



An
Coimisiún
Pleanála

Inspector's Report

PL-500424-KY-25

Development	agricultural building, dung stead and associated site works.
Location	Reennagappul, and to the West of Market Street, Kenmare Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460958
Applicant(s)	KPK Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Martin Arthur
Observer(s)	None
Date of Site Inspection	18 th March 2026
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1.1. The site is located within the settlement boundary of Kenmare, in the area of Reennagappul, to the southwest of Market Street. The site is on the south side of a gated laneway, which also provides access to Kenmare Motorhome Park, a private residence, Kenmare Stone Circle, and Kenmare Wastewater Treatment Plant. The site is beside an existing agricultural shed, and opposite Kenmare Wastewater Treatment Plant, which was undergoing significant upgrading works on the date of the site visit. The shed and part of the site were in use as part of the construction compound. Sheep were grazing on the adjacent fields. There is a significant level difference (c. 3.5 metres to 4.5 metres) between the shed, yard, and lane, and the adjoining fields to the south and west.

2.0 Proposed Development

- 2.1.1. The proposed development includes the following:
- A sheep house (approx. 12.5 metres by 30 metres), with a ridge height of c. 7.1 metres, consisting of a slatted unit, feed passage, and holding pens, with effluent holding tank underneath
 - A dungstead (4 metres by 4 metres)
 - All associated site works
- 2.1.2. The development involves the levelling of the site, with an excavation to a depth of up to 4 metres.

3.0 Planning Authority Decision

3.1. Decision

Permission granted.

- 3.1.1. Conditions

- 3.1.2. Eight conditions, including the standard first condition, a contribution condition, conditions on landscaping, surface water drainage, and conditions to prevent pollution as follows:

3. All construction work shall be carried out in accordance with current Department of Agriculture, Food and the Marine specifications and in particular S101: Minimum Specifications for the structure of Agricultural Buildings, S108 Minimum Specifications for Manure Pit and Dungsteads, S123 Minimum Specifications for Bovine Livestock Units and Reinforced Tanks.

Reason: To prevent water pollution.

4. All soiled water, farmyard manure runoff, dairy and parlour washings, yard washings, silage effluent, slurry, and contaminated rainwater shall be discharged to the existing or the proposed effluent storage facilities. The storage facilities shall be properly maintained to the Planning Authority's satisfaction and emptied as required to prevent the discharge of polluting matter to any watercourse or aquifer and to comply with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) regulations 2022 (as amended).

Reason: To prevent water pollution.

5. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Two reports, the first dated 11/02/2025 seeking further information, the second following receipt of further information (on 11/10/2025) dated 12/11/2025 recommending a grant of permission.

- Report dated 11/02/2025 – planning history, location and zoning noted. Technical reports noted. Development acceptable in principle. Further information required to submit cross sections showing all proposed cut and fill, contiguous elevations, details on water source, and respond to issues raised in technical reports.
- Report dated 12/11/2025 – response to Further Information noted, further technical reports noted, AA Screening completed, levies applicable, conditions recommended.

3.2.3. Other Technical Reports:

- County Archaeologist – determination should be sought from National Monuments Service due to proximity to stone circle and boulder burial.
- Environment Department – Farmyard Management Plan required.
- Environmental Assessment Unit – additional information required on disposal of soil and stone by-product generated from the required excavation works

3.2.4. Following submission of further information:

- County Archaeologist – determination should be sought from National Monuments Service due to proximity to stone circle and boulder burial.
- Environment Department – no objection subject to conditions
- Environmental Assessment Unit – additional information satisfactory, significant effects on SAC ruled out, conditions on landscaping and lighting recommended

3.3. Prescribed Bodies

No reports on file. An email dated 6 May 2025 from the National Monuments Service was provided by the applicant at Further Information stage, noting a Section 14 Ministerial Consent was not required.

3.4. Third Party Observations

3.4.1. One received, from the appellant. Issues raised are summarised as follows:

- The applicants have insufficient legal interest to make the application
- The lands are the subject of significant planning history and enforcement cases
- The works (including rock breaking and excavation) would be likely to impact on the Kenmare River SAC
- Slurry spreading will have impacts on water quality
- No environmental impact statement was submitted
- No water supply is indicated

4.0 Planning History

4.1.1. No recent or relevant planning history on site.

On adjacent sites:

- Site immediately to east

ABP-318818-24/ KCC ref 23/730

Retention permission granted to KPK Properties Ltd for 166 sqm extension to existing agricultural barn (to total of 453 sqm) following a third party appeal.

- Lands to west (within blue line boundary)

RL.08.307488

The Board found that alleged unauthorised quarrying activity constitutes development and does not constitute exempted development.

RL.08.311192

The Board found that stripping back and removal of topsoil and trees to create an alleged unauthorised 2.75 hectare extension to existing unauthorised quarry is development and not exempted development.

