



An
Coimisiún
Pleanála

Inspector's Report

PL-500366-KY-25

Development

Retention of classroom block, renovated classroom and associated works.

Location

ST JOSEPH'S SECONDARY SCHOOL,
DOON ROAD BALLYBUNION, CO
KERRY

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2565

Applicant(s)

Board of Management St Joseph's
Secondary School

Type of Application

Retention

Planning Authority Decision

Grant Retention with Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Tomás Stack

Observer(s)

None

Date of Site Inspection

19 March 2026

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site is St. Joseph's Secondary School, on the west side of Doon Road, to the north of Ballybunion town. The site measures c. 1.178 hectares, and contains single-storey school buildings of various dates, with car parking, incidental green spaces, and a playing pitch. There are two vehicular entrances from Doon Road, one at the north and one at the south. The site formerly contained both a primary school (the buildings towards the front of the site) and a secondary school (the buildings at the rear of the site). With the amalgamation of the town's primary schools on a new site, the primary school buildings were taken over by the secondary school, and extensions built between the two blocks. Part of the front building is now in use by a nursery school.
- 1.2. The site is southeast of Nun's Beach, a sandy beach at the foot of steep cliffs. A cliff walk which runs to the rear of the school is currently closed in the middle due to landslide and unstable cliff edges. The site is bordered to the north by the former convent site, now in use as housing and community buildings, and by two-storey housing. The site is bordered to the south by housing, and (at the west end) a caravan park. It is bordered to the west by a field in agricultural use, and (at the north end) by the cliff walk.
- 1.3. The proposed development is at the west end of the site, located on or close to the western boundary.

2.0 Proposed Development to be retained

The following is proposed:

- Retention of single-storey freestanding classroom block – this is at the north-west of the site, c. 1 metre from the boundary
- Retention of renovation of single-storey classroom – this is located on the western boundary
- Retention of Site works

3.0 Planning Authority Decision

3.1. Decision

Grant permission, following receipt of Further Information.

3.1.1. Conditions

Two conditions, the first being the standard condition, the second regarding drainage as follows:

Within 3 months of the date of the grant of the retention permission, the developer shall liaise with the Listowel Municipal Office to establish the efficacy of the management of surface water drainage from the site.

The developer shall establish whether any remediation measures to the management of surface water are required and shall ensure all remediation measures are fully implemented to the satisfaction of the Listowel Municipal Office, within 9 months of the grant of this retention permission. The developer shall be liable for all costs incurred therein.

Reason: In the interest of orderly development

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Two reports, the first dated 14 May 2025 seeking further information, the second dated 19 November 2025 and recommending a grant.

- Report dated 14 May 2025 – this report noted the coastal location, the planning history, the zoning and policy objectives, reports received and third party submission, and comments from the National Parks and Wildlife Service (NPWS) (via Development Applications Unit (DAU)) noting a requirement for AA Screening. (The report also noted at p. 7 that Appropriate Assessment was not required; this appears to be a copy-paste error). The report considered the visual impact low and acceptable, and considered further information was required on surface water disposal and drainage, including concerns raised in the third party submission; a screening report for Appropriate Assessment was required, as well as a floor plan and section and accurate elevation drawings.

- Report dated 19 November 2025 – this report noted the response received from the applicant, the submission from the NPWS regarding the discharge of stormwater from pipes onto the cliffs, and recommended a grant of permission subject to a condition regarding drainage.

3.2.3. Other Technical Reports

- Building Control Authority – report dated 1 April 2025, Fire Cert required
- County Archaeologist – report dated 7 April 2025, no recorded monuments in proximity, previously disturbed ground, no mitigation required.
- Listowel Roads Office – report dated 29 April 2025, grant recommended, no comment.
- Environmental Assessment Unit – report dated 19 May 2025, Appropriate Assessment not required, EIA not required.

3.3. Prescribed Bodies

- DAU – response dated 28 April 2025, recommending screening for Appropriate Assessment, due to location in proximity to SAC 002165. Condition regulating stormwater recommended.
- DAU – response dated 18 November 2025, noting the SAC boundary location at the top of the sea cliffs (not the high water mark), the existence of three pipes discharging storm water onto the cliffs, a likely cause of erosion, and the requirement to identify the source of this discharge, and determine whether (if it is connected to the development) it has led to an increase in storm water discharge, and a subsequent impact on the habitat.

