



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500188-KY

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<b>Development</b>	<b>Construction of a single storey dwelling.</b>
<b>Location</b>	<b>Tullamore, Ballybunion, Co. Kerry</b>
<b>Planning Authority</b>	<b>Kerry County Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>25/60388</b>
<b>Applicant(s)</b>	<b>Mairead Lynch</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Refuse Permission</b>
<b>Type of Appeal</b>	<b>First Party Normal Planning Appeal</b>
<b>Appellant(s)</b>	<b>Mairead Lynch</b>
<b>Observer(s)</b>	<b>None</b>
<b>Date of Site Inspection</b>	<b>7<sup>th</sup> January 2026</b>
<b>Inspector</b>	<b>Suzanne White</b>

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## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located in the townland of Tullamore, c. 4.8m northeast of the town of Ballybunion. It is an elevated site, situated on the northern slope of Knockanore Mountain, with uninterrupted views of the Atlantic to the west and the Shannon to the north. The site is accessed via a private lane located c. 240m from the eastern end of the L-6014 local road and c. 1.5km from the junction of that road with the R551 Regional road to the west. The R551 links Ballylongford to the northeast with Ballybunion to the southwest. The private lane is gated and serves two existing dwellings, agricultural lands and links to commercial premises to the north on the R551. There are existing rural dwellings on the local road to the west. The surrounding land uses are predominantly agricultural.
- 1.2. The site is in agricultural use as grassland. Immediately adjacent to the west is a single storey dwelling which is at an advanced stage of construction. There are existing mounds of soil to the east and south of that dwelling. A farm road runs east-west to the south of the site. The site slopes down from south to north. Levels on site vary from 171m AOD in the southern corner to c. 150m AOD on the northern boundary. The site is unbounded and open on all sides.
- 1.3. The site area is 0.403ha.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a single storey dwelling, driveway and the installation of a septic tank and percolation area. The proposed dwelling would be a three-bedroom bungalow with a stated floor area of 182sqm. The house would be served by the proposed septic tank system and by a private well. It would be accessed via a driveway extended from the existing dwelling to the west.
- 2.2. Details submitted with the application included a Site Characterisation Form, Design Statement, Planning Report, letters from a local school, the local parish and the applicant's employer.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Planning permission was refused by Kerry County Council order dated 8<sup>th</sup> October 2025, for the following reasons:

1. *The proposed development contravenes Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028, which is to 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The site of the proposed development is located in an area designated as a Visually Sensitive Area in the current Kerry County Development Plan 2022-2028. The proposed development would be an obtrusive element in the landscape in this area and would give rise to an extension of development into a substantially unspoiled open area. The development would have an adverse effect on the natural environment and would interfere with the character of the landscape, which is necessary to preserve. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.*
3. *The development by itself and by reason of the precedent that a grant of permission would set, would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.*
4. *The proposed access is substandard and inadequate in terms of surface and width and would therefore endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.1.2. Prior to making its decision, the Planning Authority sought further information from the applicant on the 2<sup>nd</sup> July 2025 in relation to the following matters:

- To arrange access to the site.

- Confirmation of the slope of the lands where the proposed percolation area would be.
- Clarification in respect of the 'T' test on site, which was not carried out in accordance with the EPA CoP.
- Confirmation of the separation distance between the proposed WWTS and bored well on site.
- New trial hole requested to be excavated near the proposed polishing filter.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The main points of the initial Planner's Report, dated 01/07/2025, may be summarised as follows:

- The rural site is located in an elevated area, near Knockanore mountain.
- The impact generated by the proposed dwelling is considered significant evident by the dwelling west of the site. The site is open, exposed and elevated. No level of landscaping will offset the visual impact.
- The access to the site is narrow with no ability to pass cars, other than using resident's driveways along the access road.
- No loss of residential amenity envisaged.
- EIA and AA screened out.

The main points of the Planner's Report, dated 29/09/2025, following receipt of further information, may be summarised as follows:

- Based on the information provided, the applicant has demonstrated a connection to the location of the site.
- The proposed dwelling is sited on a lower section of the site when compared to the location of the dwelling refused planning permission under PRN 24/160.
- The site is located in a very open and exposed landscape that is very elevated. The proposed length of the dwelling at over 23.490 metres, and scale measuring 182sqm will make the dwelling an obtrusive feature on the landscape.

- It is difficult for any dwelling to integrate into the site given the elevated, open, exposed and prominent nature of the landscape.
- The report notes that the further information response was forwarded to the Site Assessment Unit (SAU) Section for comment.

### 3.2.2. Other Technical Reports

Site Assessment Unit: further information required in respect of the proposed wastewater treatment system, including; confirmation of the slope of the lands where the proposed percolation area would be; clarification in respect of the 'T' test on site, which was not carried out in accordance with the EPA CoP; confirmation of the separation distance between the proposed WWTS and bored well on site; and excavation of a new trial hole near the proposed polishing filter.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

The Planning Authority received two submissions in respect of the application. The matters raised may be summarised as follows:

- A gate has been erected across the road leading to the site, restricting the right of way for neighbours.

