considered a new issue. The Planner's Report states that the proposed site is located on residential zoned land 'R1' in the Ballybunion town settlement as per the Listowel Municipal LAP and therefore the proposal can be considered in principle. From an examination of the LAP (Ballybunion South, page 69 of LAP) it appears to me that the site is zoned 'Objective S1' Education, in which residential development is open for consideration. The planning authority notes that there are existing residential estates in proximity to the site. I would concur with this assertion. The zoning description states that those

areas designated for educational, institutional and civic land uses generally include community related development including schools & colleges, residential healthcare institutions and where appropriate the provision of ancillary accommodation and facilities. The County Development Plan describes these zones as 'Providing for the wide range of educational facilities and related development. Where appropriate the provision of ancillary accommodation and facilities will be accommodated'. While the proposal does not form any of these cited uses, and the planning authority may have envisaged other uses in zoning the site for 'Education', it is stated that 'residential unit' is open for consideration within such areas, as set out in the zoning matrix of both the CDP and Listowel LAP (see Table 2.10 of LAP). Given the locational context of the site and the surrounding residential development in proximity, I therefore consider the proposal to be acceptable in principle. There is some discrepancy between documents of Kerry County Council. I note that Ballybunion is designated as a Regional Town, as per Map 3.3 of the Kerry County Development Plan while it is designated as a District Town in the Listowel LAP. I note that the County Development Plan was prepared and adopted more recently, as the LAP was initially adopted in 2020. Nonetheless, I consider this to be an infill, serviceable site within the settlement boundary of the town. I also consider the proposal to be in compliance with Objective BN-GO-08- of the Listowel Municipal District Local Area Plan 2020-2026 which seeks to 'encourage the development of a compact and sustainable town structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites'. I am generally satisfied in relation to the principle of development on this site.

7.4 Refusal Reasons

- 7.4.1 As stated above, permission was refused by the planning authority for two reasons relating to road safety in relation to traffic, pedestrian and vulnerable road users', together with compliance with DMURS. Specifically, three no. junctions (1,2 and 3) were referenced in the first reason for refusal from the planning authority as set out in Drawings 24-053-02, 24-053-003 and 24-053-004 respectively. Junction 1 (at the junction with the main Sandhill Road) was also referenced in the second reason for refusal.

- 7.4.2 I note that the planning authority raised this matter of traffic safety in their request for Further Information and in response, the applicant submitted a Stage 1 Road Safety Audit, which included for the signalling of Junction 1 and provision of pedestrian crossing at Sandhill Road, together with other road improvement works throughout. Junction 3 is the only new junction referenced, the other two are both existing. The Listowel Roads Office- Roads Report recommended refusal of permission following receipt of FI from the applicant and the decision of the planning authority reflected this recommendation. No further reasoning was provided by the Roads Office for their recommendation.
- 7.4.3 I have examined all the documentation before me and undertaken a visit of the site and its environs. I acknowledge the concerns of the planning authority in relation to road safety and compliance with DMURS. However, I note the circumstances of the site. It is zoned for development within the settlement boundary of Ballybunion. It is considered an infill site, surrounded by development on a number of sides. It is within walking distance of the town centre, with adequate pedestrian connectivity. There is a footpath and street lighting existing (with footpath and road surface proposed for upgrade) and a shared surface is proposed over an area of the access. A signalised junction is proposed at the junction with Sandhill Road (Junction 1) together with a pedestrian crossing. I am of the opinion that the proposed road improvements will greatly enhance the environment for all.
- 7.4.4 I acknowledge that the access road narrows at points and is in poor condition currently. I would anticipate driver behaviour to adapt to the road conditions. I noted that the existing access road was lightly trafficked at the time of my site visit. I acknowledge that this road provides access to Ballybunion Holiday Village, and I visited the site outside of the traditional holiday season. I noted that sightlines onto Sandhill Road were somewhat restricted to the left existing but were adequate turning right towards the town. This area is however within the 50kph speed limit.
- 7.4.5 I acknowledge DMURS standards but highlight to An Coimisiún that they acknowledge that they do not purport to account for every scenario, particularly when retrofitting existing streets. The proposed Junction No. 3 is the only new junction and I consider it to generally comply with DMURS standards. For the remaining two existing junctions, I consider that certain degree of flexibility should be allowable given their existing nature, the locational context and site characteristics.

A shared surface is proposed, together with improvements to the existing footpath which will aid pedestrian connectivity. The resurfacing of the existing access road will also be a benefit to all. The proposed works to the existing junction at Sandhill Road will be a safety improvement for all. While it is acknowledged that sightlines are not optimum at this location, the applicant has put forward measures to mitigate against this issue. I consider the solution put forward, namely signalised junction, pedestrian crossing and renewal of surface existing access road/footpath to be acceptable. I am satisfied in this regard and I have no information before me to believe that the proposal would give rise to the creation of a traffic hazard or obstruction of road users.