3.4. Third Party Observations

One received, from the appellant, dated 7 April 2025. This contained photographs of the development, and video stills. Issues raised are covered in the appeal.

4.0 Planning History

- St Joseph's Secondary School (amalgamated site)

Reg ref 2660192 – permission for a new all weather multi-use games area and associated barrier fencing. Live application lodged 05/03/2026, Further Information requested 27/04/2026.

ABP-322558-25 (reg ref 24431) – construction of office extension granted subject to 5 conditions.

Reg ref 22/276. Retention permission granted to retain the existing school buildings as constructed. full planning permission also granted for: (b) the provision of new windows to the west and north of the existing school building. (c) removal of existing prefabricated standalone building and the construction of a replacement, permanent standalone classroom building to the northwest of the site. (d) elevational changes to existing school buildings and all associated ancillary site works.

Reg ref 19/192 — permission granted to alter and extend existing classroom to the rear and all ancillary site works.

Reg ref 17/7705/13 — permission granted for the provision of a single-storey extension over 71 m2 comprising: (a) 3 no. standard classrooms, 1 no. science laboratory and preparation area, student and staff sanitary accommodation, student lockers and circulation, (b) one classroom autism spectrum disorder unit, incorporating teaching, storage and sanitary areas, (c) site levelling works comprising pedestrian stairs, ramps and retaining walls, (d) the provision of circa 19 no. additional car parking spaces within the site, the proposal of on street bus parking for 3 no. school busses along the public roadway adjacent to the site and all associated site works.

- St Joseph's National School (buildings to front of site)

Reg ref 05/1444 — permission granted to (1) replace existing windows/door (2) alter existing door/window openings to all elevations.

- St Joseph's Secondary School (buildings to rear of site)

Reg ref 08/2198 — permission granted to provide a single storey prefabricated modular building to serve as a classroom, including all ancillary site services.

Reg ref 02/3006— permission granted for construction of a two classroom single storey demountable structure

Reg ref 98/2071 — permission granted to construct single-storey extension consisting of general purpose room and changing room together with minor consequential alterations to existing school.

5.0 Policy Context

5.1. Listowel Municipal District Local Area Plan 2020-2026

- 5.1.1. Section 3.3 of the LAP deals with Ballybunion. The site is zoned *Mixed Use M4 Built Up Area*. Such zoning “*provides for a mix of land uses which may have existing buildings in place, brownfield lands and undeveloped greenfield lands within the development boundary*”.
- 5.1.2. The *Context (location and existing services)* section notes that the town has a good range of educational, social and sporting facilities, with the range of shops and services more limited than expected for a town functioning as a district centre for the area, reflective of the town’s seasonal tourist industry and population fluctuation.
- 5.1.3. *Natural Environment and Amenity* notes the dramatic sea cliffs and pristine sandy beaches are Ballybunion’s prime natural asset, notes that coastal waters from part of the Lower Shannon cSAC (002165), and states that “*It is therefore of importance that development proposals do not adversely impact on Natura 2000 sites, either by way of water pollution, tramping of sensitive vegetation / habitats, wildlife disturbance or otherwise.*”

5.2. Kerry County Development Plan 2022-28

Ballybunion is identified as a Regional Town in the settlement hierarchy of the Kerry County Development Plan.

Chapter 6 deals with Sustainable Communities.

KCDP 6-52 It is an objective of the council to facilitate the provision of childcare facilities and new and refurbished schools on well- located sites within or close to existing built-up areas, that meet the diverse needs of local populations.

Chapter 11 deals with the Environment.

KCDP 11-1 Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

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.

Chapter 13 deals with Water and Waste Management.

KCDP 13-21 Improve sustainable drainage and reduce the risk of flooding in the urban environment in accordance with the CIRIA SuDS Manual 2015.

KCDP 13-22 It is an objective of the Council to identify opportunities for nature-based SuDs in tandem with the preparation of masterplans for urban areas and plan level Strategic Flood Risk Assessments.

KCDP 13-23 Promote greater rainwater harvesting by households and businesses for the diversion of storm water from combined sewers.

KCDP 13-24 Support the incorporation of Sustainable Urban Drainage Systems (SUDs) in all public and private development in urban areas.

KCDP 13-25 Work alongside Irish Water to ensure the separation of foul and surface water drainage networks where feasible and undertake drainage network upgrades to help remove surface water misconnection and infiltration.