## 4.0 Planning History

Application site:

PRR 24/160: permission refused to construct a single storey dwelling, served by septic tank and percolation area and all associated site works. The application was refused for 5 reasons, summarised as follows:

- *Contravention of Objectives KCDP 11-77 and KCDP 11-78 which seek to protect the landscapes of the County.*
- *Due to its siting and design, the proposed development would be unduly obtrusive by virtue of its visual impact on the landscape.*

- *The proposed development would be an obtrusive element in the landscape and would give rise to an extension of development into a substantially unspoiled area.*
- *By itself and by the precedent that a grant of permission would set, the development would seriously injure the amenities of the area.*
- *The proposed access is substandard and inadequate in terms of surface and width and would endanger public safety by reason of traffic hazard.*

Adjacent site to the west:

PL08.246437 (PRR 16/49): permission granted to construct a new 3 bedroom, single storey dwelling house with integrated garage, new entrance, septic tank, percolation area and associated site works.

PRR 02/2490: retention permission granted for a) re-surfacing of existing farm roads and b) new farm roads as constructed and also for planning permission to construct new farm roads.

## 5.0 Policy Context

### 5.1. National Policy

#### **National Planning Framework – First Revision April 2025**

NPO 28 - Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

## **Sustainable Rural Housing Guidelines 2005**

The Guidelines aim to ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. The Guidelines state that areas under strong urban influence exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

### **5.2. Development Plan**

#### Listowel Municipal Local Area Plan 2020-2026

The stated purpose of the LAP is to guide future plan led coordinated development within the towns and villages of the Listowel Municipal District, in a sustainable and equitable manner while balancing the wide ranging and sometimes competing needs of the local community, businesses, landowners and the environment.

The subject site is located within the Rural Area, according to Figure 2.8 of the LAP.

#### 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 the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity. 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 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 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

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 "Visually Sensitive Area".

#### 11.6.3.1 Visually Sensitive Areas

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

#### 11.6.4 Development in Designated Areas.

As outlined above and in accordance with Objective 11-77 and Objective 11-78 the protection of the landscape is a major factor in developing policies for rural areas. It should be noted that the landscapes and scenery are not just of amenity value but constitute an enormous economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. The capacity of an area to visually absorb development is also influenced by a combination of the following factors:

1. Topography -development in elevated areas will usually be visible over a wide area; development in enclosed areas will not.
2. Vegetation -areas which support (or which have the potential to support) trees, tall hedges and woody vegetation can screen new development from view. Areas which cannot easily sustain such vegetation will be unlikely to screen new development.
3. Development -new development is likely to be more conspicuous in the context of existing development in the landscape.

Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. Development is not precluded in visually sensitive landscapes however, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.

The following provisions shall apply to development in Visually Sensitive landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.

- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided.

11.6.5 Views and Prospects - County Kerry contains views and prospects of outstanding natural beauty which are recognised internationally. There is a need to protect and conserve these adjoining public roads throughout the County. Any development which hinders or materially affects these views/prospects will not be permitted.

KCDP 11-79 Preserve the views and prospects as defined on Maps contained in Volume 4.

KCDP 11-81 Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

### *Chapter 13: Water and Waste Management*

KCDP 13-19 Ensure that proposed wastewater treatment system for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and any updated version of this document during the lifetime of the Plan, and are maintained in accordance with

approved manufacturer's specifications and subject to compliance with the Water Framework Directive, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.

*Volume 6:*

Development Management Standards & Guidelines

1.5.10.1-1.5.10.10 Standards for residential development on rural and non-serviced sites.

*Building a House in Rural Kerry – Design Guidelines*

### 5.3. **Natural Heritage Designations**

River Shannon and River Fergus Estuaries SPA (004077) c. 4.3km west and c. 4.6km north of the site

Lower River Shannon SAC (002165) c. 4.3km west and c.4.6km north of the site

Moanveanlagh Bog SAC and pNHA (002351) c. 15.4km to the southeast of the site

Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 16.7km to the south and c. 19.8km to the east

Bunnaruddee Bog NHA (001352) c. 12km to the southeast

Beal Point pNHA (001335) c. 4.6km to the north

Ballylongford Bay pNHA (001332) c. 7.2km to the northeast

Cashen River Estuary (001340) pNHA c. 5.5km to the southwest

## 6.0 **EIA Screening**

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A first party appeal was received from the applicant. The grounds of appeal can be summarised as follows:

#### *Rural Housing Policy:*

- There is 37.43ha of agricultural land at this location which is the family landholding. The site will be gifted to the applicant. The applicant currently resides in the parental home with her parents to the west of the application site. The applicant wishes to remain in this area and can work fully remote. She is the sole carer for her mother.
- The applicant complies with category A and category D of Policy KCDP 5-15 of the Development Plan, being the daughter of the landowner and having a social need to live in the area where her parents and brother live. The case planners report did not raise any concerns with respect to rural housing policy. Documentary evidence is attached.
- The applicant complies with the rural housing policy set out in the County Development Plan and with NPO28.

#### *Visual Amenities:*

- The application site is located on lands designated as 'Visually Sensitive' in the Kerry County Development Plan 2022-2028. The plan does not prohibit development in such areas but applicants must demonstrate that they integrate and respect the visual quality of the area. The whole family landholding is designated 'Visually Sensitive'. Of two land parcels available, Parcel A to the north is lowlying with extensive drainage ditches and not suitable for any sort of wastewater treatment system. Parcel B was deemed most appropriate, being alongside the applicant's brother's house, on the same contour and with a similar finished floor level and ridge level. The applicant maintains that they have no other lands available and that the proposed location would have the least visual impact on the landscape, in compliance with Item (i) of Section 11.6.4.