7.5 Design Principles

7.5.1 I have serious concerns in relation to the proposed scheme, in particular its design and layout. While I do not concur with the opinion of the planning authority in relation to traffic and safety issues, I do have serious concerns in relation to other matters. I highlight to An Coimisiún that these are considered to be new issues. These matters have not been raised as a concern by the planning authority. While I am satisfied with the principle of residential development on this site, I question the overall layout of the proposed scheme, suburban in nature with dwellings on what could be considered excessively large sites. I consider the proposal not to be in compliance with the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities in relation to quality urban design and placemaking for reasons expanded upon below.

Density

7.5.2 I consider this to be a new issue and I highlight same to An Coimisiún. The density of development is stated as being 11 units/hectare. In relation to density, the planning authority state that the site is zoned for residential development and the proposal for 9 houses can be considered. No further comment is made by the planning authority in this regard. Given the locational context of the site, within the settlement boundary of Ballybunion on a serviceable site within walking distance of the town centre, I consider this density to be inadequate and if permitted, would represent an inefficient use of land at this location. As per the Sustainable and

Compact Settlements, Guidelines for Planning Authorities (2024), I consider the subject site to be located to be within a Small/Medium Town Edge. These locations are small to medium towns with lower density housing areas constructed around the centre. Ballybunion has a population of approximately 1600 persons, as per the last Census. The Guidelines state that it is a policy and objective of these Guidelines that densities in the range of 25dph to 40dph (net) shall generally be applied at the edge of small to medium sized towns. Notwithstanding the somewhat constrained access (which I consider is not detrimental to the viability of the scheme), I consider that a density of 11 units/hectare is not in compliance with these Guidelines, is unacceptable at this location and would result in an inefficient use of serviceable, zoned land within the settlement boundary of Ballybunion. I recommend a refusal of permission in relation to this matter.

Public Open Space provision

7.5.3 I highlight to An Coimisiún that this is also considered to be a new issue. Section 1.5.4.4 Public Open Space of Volume 6 of the Kerry County Development Plan 2022 states that public open space should be provided at a minimum rate of 15% of total site area. The open space should be designed to complement the residential layout and be informally supervised by residents. The spaces should generally be centrally located within groupings, and be visually and functionally accessible, of a suitable gradient, useable and overlooked by a maximum number of dwellings. Incidental pieces of unusable land shall not be considered to fulfil or partially fulfil the 15% requirement; for example, narrow tracts of open space, which are difficult to manage, will not be acceptable. It further states that in brownfield sites or infill sites, a minimum of 10% may be provided as public open space. An argument could be made for the subject site to be described as infill. Communal open space is required only in apartment developments. The planning authority dealt with this matter as part of the FI request to the applicant and requested the applicant to confirm that 15% open space is reserved as public open space. In response, the applicant states that that it should be noted that each of the proposed dwellings is located on a site ranging from 600m² upwards of private open space. They highlight that a modest communal play area and amenity space of approximately 280m² has been provided, which they believe to be acceptable given the large private amenity space

associated with each dwelling. I note the report of the planning authority Ecologist which notes that the quality/usability of the proposed open space is questionable and appears to have been located towards the south of the site so as to correspond with the location of the proposed attenuation tank. A nature-based approach may facilitate improved public open space provision. Further Information was requested by the Ecologist which included, inter alia, that the applicant should seek to improve useability and supervision of public open space/play areas. The planning authority while acknowledging the applicant's response, did not make any comment in relation to this matter.

7.5.4 I highlight to An Coimisiún that public open space complying with the 15% Development Plan requirement would equate to approximately 1170m² and the 10% requirement being 780m². As stated, approximately 280m² of public open space is proposed which falls well below the Development Plan requirement. I consider the narrow tract of open space provided to be residual in nature and incidental in nature, located at the entrance to the development, close to the roadway which may not be the ideal location for a play space. It is not centrally located within the scheme and appears to me to be residual space remaining after the placement of the proposed dwellings and drainage infrastructure. In my opinion, an inadequate Landscape Masterplan was submitted as part of the Further Information response to the planning authority. I accept that each proposed dwelling has private open space far in excess of Development Plan standards (see Table 1 of Volume 6 of Kerry CDP) and I would question the need for such a quantum, given the shortfall in public open space proposed. I consider that the open space provision does not meet the requirements of the Development Plan in this regard and I consider it to be a material contravention of the Kerry County Development Plan 2022. I recommend a refusal of permission in relation to this matter.