KCDP 13-26 Promote and support the retrofitting of Sustainable Urban Drainage Systems (SuDS) in established urban areas. Where possible incorporate nature-based solutions.

Volume 6 of the plan deals with Development Management Standards in Section 1, with Section 1.7.5 dealing with new schools (but not extensions to existing schools).

5.3. Relevant National or Regional Policy / Ministerial Guidelines

5.4. Guidelines for Planning Authorities: Development Management (2007) DEHLG.

Chapter 7 sets out guidance on planning conditions, with the suggested basic criteria being that conditions are necessary; relevant to planning; relevant to the development to be permitted; enforceable; and precise.

5.5. Natural Heritage Designations

- Lower River Shannon SAC site code 002164 – immediately adjacent to the site to the west

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads).

7.0 The Appeal

7.1. Grounds of Appeal

One appeal was received, from Tomás Stack, with an address at Doon West, Ballybunion, Co. Kerry. This appeal includes a written submission; a copy of their previous submission to file ABP-322558-25 (reg ref 24/431), and the planner's report from that file; a document with annotated drawings; zoning maps of Ballybunion dated 2013 and 2020; copies of the DAU submissions on the current application, and a usb stick with 19 files. This usb stick contains soft copies of the appeal submission and annotated drawings document, as well as 5 images and 12 short videos, showing drainage and water discharge, as well as drone flyovers.

Issues raised are summarised as follows:

- The Appropriate Assessment Screening Report is based on incorrect information, fundamentally flawed, and unreliable. The site walkover was limited to the school side of the boundary wall, failing to identify channels and the overhanging roof that are discharging water both onto adjoining lands and directly into the SAC. The report incorrectly identifies the SAC boundary, saying it is the high water mark, when it is the top of the cliffs. The report states that there is no hydrological connection, when there are direct and indirect channels. The report states that there is no direct impact, ignoring ongoing cliff erosion is being caused by stormwater from the site. There is no support for the statement that there is no impact on Conservation Objectives of any Natura 2000 site. The report assumes compliance with CIRIA guidelines, which is not the case.

- Kerry County Council's notional screening exercise is also unsound, is not supported by evidence, and is based on false premises.
- Drawings submitted are ambiguous, inaccurate, and misleading. The site layout plan shows the northern classroom as the 'renovated classroom' for which retention is sought; the further information submission states it is the southern classroom which is the renovated classroom to be retained. Neither of these classrooms are accurately depicted in the drawings. The classroom to the north is not set back from the boundary wall, it hangs over it, with the roof sloping to the northwest and discharging water over the boundary. The window shown on the boundary wall (to the south classroom) is depicted as a high level window, which is not the reality. The drainage network drawings are copies from an earlier application (24/431) and are not representative of the works to be retained.
- The planner's report does not accurately identify the works to be retained. The planner's assessment does not identify the inaccuracies in the drawings, or assess the impacts from the window on the boundary. Inaccurate drawings should not have been accepted.
- The DAU submission fully supports the concerns raised in this appeal, confirming the correct boundary of the SAC, and identifying three pipes discharging stormwater onto the protected cliff habitat, likely causing erosion. The DAU states the source of the discharges must be identified, and if linked to the development, their impact must be assessed.
- Condition 1 of the grant is untenable, due to the ambiguous and misleading details submitted. Condition 2 is legally impermissible as surface water management is central to the assessment of environmental impacts. The Habitats Directive does not permit deferral of investigation and remediation where there is potential impact on a Natura 2000 site. There is a current ongoing impact on the cliffs, as shown in the enclosed video and photographic documentation, not a hypothetical future risk. A condition requiring further assessment after the grant of permission effectively acknowledges that the drainage issue is unresolved, and the application was inadequate.

- A large number of applications have been granted on the site. I have no objection in principle to the school, but development must be lawful, environmentally responsible, and safe for all parties.