- The proposed dwelling would be located alongside the applicant's brother's house and would be similar in scale, proportions and material finishes. Access to the site is via extension of the access road to the applicant's brother's house, routed behind the house and will not therefore be visible from viewpoints in the landscape, in particular the R551. Views are not protected from the R551. The development would be in compliance with Item (ii) of Section 11.6.4.
- The proposed development has been located on the least intrusive location on the landholding adjacent to an existing house and has been designed to be as unobtrusive as possible. While it is an upland site, it is considered that the simple form of the proposed house, simple material palette will result in a visually acceptable feature in the landscape. The site is only visible from a few locations, as illustrated in the attached booklet. The house will be visible from the R551 but due to the distance (c. 1km) and modest scale and height of the house, the view will not be as obtrusive as suggested in the reasons for refusal. The applicant is willing to prepare a landscape plan to aid the integration of the proposed development into the landscape. The development would be in compliance with Item (iii) of Section 11.6.4.
- The application was not refused for reasons relating to development management standards and is therefore compliant with Item (iv) of Section 11.6.4.
- The proposed development is located adjacent to the applicant's brother's house and will appear as an organic extension of the existing buildings at this location, in compliance with Item (v) of Section 11.6.4.
- The site is not considered to be in a coastal location, being over 4km from the coast. The proposed dwelling will be clustered with the applicant's family dwellings and others on the public road serving the site, in compliance with Item (vi) of Section 11.6.4.
- In relation to PL08.246437, relating to the adjoining site, the Inspector's report refers to Objective ZI-1, now replaced by KCDP 11-77 and recommended that permission be granted irrespective of this policy. It would seem reasonable that the Commission has regard to the precedent set by that decision. The

visual impact of the proposed development in the landscape is not in any way significant and would not degrade the landscape to the extent that it would impact on its capacity as a major economic asset and invaluable amenity.

- The proposal is modest and will barely be noticeable. Views towards Knockanore mountain are not protected. The proposal will only result in a minor impact on this landscape.
- The applicant does not consider that the planning authority has taken into consideration her strong rural housing need.
- The proposed development will not set precedent for further houses at this location as the landholding is on family lands which are farmed. There is one other family member who may be looking for a site in the future to meet his housing needs. Each application must be considered on its own merits.
- Access to the site is via the same access permitted under PL08.246437. The Inspector's report in that case deemed that vehicular movements generated by the proposed development would not have a significant material impact on the carrying capacity of the road network in the vicinity of the site.

#### **7.2. Planning Authority Response**

None received.

#### **7.3. Observations**

None.

#### **7.4. Further Responses**

None.

### **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:

- Principle of development
- Visual impact on the character of the area
- Access from local road
- Wastewater treatment – new issue
- Access via adjacent development – new issue

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including impact on residential amenity. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

## 8.1. Principle of development

- 8.1.1. The site is located in a designated 'Rural Area under Urban Influence' in the Kerry County Development Plan 2022-2028. The relevant objective in the Plan relating to the development of rural houses in such locations is Objective KCDP 5-15, which requires that the applicant must satisfy the planning authority that their proposal constitutes '*an exceptional rural generated housing need based on their social and/or economic ties to a particular local area*'.
- 8.1.2. The 1<sup>st</sup> party grounds of appeal state that the applicant complies with Objective KCDP 5-15 category (a) sons/daughters of a farmer who wish to build a first home for their permanent residence on the family farm and with category (d) which includes 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.
- 8.1.3. The applicant has submitted the following documentary evidence in respect of their rural housing need:
- Letter from the local parish stating that the applicant has lived in Tullamore all her life.
  - Letter from the applicant's employer, stating that the applicant's role is fully remote.

- Letter from a local secondary school stating that the applicant was a full-time student from 2003-2008.

It is stated that the applicant currently lives in the family home, a short distance to the west of the application site. No documentary evidence of the applicant's place of residence from 2008 onwards has been submitted. Also, the 'Supplementary Information' part of the application form, relating to residential development in the rural area, was not submitted as part of the application, however I consider that the pertinent details are included in the Planning Statement submitted.

- 8.1.4. The Sustainable Rural Housing Guidelines 2005 indicate circumstances for which a genuine housing need might apply including persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas in rural based professions such as farming, marine, or a local teacher. In addition, Policy Objective NPO 28 of the National Planning Framework provides that, in rural areas under urban influence, the provision of single housing in the countryside will be facilitated based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- 8.1.5. Section 5.5 of the Development Plan states it is the policy of Kerry County Council to enhance the viability and viability of the rural towns and villages, to strengthen their role as rural service centres and protect existing community uses and services in the villages, to maintain a stable population base in the rural areas with a strong network of rural service centres in villages and small towns and to protect sensitive landscapes and other environmentally sensitive areas from unsustainable development. This will be achieved through greater emphasis on establishing that there is a genuine economic or social need for permanent occupation and encouraging people who wish to reside in the countryside to live in existing villages or small village settlements where there are services available.
- 8.1.6. In respect of rural settlement policy, the Planner's Report notes that the applicant has demonstrated a connection to the location of the site.
- 8.1.7. From the information on file, I can see that the applicant has links to the Tullamore area however, in my opinion, insufficient documentary evidence has been submitted

to show that the applicant has lived a substantial period of their lives in the area local to the application site and has a housing need. In this regard, I note the lack of documentary evidence in respect of the applicant's place of residence since 2008. I note that both part (a) and part (d) of Objective KCDP 5-15 relate only to applicants proposing to build their first home as their permanent residence. Based on the information on file, it has not been demonstrated that the proposed dwelling would be the applicant's first home.