7.6 Other Matters

7.6.1 I note that the unit mix comprises of 9 no. four-bed dwellings, each in excess of 200m². In terms of provision of a greater unit mix and catering to different populations groups, it would be favourable to have a greater unit mix. Given the overall scale of development in this instance, I consider that the matter of inadequate unit mix is not so great as to warrant a refusal of permission.

7.6.2 I am satisfied that any impacts on residential amenity would not be so great as to warrant a refusal of permission.

7.6.3 Section 1.5.4.16 Construction Waste Management Plan of Volume 6 of the operative Kerry County Development Plan states that a management plan for the reuse, recycling or disposal of Construction & Demolition waste will be required to be submitted as part of an application. It would appear to me that this Plan has not been submitted as part of an application. If An Coimisiún is disposed towards a grant of permission, I consider that the matter could be adequately dealt with by means of condition.

7.7 Conclusion

7.7.1 The planning authority refused permission on two grounds relating to traffic and safety reasons. Given the locational context of the site and the proposal put forward in this regard, which includes for the utilisation and improvement of an existing street to access a zoned, serviceable site within the settlement boundary of Ballybunion, I would not recommend a refusal of permission in relation to these matters. DMURS recognises the need for flexibility when retrofitting existing streets. However, notwithstanding this, I have serious concerns in relation to other matters. I highlight to An Coimisiún that these are considered to be new issues. While I am satisfied with the principle of residential development on this site, I question the layout of the proposed scheme, suburban in nature with dwellings on very large sites. A footpath appears to be proposed on one side of the new access roadway only. I consider the proposal not to be in compliance with the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities in relation to quality urban design and placemaking. I consider the density to be inadequate given the locational context and having regard to national guidelines. I consider the public open space to be grossly inadequate and residual/incidental in nature, accommodating the attenuation tank. No ecological or environmental reports were submitted. A Landscaping Masterplan was submitted on foot of the FI request, which is considered wholly inadequate and lacking in detail. It is unclear if it has been prepared by a suitably qualified professional. No plans were submitted in relation to construction management or waste management, which I consider to be pertinent given the locational context of the site in close proximity to existing residential development. Overall, a poor-quality proposal has been put forward and I consider

that a grant of permission is not appropriate, given the extent of detail that would require conditioning.

8.0 Recommendation

8.1 I recommend that permission be REFUSED, for the reasons and considerations set out below.

9 Reasons and Considerations

1. It is a policy and objective of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) that densities in the range of 25dph to 40dph (net) shall generally be applied at the edge of small to medium sized towns. An Coimisiún Pleanála considers that a density of 11 units/hectare is not in compliance with these aforementioned Guidelines, is unacceptable at this location and would result in an inefficient use of serviceable, zoned land within the settlement boundary of Ballybunion. The proposal is therefore considered to be inconsistent with the proper planning and sustainable development of the area.
2. Section 1.5.4.4 Public Open Space of Volume 6 of the Kerry County Development Plan 2022 states that public open space should be provided at a minimum rate of 15% of total site area. The open space should be designed to complement the residential layout and be informally supervised by residents. The spaces should generally be centrally located within groupings, and be visually and functionally accessible, of a suitable gradient, useable and overlooked by a maximum number of dwellings. Incidental pieces of unusable land shall not be considered to fulfil or partially fulfil the 15% requirement. The proposed development does not meet Development Plan requirements in relation to the quantum and quality of public open space provided. It is not centrally located and is considered to be residual and incidental in nature. The proposed development is therefore considered to materially contravene section 1.5.4.4 of Volume 6 of the Kerry County Development Plan 2022 and be inconsistent with the proper planning and sustainable development of the area.

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

Lorraine Dockery
Senior Planning Inspector

21st November 2025

Appendix 1 - Form 1 EIA Pre-Screening

An Bord Pleanála	ACP-323443-25		
Case Reference			
Proposed Development	Construction of 9 houses and all associated site works.		
Summary			
Development Address	Sandhill Road, Ballybunion, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	X
(that is involving construction works, demolition, or interventions in the natural surroundings)		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Schedule 5, section 10(iv) 'Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Site area of 0.78 hectares within 'other parts of a built-up area'	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	x		Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?			
No	x		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes			Screening Determination required

Inspector: Lorraine Dockery **Date:** 21st November 2025

Appendix 2- Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ACP-323443-25
Proposed Development Summary	Construction of 9 houses and all associated site works.
Development Address	Sandhill Road, Ballybunion, Co. Kerry
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>Proposed development comprises the construction of 9 houses on site area of 0.78 ha.</p> <p>The development has a modest footprint and comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(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</p>	<p>This is a greenfield site within an established urban area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County</p>

<p>environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.</p>	
<p>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).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extend of effects, and absence of in- combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act</p>	
<p>Conclusion</p>		
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>	<p>Yes</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>		
<p>There is a real likelihood of significant effects on the environment.</p>		

Inspector: Lorraine Dockery **Date:** 21st November 2025

Appendix 3- Screening the Need for Appropriate Assessment

Screening the need for Appropriate Assessment

Finding of no likely significant effects

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed residential development and associated site works at Sandhill Road, Ballybunion, Co. Kerry in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. The planning authority state that having regard to the nature of the development proposed, existing development on site and the distance of the site from any SAC or SPA, they consider that there is no likely potential for significant effects to Natura 2000 sites and AA is not required. The Biodiversity Officer notes that the site is of low ecological importance.