7.2. **Applicant Response**

7.3. A response was received from the applicant's agent, summarised as follows:

- The SAC boundary has been mapped by the NPWS, and there is a significant distance between the school building and the designated habitat. The appellant has provided no mapping, data, or survey evidence to contradict official NPWS mapping.
- The appellant claims 'direct stormwater damage' to the cliffs in the SAC, and claims the stormwater layout is not correctly shown, but has not submitted any engineering report, survey, pipe tracing, drainage drawings, or hydraulic study to support their assertions.
- The site walkover is intended to assess the development site, not third-party lands. The development is entirely within the boundary, and no access exists beyond the boundary. The site walkover was correctly carried out.
- The appellant's assertion that the Planning Authority erred in screening out AA is an opinion, and is not supported by any findings.
- A minor drafting inconsistency does not invalidate a permission or undermine the validity of an application unless they conceal development, or give rise to materially different environmental effects, which is not in question here. The planner's photographs are not contract drawings. The soakaway dimension describes the void area, not the external excavation footprint.
- The DAU did not support the position of the appellant, and did not object to the grant of permission. They requested clarification and recommended conditions, which the planning authority addressed. Such conditions are entirely lawful and typical for minor developments near environmentally sensitive areas.
- The central claim is damage to the cliffs of the SAC, but no erosion survey, topographic data, sediment transport analysis, photographic time-sequence, or engineering report has been submitted to substantiate this. No comparison of anthropogenic erosion v. natural erosion, or any evidence that the flow is from the school. The 'video evidence' does not establish source, causation, magnitude, or linkage to the development.

- The presence of surface water does not meet the standard for a 'hydrological link' which means a functionally significant pathway.
- The appellant claims an EIA was required, although the development falls far below Class 10 thresholds, and no EIA is required.
- No expert reports or technical data accompany the appeal – the appeal depends on personal observations, subjective video footage, and misinterpretation of routine planning conditions.
- The Board is requested to uphold the grant of permission.

7.4. The School Principal and Secretary to the Board of Management has responded with a separate letter, summarised as follows:

- The Board of Management has engaged qualified professionals to address all relevant planning, environmental, and technical considerations to ensure compliance with planning regulations and environmental directives.
- The reports have been submitted to the relevant authorities and reviewed thoroughly. The findings confirm that the development is in line with the Planning Act and the requirements of the Habitat Directive.
- The objections have been carefully reviewed and addressed in the submitted documentation.
- The Board of Management remains committed to ensuring the development is carried out responsibly.

7.5. **Planning Authority Response**

No response has been received from the Planning Authority.

7.6. **Observations**

No observations have been received.

7.7. **Further Responses**

None received.

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and 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:

- Nature and extent of the development to be retained
- Drainage
- Window to the boundary
- Appropriate Assessment and Impacts on the Special Area of Conservation

8.2. **Nature and extent of the development to be retained**

8.3. The application is for retention of a stand-alone classroom block, renovated classroom and associated site works. The appellant raises concerns on the accuracy of drawings and information submitted, and a resultant ambiguity in what the applicant is seeking to retain. This is regarding the second element, the renovated classroom.

8.4. I note at the outset that minimal information was submitted with the application. No cover letter was submitted, and the planning application form does not indicate the gross floor area of works to be retained.

8.5. Regarding the stand-alone classroom block, elevation, section and plan drawings were submitted, and this was identified on the site plan. The drawings correspond with the building I observed on my site inspection (although I did not gain access to the interior of this building). The surface drainage and foul drainage for this block is shown on the plan and elevation drawings (although not the site plan), and corresponds with what is visible on the site.

8.6. Regarding the 'renovated classroom', this was identified on the site plan as the north end of the U-plan block at the west end of the site. No plans of the renovated classroom were submitted, and no indication was given of what form the renovations took. Following a request for further information (floor plan and cross section), a

drawing was submitted titled *Renovated Classroom Floor Plan*, with the middle classroom indicated as the renovated classroom. A drawing titled *Elevations* was also submitted, with the elevation H being the relevant one. A site plan on this drawing sheet indicates the northern classroom as the renovated classroom, not the middle classroom.

- 8.7. I undertook a site visit, and I have compared the drawings submitted with the buildings on site. Compared with the drawings submitted, the classroom to the north is a longer, larger, building which incorporates the boundary wall, built up to the site boundary. The window on the west elevation of the middle classroom is larger, set lower than that shown on the elevation drawing, and opens out over the neighbouring field. The section drawing submitted with the Further Information shows a building with an external wall which is significantly lower than either classroom.
- 8.8. Other drawings – On Site Storm Roof & Gully Layout, and P1-01 Roof Plan – are schematic in nature and do not accurately represent the buildings as found during the site visit.
- 8.9. I have consulted the planning drawings available on the council website for previous applications on the file. The drawings submitted with this application largely correspond with drawings previously submitted with reg ref 22276, for retention of as-built extensions, and insertion of a window to the west elevation. The drawings submitted with this application do not reflect amendments and renovations undertaken in the intervening period, which this application seeks permission to retain.
- 8.10. In my view, this is more than a minor drafting inconsistency, but a significant gap in the application. The applicant has not taken the opportunity in responding to the appeal to clarify which classroom has been renovated, or what the renovations involved. No drawings show a 'before and after', or show what works have been undertaken.
- 8.11. I find the third party's concerns regarding the lack of clarity on the 'renovated classroom' to be justified.
- 8.12. The AA Screening report refers (Section 1.2) to enforcement proceedings from the council as the trigger for the application, and this would also imply works of some import were involved. It states (at Section 4.3) that the renovations include the re-