- 8.1.8. Having regard to the details on file, I am not satisfied that the applicant has established an exceptional rural generated housing need, based on either social or economic ties, to live in this location. The proposed development would therefore be contrary to Objective KCDP 5-15 of the Development Plan and to national rural housing policy. This is a new issue, and the Commission may wish to seek the views of the parties.

## 8.2. **Visual impact on the character of the area**

- 8.2.1. The Planning Authority refused the application for four reasons, three of which related to visual impact, as follows:

1. *The proposed development contravenes Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028, which is to 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The site of the proposed development is located in an area designated as a Visually Sensitive Area in the current Kerry County Development Plan 2022-2028. The proposed development would be an obtrusive element in the landscape in this area and would give rise to an extension of development into a substantially unspoiled open area. The development would have an adverse effect on the natural environment and would interfere with the character of the landscape, which is necessary to preserve. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.*

3. *The development by itself and by reason of the precedent that a grant of permission would set, would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.*

8.2.2. The Planner's report classed the impact generated by the proposed dwelling as 'significant', noting the open, exposed and elevated nature of the site. They pointed to the length of the dwelling (23.49m) as contributing to the visual impact, making the dwelling an obtrusive feature on the landscape and stated that no level of landscaping would offset the visual impact.

8.2.3. The 1<sup>st</sup> party appellant, in their grounds of appeal, maintain that: development in areas designated as Visually Sensitive is not prohibited; the subject site is the most suitable available to the applicant; the proposed dwelling would be located adjacent to the applicant's brother's house, near the family home; the site is the least intrusive location on the landholding and the dwelling design is as unobtrusive as possible; the dwelling will appear as an organic extension to the existing dwellings nearby; the site would only be visible from a few locations; and, views from the R551 and Knockanore Mountain are not protected views.

8.2.4. The first reason for refusal references Development Plan Objective KCDP 11-77, which seeks to protect the landscapes of the County as a major economic asset and invaluable amenity, and KCDP 11-78, which also seeks to 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.

8.2.5. The subject site is designated as a 'Visually Sensitive Area' in the Development Plan, which are areas described in the Plan as the outstanding landscapes of the County that are sensitive to alteration and within which development will only be acceptable where it is demonstrated to integrate and respect the landscape.

8.2.6. Section 11.6.4 of the Plan sets out provisions to be taken into account in the consideration of new development in visually sensitive areas. The Appellant's grounds of appeal address each of these provisions in turn.

8.2.7. The first provision is that there is no alternative location for the proposed development in areas outside the designation. The whole family landholding shown

in the application plans is designated within the 'visually sensitive area'. The applicant also asserts that lower lying lands within the landholding are unsuitable due to the presence of extensive drainage ditches. In this regard, I note that there are residential and commercial properties in, or adjacent to, the northern portion of the landholding which would suggest that domestic wastewater treatment systems may be viable in this area.

- 8.2.8. Provisions 2 & 3 of Section 11.6.4 are concerned with the design and siting of any new structure.
- 8.2.9. I note that the siting of the proposed dwelling is lower than that proposed under the previous application, PRR 24/160, which was refused by the Planning Authority for similar reasons. The Commission's attention is drawn to a photomontage submitted by the applicant in respect of this application to illustrate the visibility of the site from the surrounding area.
- 8.2.10. From my site observations, the proposed development would be visible along a significant stretch of the R551. The site is open and elevated relative to the R551 and, in my opinion, the proposed development would appear prominent on the hillside. Although located adjacent to the applicant's brother's house, the proposed development would have the effect of extending development westwards from the L6014 across the hillside into an area which is presently pristine. In relation to siting, I note the guidance in the Rural Design Guidelines which recommends avoiding elevated and exposed locations in favour of sheltered sites with screening in order to better integrate a development and thereby reduce its impact on the landscape. Notwithstanding the single storey, traditional form of the proposed dwelling, owing to its elevated and exposed siting, I consider that the proposed development would be obtrusive in this landscape setting, resulting in an adverse impact on the character, integrity, distinctiveness and scenic value of the area. A feature of the character of the surrounding landscape is its openness and, consequently, I do not consider that landscape screening would be an adequate or appropriate mitigation for the visual impact identified.
- 8.2.11. I take the Appellant's point that the R551 is not a protected prospect, however part of the R551 is located within the designated 'Visually Sensitive Area' within which the application site is located. The majority of the designated area is located to the

southeast of the R551, from which the application site is located within views towards Knockanore Mountain. I therefore consider that the visibility of the site from the R551 and its impact on the visually sensitive area in those views is a relevant consideration in this case.