A detailed description of the proposed development is presented in Section 2 of my report. In summary, the subject site is located within the settlement boundary of Ballybunion, accessed from Sandhill Road. It is a greenfield, infill site of stated area of 0.78 hectares. The site is surrounded by residential development on two sides. The old Gaeltacht college is located to its east with GAA grounds to its north.

The proposed development will be served by public mains connections. SuDS measures are proposed, which are standard measures in all new such developments and are not included to avoid/reduce an effect to a Natura 2000 site. The site is not located within a flood risk area. Vegetation is considered to be of low ecological value.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The proposed development site is a brownfield, infill site within an established built-up residential area, within the settlement boundary of Ballybunion.

The subject site is located approximately 650m from the Lower River Shannon SAC (Site Code 002165), the nearest designated site.

<p>Lower River Shannon SAC (Site Code 002165)- 650m distant</p> <p>Lower River Shannon SAC National Parks & Wildlife Service</p> <p>Qualifying Interests</p>	<p>Conservation Objective</p>
<p>Sandbanks which are slightly covered by sea water all the time [1110]</p>	<p>Maintain the favourable conservation condition</p>
<p>Estuaries [1130]</p>	<p>Maintain the favourable conservation condition</p>
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>Maintain the favourable conservation condition</p>
<p>Coastal lagoons [1150]</p>	<p>Restore the favourable conservation condition</p>
<p>Large shallow inlets and bays [1160]</p>	<p>Maintain the favourable conservation condition</p>
<p>Reefs [1170]</p>	<p>Maintain the favourable conservation condition</p>
<p>Perennial vegetation of stony banks [1220]</p>	<p>Maintain the favourable conservation condition</p>
<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	<p>Maintain the favourable conservation condition</p>
<p>Salicornia and other annuals colonising mud and sand [1310]</p>	<p>Maintain the favourable conservation condition</p>
<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	<p>Restore the favourable conservation condition</p>
<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	<p>Restore the favourable conservation condition</p>
<p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p>	<p>Maintain the favourable conservation condition</p>
<p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p>	<p>Maintain the favourable conservation condition</p>
<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>	<p>Maintain the favourable conservation condition</p>

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Restore the favourable conservation condition
Petromyzon marinus (Sea Lamprey) [1095]	Restore the favourable conservation condition
Lampetra planeri (Brook Lamprey) [1096]	Maintain the favourable conservation condition
Lampetra fluviatilis (River Lamprey) [1099]	Maintain the favourable conservation condition
Salmo salar (Salmon) [1106]	Restore the favourable conservation condition
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	Maintain the favourable conservation condition
Lutra lutra (Otter) [1355]	Restore the favourable conservation condition

Likely impacts of the project (alone or in combination)

Due to the enclosed nature of the development site, the limited scale of development and the presence of a significant distance between this existing site and the Lower River Shannon SAC, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. There are no spatial overlaps with any Natura 2000 site.

During site clearance and construction of the proposed development, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. However, the contained nature of the site (serviced, defined site boundaries) and distance from receiving features connected to Lower River Shannon SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the above designated site. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. SuDs measures are proposed (standard construction practices); the site is not located within a flood zone and neither the planning authority nor NPWS have raised issue in this regard.

I have examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for this site, available through the NPWS website (www.npws.ie). 2021.

Given the greenfield nature of the site with limited natural habitats/species, there will be no direct or ex-situ effects from disturbance on mobile species, including ex-situ foraging and roosting habitat during construction or operation of the proposed development due to the location of the development site and the absence of suitable habitat.

In combination effects

The proposed development will not result in any effects that could contribute to an effect with other developments in the area.

No mitigation measures are required to come to these conclusions. Mitigation measures put forward in the submitted documentation are considered to be standard measures to prevent ecological impacts and are not a mitigation measure for the purpose of avoiding or preventing impacts to the designated sites.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, including Lower River Shannon SAC and is therefore excluded from further consideration. No further assessment is required for the project. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak connections to the European sites
- Taking into account screening determination by LPA

Inspector: Lorraine Dockery

Date: 21st November 2025