direction of stormwater from adjacent lands into the school stormwater system (but does not state what other renovations might have taken place that would create this requirement).

- 8.13. The commission may wish to seek further information to clarify the nature and extent of the development to be retained. However, this is not a new issue, being previously raised by the council, the third party objection, and the third party appeal, and the applicant has not made a substantive response. In the absence of accurate drawings and information on the nature of the development to be retained, I recommend that the development be refused. Impacts on drainage and on neighbouring properties are considered further below.

8.14. **Drainage**

- 8.15. This application has three elements; retention of a classroom, retention of renovations to a classroom, and retention of site works. As noted above, limited information has been submitted with this application, with a lack of clarity and precision regarding the renovated classroom.
- 8.16. Regarding the new classroom, this is a free-standing single-storey classroom, with a changing room block with shower stalls. The *on Site Storm Roof and Gully Layout* shows no connection from this building to the drainage system. However, the plan and elevation drawings show the foul drainage and the roof both drain into the school combined drainage system, which in turn drains into the public sewerage system to the street, to the east. The rainwater goods I observed on site correspond with those shown in the drawings, and I consider these acceptable.
- 8.17. Regarding the renovated classroom(s), the drawing titled '*as built roof drainage plan*' shows a smaller building to the north, with a fall both from east to west, and from north to south. The *Renovated Classroom Section* shows a lip on the west end of a flat roof, annotated '*Metal flashing installed to prevent roof runoff on to adjacent lands*'. I have noted above my concerns regarding the inaccuracy of these drawings, and the lack of accurate information provided on the classrooms as built, and the works to be retained. The buildings on site are materially different to those shown in the drawings. The roofs have a different profile. The roof of the classroom to the

north falls from east to west and from south to north. This is evident when viewed from the cliff walks.

- 8.18. I accept the applicant has made efforts to address the drainage, and ensure that rainwater is collected within the site, and deposited in the public sewer. There is an enclosed drainpipe leading from the parapet of the flat roof of the middle classroom, along the walls of neighbouring buildings, and leading to the school drainage system which leads to the public sewerage system. However, the applicant has not demonstrated that this is adequate to drain the roofs of the renovated classroom(s) on site, which have a different roof profile and area to that shown in the drawings.
- 8.19. The third party has submitted a number of videos, including footage of water spilling over the edge of the roof during a period of rain (a file titled '*water discharge from overhanging roof*'). The video file metadata indicates the video was made on 12th November 2025. Another submitted video shows an aerial view of the site titled '*sloping overhanging roof*'. The file metadata indicates the video was made on 27 November 2025. I have compared my site visit photographs (both from March 2026 and from an earlier site visit in 2025) with the video footage submitted, and I can discern no differences between the roofs as shown in the video and the roofs that I saw on site. I have seen the roof in question (albeit during dry weather) and the fall towards the third party's field is perceptible. This building is built on the boundary, with no setback. The third party has submitted persuasive evidence that surface water drains over the edge of the roof, into the agricultural field, in an inappropriate manner.
- 8.20. The applicant's assertion that the third party is required to submit professional reports or surveys rather than video evidence is incorrect. Supporting material such as photographs and digital videos is appropriate for a third party appeal, and this is clearly stated on page 5 of the planning appeal form.
- 8.21. The third party also has concerns about a broken clay pipe which is located in their field, at the south end close to the caravan park. This clay pipe was blocked with concrete and has broken. The applicant says this clay pipe leads to Doon Road; pre-dates the school, and is not in their use. There is some dispute about the soakaway shown on the drawings; the applicant states that construction photographs were

provided, but I did not find these on the response. I am not satisfied that drainage has been satisfactorily addressed in this application.