- 8.2.12. The remaining provisions of Section 11.6.4 relate to compliance with the Development Management Standards of the Development Plan, siting the new structure as close as possible to the existing farm structure or family home and not extending development into unspoilt coastal areas. I do not consider that the site is located in a coastal area, given the distance (c. 4km) from the coast. I note that the proposed dwelling would be located in proximity to the applicant's brother's house however I do not consider that these factors would overcome the fundamental issue of the elevated and exposed siting of the proposed development and its visibility within this sensitive rural landscape.
- 8.2.13. I therefore consider, having regard to the elevated and open position of the site and its location within a designated 'Visually Sensitive Area', that the proposed development would constitute an obtrusive feature in this sensitive landscape, seriously injuring the visual amenities of the area and would consequently be contrary to Objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. A refusal of permission is recommended on this basis.

### 8.3. Access from local road

- 8.3.1. The fourth reason for refusal in the Planning Authority's decision related to access, as follows:

*The proposed access is substandard and inadequate in terms of surface and width and would therefore endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 8.3.2. The Planner's Report described the access to the site is narrow with no ability to pass cars, other than using resident's driveways along the access road.
- 8.3.3. The Appellant, in their grounds of appeal, notes that the access to the site is via the same access permitted under PL08.246437 and that the Inspector's report in that case deemed that vehicular movements generated by the proposed development

would not have a significant material impact on the carrying capacity of the road network in the vicinity of the site.

- 8.3.4. The proposed dwelling would be accessed from the end of the cul-de-sac road, L-6014. From my site observations, I note that the local road on approach to the application site is relatively narrow but is in good condition. The application site is located at the end of a cul-de-sac serving 6no. existing dwellings, one of which is the family home where the applicant is currently living. Given these factors, and that the application proposal is for one additional dwelling and would therefore be modest in terms of traffic generation, I consider that the proposed development would be acceptable in terms of access and traffic.

#### 8.4. **Waste water disposal – new issue**

- 8.4.1. The Planning Authority requested further information from the applicant on the 2<sup>nd</sup> July 2025 in relation to a number of issues relating to the proposed wastewater treatment system.
- 8.4.2. The applicant submitted further information in response on the 12<sup>th</sup> September 2025.
- 8.4.3. There is no report from the Local Authority's Site Assessment Unit on file in relation to the further information response.
- 8.4.4. The FI request sought confirmation of the slope of the lands where the proposed percolation area would be located. The applicant's response states that the slope is 1:5. The original Site Characterisation Form submitted also indicates a slope of 1:5. Measuring from the plans, I also calculate the slope to be approximately 1:5.
- 8.4.5. Section 6.2 of the EPA Code of Practice: Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) states that "domestic waste water treatment systems are not permitted to be constructed on slope angles in excess of 1:8". The proposed waste water treatment system would not, therefore, be in compliance with the EPA CoP 2021. The proposed development would consequently be contrary to Objective KCDP 13-19 which requires that proposed wastewater treatment system for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021'.

- 8.4.6. Item 5 of the FI request asked that a new trial hole was excavated near the proposed polishing filter and that the Local Authority's SAU were notified so as to be able to make a site inspection. The cover letter submitted by the applicant as part of the FI response states that an officer of the Site Assessment Unit visited the site when the trial hole was open.
- 8.4.7. I note that a site characterisation form and location plan for the new trial hole were not submitted by the applicant as part of their FI response. I also note that the trial holes excavated to inform the site characterisation form originally submitted with the application (and updated as part of the further information response), are located c. 70m upslope of the proposed location of the polishing filter. Section 5.4.2 of the EPA Code of Practice 2021 states that the "trial hole should be located adjacent to but not within the proposed infiltration/ treatment area". In the absence of any details of the new trial hole and given the distance between the original trial holes excavated and the proposed polishing filter location, I consider that the trial hole assessment has not been carried out in accordance with the EPA Code of Practice 2021 and that it has not been demonstrated that the site is suitable for a private wastewater treatment system.
- 8.4.8. I note that the other items requested by the SAU through further information were addressed, namely clarification in respect of the 'T' test and of the separation distance to bored wells.
- 8.4.9. Having regard to the documentation available to me, including the Site Characterisation Form, Drawings, Photographic Record and applicant's further information response, it has not been adequately demonstrated that wastewater generated by the proposed development may be appropriately disposed of on this site and I cannot conclude on the basis of the information before me that the development may be provided without risk to public health or to the environment. The proposed development would therefore be contrary to KCDP 13-19, which requires that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021'.

8.4.10. This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

#### **8.5. Access via adjacent development – new issue**

- 8.5.1. The proposed site layout plan submitted with the application indicates that a driveway would be extended through the adjacent development to the west (PL08.246437) to provide access to the application site. The driveway would pass directly along the southeast (front) elevation of that dwelling and continue east to the application site. These lands are not included in the current application boundary.
- 8.5.2. The dwelling permitted under PL08.246437 was constructed to an advanced stage (i.e. roof finished and windows installed) on the date of my site visit, while the external works were at an early stage. On review of the plans approved for PL08.246437, I note that the land directly south of the dwelling was shown as a sheltered garden courtyard, enclosed by the dwelling and walls, and surrounded by natural field grasses. The driveway to that dwelling stopped south of the integrated garage to that dwelling, located on its western side.
- 8.5.3. Condition 1 of the permission granted under PL08.246437 requires that development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
- 8.5.4. The extension of the driveway approved under PL08.246437 and its routing through the curtilage of the adjacent dwelling is indicated on the submitted plans for this application but not included within the application site boundary. I consider that the proposed driveway and entrance location is not feasible without amendment of the plans approved for the adjacent development. As those lands are not included in the current application boundary, the layout of that scheme cannot be amended as part of the current proposal.
- 8.5.5. Whilst I do not consider that that the proposed development would materially contravene Condition 1 of PL08.246437 given that the extended driveway is not included within the application boundary or mentioned in the description of development, I do consider that the location of the entrance to the proposed dwelling

would result in a loss of amenity to the adjoining occupiers and that it has not been demonstrated that the proposed access is feasible.

- 8.5.6. This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## 9.0 **Appropriate Assessment Screening**

9.1. 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 sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The nature and relatively minor scale of the proposed development.
- The distance of the site from the nearest European site and lack of connections.
- The qualifying interests and conservation objectives of the Tralee Bay and River Shannon and River Fergus Estuaries SPA (004077), Lower River Shannon SAC (002165), Moanveanlagh Bog SAC (002351), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161).
- Taking into account the screening determination of the Planning Authority.

## 10.0 **Water Framework Directive Screening**

10.1. A Screening Determination is attached at Appendix 4 below.

10.2. 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.

## 11.0 Recommendation

11.1. I recommend that permission is refused.

## 12.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with Objective 5-15 of the Kerry County Development Plan 2022-2028, it is considered that the applicant has not demonstrated that they would come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, 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.
2. The site is located in an elevated and open position in an area designated in the current Kerry County Development Plan 2022-2028 as a 'Visually Sensitive Area' by reason of its landscape quality, in relation to which Policy Objective KCDP 11-78 seeks to ensure that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area. The proposed development would appear as an obtrusive feature on this sensitive landscape, detracting to an undue degree from the character and scenic amenities of the area. The proposed development would, therefore, interfere with the character, integrity, distinctiveness and scenic value of the landscape, which it is necessary to preserve, contrary

to Objective KCDP 11-78 of the Kerry County Development Plan and to the proper planning and sustainable development of the area.

3. Having regard to the steep gradient of the proposed polishing filter area and to the absence of any details of trial hole assessment carried out adjacent to that area, it is considered that the proposed wastewater treatment system would not be in accordance with the EPA Code of Practice 2021. Consequently, it has not been adequately demonstrated that wastewater generated by the proposed development can be appropriately disposed of on this site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be contrary to KCDP 13-19, which requires that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and would be prejudicial to public health.
4. Having regard to the location of the proposed entrance to the application site, directly adjacent to the development permitted under PL08.246437, to the route of the extended driveway through that site as indicated on the submitted site layout plan and to the position of that driveway outside the application site boundary, it is considered that the proposed entrance to the application site would result in a loss of amenity to the adjoining occupiers due to the impact on their private amenity space and, that it has not been demonstrated that the proposed access is feasible, having regard to the approved layout of the development directly adjoining to the west. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Suzanne White

10<sup>th</sup> February 2026

**Appendix 1 - Form 1  
EIA Pre-Screening  
[EIAR not submitted]**

<b>An Coimisiún Pleanála Case Reference</b>	PL-500188-KY		
<b>Proposed Development Summary</b>	Construction of dwelling, septic tank, percolation area and associated site works.		
<b>Development Address</b>	Tullamore, Ballybunion, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	Preliminary Examination required
<b>Yes</b>		Screening Determination required

**Inspector: Suzanne White Date: 10/02/2026**

**Form 2 - EIA Preliminary Examination**

<b>Case Reference</b>	PL-500188-KY
<b>Proposed Development Summary</b>	Construction of dwelling, septic tank, percolation area and associated site works.
<b>Development Address</b>	Tullamore, Ballybunion, Co. Kerry
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></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>The c.0.4ha greenfield site is located in a rural area, approximately, adjacent to an existing dwelling and situated at the end of a local road which serves other existing dwellings in proximity. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</p>
<p><b>Location of development</b></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 environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site:</p> <ul style="list-style-type: none"> <li>• River Shannon and River Fergus Estuaries SPA (004077) c. 4.3km west and c. 4.6km north of the site</li> <li>• Special Area of Conservation: Lower River Shannon SAC (002165) c. 4.3km west and c.4.6km north of the site</li> <li>• Moanveanlagh Bog SAC and pNHA (002351) c. 15.4km to the southeast of the site</li> <li>• Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 16.7km to the south and c. 19.8km to the east.</li> <li>• Bunnaruddee Bog NHA (001352) c. 12km to the southeast</li> <li>• Beal Point pNHA (001335) c. 4.6km to the north</li> <li>• Ballylongford Bay pNHA (001332) c. 7.2km to the northeast</li> <li>• Cashen River Estuary (001340) pNHA c. 5.5km to the southwest</li> </ul> <p>There is no hydrological connection present such as would give rise to significant impact on nearby water</p>

	<p>courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>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.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(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>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