8.22. I note the condition regarding drainage (condition 2 of 2). It requires the developer to liaise with the Listowel Municipal Office, and requires the developer to establish whether any remediation measures are required, and ensure they are implemented within 9 months. In my view, this condition is inappropriate for a number of reasons. One, the condition lacks precision. There is no detail on what issue this condition is intended to address, and the reason for it (in the interests of orderly development) is vague. Secondly, it is the firmly stated position of the developer that the development requires no remediation; they are not the appropriate party to establish whether remediation works are required. There is no report or comments from the Listowel Municipal Office on the issue of drainage. And finally, the lack of information and clarity on the renovation works to be retained compound the lack of clarity of the condition. I note that the drawings submitted might show a satisfactory solution; however the drawings do not accurately depict the works undertaken. I am recommending a refusal due to inadequate drainage of surface water.

8.23. **Window to the boundary**

8.24. The third party raised concerns regarding the window to the west elevation. A window was permitted here under reg ref 22276. I note there were no objections to the window as permitted under 22276, although a window located on the boundary between two properties is not a typical arrangement. I was able to inspect the window from inside. It is located at a high level internally, just below the ceiling, and does not provide views out. It is larger than that permitted under 22276, and opens out over the neighbouring agricultural lands. I consider the third party concerns reasonable. It should be replaced with a non-opening window. This could be addressed by condition in the event of a grant. However, my other concerns remain, and I am recommending a refusal.

8.25. **Appropriate Assessment**

8.26. The DAU raise the issue of three pipes discharging storm water onto the cliffs, and the likelihood of erosion of the vegetated sea cliffs, a qualifying interest of the Lower

Shannon SAC. I observed two of these pipes. One of these – a white gutter - was discharging water on a dry day with no rain. It is located on the cliff face, close to the north end of the freestanding classroom. The third party has provided videos of another pipe, a terracotta coloured plastic round profile pipe; these videos were taken from the cliff face. I was unable to confirm the location of this pipe, as I did not scale the cliff, and the purported location (close to the south end of the freestanding classroom) is within a crevice of the cliff. I observed a third pipe, another terracotta coloured round profile pipe, located in the cliff close to the third party's field. The applicant has made no comments on these pipes.

- 8.27. The concerns of both the National Parks and Wildlife Service, and of the third party, are understandable, and I share these concerns. However, this application is not proposing to retain any pipes which direct water over the cliffs, or into neighbouring property. They do not form part of the application for retention, and are outside the consideration of this appeal.
- 8.28. I note the Minister (and by extension, the National Parks and Wildlife Service) have responsibilities under Article 6(1) and Article 6(2) of the Habitats Directive, irrespective of any planning application being submitted in the vicinity.
- 8.29. For clarity, I note that stormwater from the development (and the wider site and surrounding sites) should be directed away from the cliffs to prevent erosion for safety and amenity reasons, and directed away from the neighbouring agricultural field to prevent flooding, notwithstanding the cliffs' status as a qualifying interest in the Special Area of Conservation. No special mitigation measures are required to protect the qualifying interests of the SAC – the proper disposal of surface water is a typical requirement for any development. This does not trigger a requirement for a Natura Impact Statement.
- 8.30. I have consulted with the in-house Ecologist and received a technical note on 14 July 2026. I refer the Commission to Appendix 3 containing the technical note which provides an assessment of the submitted Appropriate Assessment Screening Report and a conclusion of no likely significant effects on the Lower River Shannon SAC.
- 8.31. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other

plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.32. This determination is based on:

- The limited scale of the works
- The connection to mains drainage.

9.0 Water Framework Directive

9.1.1. The subject site is located in a built up area in Ballybunion town, c. 835 metres west of the Island Slack Little River, 1.8 metres south of the Kilconly South River, within the Kilconly South sub basin (IE_EA_09B130400). It is located c. 170 metres from the Mouth of the Shannon Coastal Water Body (IE_SH_060_0000). The site is located on top of the ground water body Abbeyfeale (IE_SH_G_001).

9.1.2. The development to be retained comprises the provision of a new classroom, and the renovation of an existing classroom at a school.

9.1.3. No water deterioration concerns were raised in the planning appeal.

9.1.4. I have assessed the 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.

9.1.5. The reason for this conclusion is as follows:

the small scale and nature of the development

the distance from the nearest water bodies and the lack of hydrological connections

9.1.6. 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.