**Inspector: Suzanne White**

**Date: 10/02/2026**

### Appendix 3

<b>Screening for Appropriate Assessment                      Test for likely significant effects                      Case file: PL-500188-KY</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Construction of dwelling, septic tank, percolation area and associated site works at Tullamore, Ballybunion, Co. Kerry. See detailed description in Section 2 of the Inspector's Report.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The c.0.4ha greenfield site is located in a rural area, adjacent to an existing dwelling and situated at the end of a local road which serves other existing dwellings in proximity.</p> <p>The site is not located within any protected areas. The following European Sites are located in proximity to the site:</p> <ul style="list-style-type: none"> <li>• River Shannon and River Fergus Estuaries SPA (004077) c. 4.3km west and c. 4.6km north of the site</li> <li>• Lower River Shannon SAC (002165) c. 4.3km west and c.4.6km north of the site</li> <li>• Moanveanlagh Bog SAC (002351) c. 15.4km to the southeast of the site</li> <li>• Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 16.7km to the south and c. 19.8km to the east.</li> </ul> <p>Surface water is stated to be managed on site via soakaway, though not indicated on the submitted plans.</p> <p>A septic tank and percolation area is proposed, downslope to the north of the dwelling.</p> <p>No details of construction timing or duration have been provided.</p>
<b>Screening report</b>	<p>None submitted.</p> <p>The Planner's Report includes an Appropriate Assessment Screening Report which concludes that, having regard to the nature of the development proposed, existing development on the site and the distance from any SAC or SPA, there is no likely potential for significant effects to Natura 2000 sites, therefore AA is not required.</p>

<b>Natura Impact Statement</b>	No.			
<b>Relevant submissions</b>	None			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
The European Sites potentially within a zone of influence of the proposed development are listed in the table below.				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (metres/km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
River Shannon and River Fergus Estuaries SPA (004077)	<a href="#">River Shannon and River Fergus Estuaries SPA   National Parks &amp; Wildlife Service</a>	c. 4.3km west and c. 4.6km north of the site	Indirect - disruption from noise and visual presence during construction phase.	No, having regard to the separation distance and modest scale of development and lack of any hydrological link.
Lower River Shannon SAC (002165)	<a href="#">Lower River Shannon SAC   National Parks &amp; Wildlife Service</a>	c. 4.3km west and c.4.6km north of the site	Indirect - risk of surface water runoff from construction entering coastal waters.  Disruption from noise and visual presence during construction phase. Spread of invasive species.	No, having regard to the separation distance and modest scale of development and lack of any hydrological link.
Moanveanlough Bog SAC (002351)	<a href="#">Moanveanlough Bog SAC   National Parks &amp; Wildlife Service</a>	c. 15.4km to the southeast of the site	Indirect - risk of surface water runoff from construction entering coastal waters.	No, having regard to the separation distance and modest scale of development and lack of any

			Disruption from noise and visual presence during construction phase. Spread of invasive species.	hydrological link.
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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 existing greenfield, agricultural lands. The site is not itself located in a European site and no direct impacts on a European site would occur.

The building construction site (single rural dwelling, septic tank and percolation area and associated works) would be situated c. 4.3km from the nearest protected site. Subject to standard construction procedures being implemented, the risk of surface water borne pollutants, including hydrocarbons, and any protected site is low.

Surface water run-off at operational stage is proposed to be attenuated and infiltrated on site using standard measures including a soakaway. Wastewater would be treated by a new wastewater treatment system to EPA 2021 standards.

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
<b>River Shannon and River Fergus Estuaries SPA (004077)</b>  Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046]	The project is not directly connected with or necessary to the management of a European Site.  <b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <b>Indirect:</b> localized, temporary, low magnitude impacts from noise, dust and construction related	There is low potential for pollution of surface and ground waters, given the separation distance involved, the limited scale of the proposed works, the employment of standard construction practices and the inclusion of standard measures designed in to the scheme including design of the proposed WWTP to meet EPA COP 2021 standards a

<p>Shelduck (<i>Tadorna tadorna</i>) [A048]  Teal (<i>Anas crecca</i>) [A052]  Pintail (<i>Anas acuta</i>) [A054]  Scaup (<i>Aythya marila</i>) [A062]  Ringed Plover (<i>Charadrius hiaticula</i>) [A137]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Lapwing (<i>Vanellus vanellus</i>) [A142]  Knot (<i>Calidris canutus</i>) [A143]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Greenshank (<i>Tringa nebularia</i>) [A164]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Wigeon (<i>Mareca penelope</i>) [A855]  Shoveler (<i>Spatula clypeata</i>) [A857]  Wetland and Waterbirds [A999]</p>	<p>emissions to surface water during construction.</p> <p>Potential for pollutants and particulate matter carried by surface or ground water to enter SAC and for disturbance from noise and visual presence during construction phase.</p>	<p>and provision of a soakaway to collect surface water runoff from the proposed building and hardstanding.</p> <p>Due to the limited scale and temporary nature of the proposed development, significant effects on protected species in relation to visual/noise disturbance would not occur.</p> <p>Conservation objectives would not be undermined.</p>
<p><b>Likelihood of significant effects from proposed development (alone): No</b></p>		
<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b></p>		
<p><b>Possibility of significant effects (alone) in view of the conservation objectives of the site* No</b></p>		