10.0 Recommendation

10.1. I recommend a refusal.

11.0 Reasons and Considerations

1. The lack of sufficiently detailed and accurate drawings showing the existing renovated classroom(s), and the lack of adequate information on the nature of the works undertaken in the renovations, precludes a full assessment of the impacts of the renovations to be retained. On the basis of the documentation on the file, the Commission is not satisfied that surface water drainage has been adequately addressed in the application. It has not been demonstrated that surface water runoff from the buildings in their current form is adequately managed, and is not overspilling on neighbouring lands. The development to be retained 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Natalie de Róiste

Planning Inspector

27 July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500366-KY-25
Proposed Development Summary	Retention of classroom.
Development Address	St Joseph's Secondary School, Doon Road, Ballybunion, Co. Kerry
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Case Reference Number: 500366-KY-25				
Step 1: Description of the project and local site characteristics				
Brief description of project		Classroom extension and alteration to existing school.		
Brief description of development site characteristics and potential impact mechanisms		The development site is located adjacent to the edge of the school site, on an area of existing hard standing, within the built up area of Ballybunion. There is an existing connection to mains drainage. This mains drainage connects to Ballybunion Wastewater Treatment Plant. The location of the development within 5 metres of the nearest European site (Lower River Shannon SAC 002165).		
Screening report		Yes		
Natura Impact Statement		No		
Relevant submissions		DAU and third party		
The development is located on a larger site, which has been extensively developed with the incremental and cumulative loss of large areas of lawn and soft landscaping. However, Ordnance Survey mapping – aerial views dated 2006 – indicate there was hard landscaping in the area of this particular development at that date, and no lawn area has been lost in the development to be retained.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹	Distance from proposed	Ecological connections ²	Consider further in screening ³

	Link to conservation objectives (NPWS, date)	development (km)		Y/N
Lower River Shannon SAC 002165	Sandbanks, Estuaries, Mudflats and sandflats, Coastal lagoons, inlets and bays, reefs, Perennial vegetation of stony banks, Vegetated sea cliffs, Salicornia and other annuals colonising mud and sand, Atlantic and Mediterranean salt meadows, Water courses of plain to montane levels with vegetation, Molinia meadows, Alluvial forests, (Freshwater Pearl Mussel, Lampreys, Salmon, Common Bottlenose Dolphin Otter conservation objectives	<5 metres	Direct connections from pipes from the larger site draining into SAC Possible indirect from run-off from agricultural field between school and cliffs.	Yes

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

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

³ if no connections: N

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Name (code)	Direct: erosion of cliffs from	The nature of the development – the construction and renovation

Lower River Shannon SAC 002165 Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] 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]	surface water drainage Indirect: Localised temporary low magnitude impacts from noise, dust, and emissions during construction	of buildings on existing hard standing, with appropriate connections to the public sewer – will not increase any run off from the site via the existing pathways. The impacts from noise, dust and emission from limited construction are not so great or so widespread that they would have negative effects. Conservation objectives would not be undermined.
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Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]		
	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	
*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the Lower River Shannon SAC 002165. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Appendix 3

Internal Technical

Note

PL-500366-KY-25



An
Coimisiún
Pleanála

To: Natalie de Róiste, Planning Inspector

From: Maeve Maher-McWilliams, Inspectorate Ecologist

Development: Retention of classroom block, renovated classroom and associated works at St Joseph's Secondary School, Ballybunion, Co. Kerry

Topic: Review of Appropriate Assessment Screening Report, DAU comments, and planning condition.

Date: 14th July 2026

1.0 Introduction

- 1.1.1. The Ecology team was requested to provide a technical note in relation to Normal Planning Appeal case PL-500366-KY-25. The case relates to the retention of classroom block, renovated classroom and associated works at St Joseph's Secondary School, Ballybunion, Co. Kerry. Input from the Ecology team pertains to a review of Appropriate Assessment Screening report submitted by the applicant, DAU comments and planning condition.
- 1.1.2. Documents which were reviewed by the Ecologist include: Appropriate Assessment Screening report (Kerry Ecological Services); Site Layout Plan and Drainage Network Drawings; Response to Further Information request; DAU responses; and, 3rd Party Appeal submission.
- 1.1.3. The Further Information request of 14th May 2025 included surface water disposal towards the cliff, field west of the site, and stormwater from the roof to be addressed; submission of an Appropriate Assessment Screening report; submission of various elevation and floor plan drawings; details of the soakpit; provision of information relating to the manhole accepting water from the standalone classroom; and, provision of information on any subsidence occurring along the western boundary of the site adjoining the cliff face arising from surface water generated by the school.
- 1.1.4. DAU submissions were made on 28th April 2025 and 18th November 2025. The first recommended an Appropriate Assessment Screening report was submitted and that any grant of permission was conditioned so that storm water associated with the development must be managed so that it is not permitted to flow over the cliff face and cause erosion. Following review of the applicants Further Information response, the DAU made a second submission commenting on information provided in the Appropriate Assessment Screening report and referred to three pipes discharging storm water onto vegetated sea cliffs likely causing erosion. The submission stated that if the pipes relate to the development application, then it should be determined whether the development has led to an increase in storm water discharge and if it is impacting the habitat.

1.2. European Sites

- 1.2.1. The Lower River Shannon SAC is immediately adjacent to the retention site, in part. The standalone classroom block borders the SAC boundary and the renovated classroom, at its nearest point, is c. 12 m from the SAC boundary. Kerry Head SPA is located c. 5.5 km straight line distance to the southwest of the retention site, and River Shannon and River Fergus Estuaries SPA is located c. 5.8 km straight line distance to the northeast. Due to the nature of the retention application and proximal location to the Lower River Shannon SAC, this is the only Natura 2000 site of concern.

2.0 Appropriate Assessment Screening

- 2.1.1. The Appropriate Assessment Screening report assessed the potential likely significant effects which may arise from the retention works and assessed possible direct and indirect impacts on the Lower River Shannon SAC. As raised in the DAU submission of 18 November 2025, the Lower River Shannon SAC boundary is immediately adjacent to the retention site and not at a distance of up to 200m, as stated in the Screening report submitted by the applicant. Of the Qualifying Interest features for which the Lower River Shannon SAC is designated, coastal habitat Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] occur adjacent to the retention site, as per mapping provided in the conservation objectives¹ and supporting documents². The conservation objective for Vegetated sea cliffs [1230] is to maintain the favourable conservation condition of the habitat within the SAC.
- 2.1.2. The submitted Screening report did not identify any hydrological connectivity between the retention works and SAC by way of connecting watercourses or surface water due to the presence of the perimeter wall preventing any run-off exiting the site at the stand alone building, wet/dry-humid grassland separating the retention site and the SAC, and redirection of storm-water from entering the adjacent field into the school storm-water system. From the Screening report it appears that, previously, storm-water discharge from the renovated building associated with the retention application flowed into the adjacent field and was directed into a channel and a small soak-away. While it is difficult to discern

¹ NPWS (2012) Conservation Objectives: Lower River Shannon SAC 002165. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht

² NPWS (2012) Lower River Shannon SAC (site code 2165) Conservation objectives supporting document-coastal habitats. Version 1, May 2012

if this source influenced erosion of the adjacent Vegetated sea cliffs [1230], nonetheless, the retention application no longer contributes to the storm water discharge into the cliff habitat.

- 2.1.3. With regard to the retention application alone, i.e. without regard to the additional storm drains that are referred to in the DAU response and Third Party Appeal as they do not form part of the application for retention, generated surface water will enter the school's storm-water system and discharge to the public network. The roof drainage plan submitted by the applicant shows the direction of flow and connection into the school's sewer network, and site layout plans show the school's drainage system discharging eastwards and feeding into public network at the Doon Road. The Further Information response on the issue further states all surface water will now be discharged into the public sewer.

3.0 Planning Condition

- 3.1.1. The first submission from the DAU suggested a planning condition is attached to any grant of permission pertaining to the retention application, such that, storm water is managed away from flowing over the cliff face to avoid erosion within the SAC. Existing storm drains that flow over the cliff face referred to by the DAU do not form part of the application for retention. Notwithstanding this, storm-water from the retention application is directed away from the cliff habitat to the public sewer via the school's drainage network such that no additional pressures or significant effects are likely to arise.

4.0 Review and recommendations

- 4.1.1. In my opinion, having regard to the nature of the retention works, small increase in hardstanding area associated with the stand-alone classroom block, direction of generated surface waters to the public sewer network and away from Vegetated sea cliffs [1230], it is unlikely that the retention application will result in any likely significant effects on the Lower River Shannon SAC.
- 4.1.2. 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Signed:



14th July 2026

Maeve Maher-McWilliams, Inspectorate Ecologist, BSc MSc ACIEEM