	Impacts	Effects
<p><b>Lower River Shannon SAC (002165)</b></p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p>	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p><b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p><b>Indirect:</b> Potential for pollutants and particulate matter carried by surface or ground water to enter SAC, resulting in impacts on water quality, and for disturbance from noise and visual presence during construction phase.</p>	<p>There is low potential for pollution of surface and ground waters, given the separation distance involved, the limited scale of the proposed works, the use of standard construction practices and standard measures designed in to the scheme including design of the proposed WWTP to meet EPA COP 2021 standards and provision of a soakaway to collect surface water runoff from the proposed building and hardstanding.</p> <p>Due to the limited scale and temporary nature of the construction works, significant effects from in relation to visual/noise disturbance would not occur.</p> <p>Conservation objectives would not be undermined.</p>

<p>(Molinion caeruleae) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p><b>Likelihood of significant effects from proposed development (alone): No</b></p>		
<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b></p>		
<p><b>Possibility of significant effects (alone) in view of the conservation objectives of the site* No</b></p>		
	<p><b>Impacts</b></p>	<p><b>Effects</b></p>
<p>Moanveanlagh Bog SAC (002351)</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p><b>Direct:</b></p>	<p>There is low potential for pollution of surface and ground waters, given the separation distance involved, the limited scale of the proposed works, the use of standard construction practices and standard measures</p>

Depressions on peat substrates of the Rhynchosporion [7150]	<p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p><b>Indirect:</b> Potential for pollutants and particulate matter carried by surface or ground water to enter SAC, resulting in impacts on water quality, and for disturbance from noise and visual presence during construction phase.</p>	<p>designed in to the scheme including design of the proposed WWTP to meet EPA COP 2021 standards and provision of a soakaway to collect surface water runoff from the proposed building and hardstanding.</p> <p>Due to the limited scale and temporary nature of the construction works, significant effects from in relation to visual/noise disturbance would not occur.</p> <p>Conservation objectives would not be undermined.</p>
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**Likelihood of significant effects from proposed development (alone): No**

**If No, is there likelihood of significant effects occurring in combination with other plans or projects? No**

**Possibility of significant effects (alone) in view of the conservation objectives of the site\* No**

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

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 sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

**WFD IMPACT ASSESSMENT STAGE 1: SCREENING****Step 1: Nature of the Project, the Site and Locality**

<b>An Bord Pleanála ref. no.</b>	PL-500188-KY	<b>Townland, address</b>	Tullamore, Ballybunion, Co. Kerry
<b>Description of project</b>	Construction of dwelling, septic tank, percolation area and associated site works.		
<b>Brief site description, relevant to WFD Screening,</b>	<p>The c.0.4ha greenfield site is located in a rural area, adjacent to an existing dwelling and situated at the end of a local road which serves other existing dwellings in proximity. The site is in agricultural in use.</p> <p>The nearest waterbodies are:</p> <ul style="list-style-type: none"><li>• Kilconly South 010 river IE_SH_23K030850 (Moderate) c. 675m to the north and c. 1km to the southwest</li><li>• Astee West 010 river IE_SH_24A270640 (Good) c. 675m to the south</li><li>• Mouth of the Shannon IE_SH_060_0000 (Good) c. 4km to the west</li><li>• Ballylongford Groundwater body IE_SH_G_030 (Good) underlying the site</li></ul> <p>The aquifer underlying the site is described as a Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones. The groundwater body vulnerability is 'extreme'. The subsoil type on site is a low permeability shale and sandstone till (Namurian). The site is located within the Tralee Bay-Feale catchment.</p>		
<b>Proposed surface water details</b>	Surface waters run off to drain to soakaway.		

<b>Proposed water supply source &amp; available capacity</b>	Proposed private well.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	On site septic tank and percolation area.
<b>Others?</b>	Not applicable

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
<b>River Waterbody</b>	675m	Kilconly South 010 IE_SH_23K030850	Good	Review	N/A	Not directly hydrologically connected to surface watercourse.
<b>River Waterbody</b>	675m	Astee West 010 IE_SH_24A270640	Good	Review	N/A	Not directly hydrologically connected to surface watercourse.

<b>Coastal Waterbody</b>	4km	Mouth of the Shannon IE_SH_060_0000	Good	Not at risk	N/A	Not directly hydrologically connected to surface waterbody.
<b>Groundwater waterbody</b>	Underlying	Ballylongford Groundwater body IE_SH_G_030	Good	At risk	Domestic wastewater, agriculture, forestry	Proposed on site WWTS

**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	Water body 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.	River waterbody	Kilconly South 010 IE_SH_23K030850	None	None due to distance	None	No	Screened out
2.	River waterbody	Astee West 010 IE_SH_24A270640	None	None due to distance	None	No	Screened out

3.	Coastal waterbody	Mouth of the Shannon IE_SH_060_0000	None	None due to distance	None	No	Screened out
4.	Ground waterbody	Ballylongford Groundwater body IE_SH_G_030	Drainage	Seepage to ground water	Standard Construction Measures / Conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	River waterbody	Kilconly South 010 IE_SH_23K030850	None	None	None	No	Screened out
2.	River waterbody	Astee West 010 IE_SH_24A270640	None	None	None	No	Screened out
3.	Coastal waterbody	Mouth of the Shannon IE_SH_060_0000	None	None	None	No	Screened out
	Ground waterbody	Ballylongford Groundwater body IE_SH_G_030	Drainage	Seepage to ground water.	OSWWTP to be designed and installed in accordance with EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤10)	No	Screened out