- Wastewater Treatment Plant across the road to the north

ABP-313364-22 KCC reg ref 22/55

Permission granted for upgrades to the Wastewater Treatment Plan and Pumping Station

5.0 Policy Context

5.1. Kenmare Municipal District Local Area Plan 2024-2030

- 5.1.1. The site lies within the Kenmare settlement boundary and is zoned P1 Agriculture.

5.1 Kerry County Development Plan 2022-28 (as varied)

- 5.1.2. Chapter 2 Climate Change and Achieving a Sustainable Future includes the following objective:

Objective KCDP 2-9 Promote the development of a more sustainable agri-sector, having regard to the measures and environmental objectives of the forthcoming 'Common Agricultural Policy Strategy for Ireland, Ag Climatise 2020 – the National Climate & Air roadmap for the agriculture sector'.

- 5.1.3. Chapter 9 of the plan deals with Economic Development, and contains a number of objectives of relevance to agricultural development, particularly in Section 9.7.3 Rural Economy and Section 9.7.6 Agriculture, Agri-Food and Agri-Tech.

Objective KCDP 9-39 Support and facilitate the thematic objectives outlined in “Our Rural Futures”, rural development policy 2021-2025, to strengthen economic activity and employment in rural areas.

Objective KCDP 9-52 Support and facilitate the implementation of the strategic objectives of Food Vision 2030 – A World Leader in Sustainable Food Systems to sustainably develop the agricultural and food sectors that contribute enormously to the economic development of rural areas.

Objective KCDP 9-53 Facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan.

Objective KCDP 9-55 Facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

Objective KCDP 9-56 Ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

Objective KCDP 9-57 Ensure that intensive agriculture units will only be considered where it is clearly demonstrated by the applicant to the Council that the proposed development will not give rise to negative impacts on animal welfare, the environment, natural or built heritage or residential amenity. The scale and intensity of operations, including the cumulative impact of similar type developments in close proximity, shall be clearly detailed in the application and shall inform the assessment. All applications for such development shall be required to demonstrate that the proposal complies with the development management standards in Volume 6 of this plan.

Objective KCDP 9-62 Ensure the economic benefits associated with promoting the County's agri-food sector are balanced with due consideration for the conservation and protection of the rural environment.

5.1.4. Chapter 11 Environment contains the following objectives of relevance:

Objective 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.

Objective 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.

Volume 6 of the plan contains Development Management Standards & Guidelines for various non-residential developments; however, agricultural structures such as this one are not addressed in this volume. A table notes that the P1 Agriculture zoning is to provide for the agricultural use of lands and related activities, with residential development not generally permitted.

5.1. Regional Policy

5.1.1. Regional Spatial and Economic Strategy for the Southern Region 2020-32.

5.2. National Policy

- *Climate Action Plan 2025*
- *Project Ireland 2040 – National Planning Framework first revision (2025) and National Development Plan 2021-2030*
- *Development Management: Guidelines for Planning Authorities 2007*
- Department of Rural and Community Development's *Our Rural Future: Rural Development Policy 2021-2025*
- Department of Agriculture, Food and the Marine's *Food Vision 2030*
- Department of Agriculture, Food and the Marine's *Ag Climatise A Roadmap towards Climate Neutrality* (updated 2021)
- Nitrates Action Programme (NAP) 2022-2025

5.3. Other Guidance

- 5.3.1. European Commission's *Farming for Natura 2000: Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences* (2018)
- 5.3.2. Lesser Horseshoe Bat Species Action Plan 2022-26 (NPWS).

5.4 Natural Heritage Designations

- Kenmare River SAC (Site Code 002158) – 100 metres north of site

6.0 EIA Screening

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. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening assessment. Refer to Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. One appeal was received, on behalf of the third party, against the grant. The grounds of appeal are summarised as follows:

- The site is zoned P1 – Agriculture. However, the report of the Planning Authority applied the incorrect zoning G1 – Open Space/Park, a zoning in which agricultural buildings are not permitted, open for consideration, or listed as exemptions. The planning authority acknowledged this, yet accepted the principle of development on the basis of the adjoining existing shed. This calls into question the assessment of the principle of the development. The planning authority failed to carry out a plan-led assessment as required under Section 34 of the Planning and Development Act 2000 (as amended). Matters of fundamental importance were not addressed in the planning report.
- The Further Information submitted included plans for a substantial berm and associated planting as a visual mitigation measure outside the red line boundary of the planning application. This contravenes the statutory requirements of Article 23(1)(a) of the Planning and Development Regulations (as amended), and means the works do not legally form part of the application, and cannot be enforced by condition, undermining the validity of the planning application.
- The development is a substantial agricultural structure with capacity for approximately 120 sheep, which would have a considerable level of day-to-day activity and associated emissions. Odours will arise from the dungstead and the agitation/emptying points of the underground effluent tank. Noise will arise from the animals, from machinery use, and from increased activity. There is a risk of vermin, and no vermin control strategy or waste management plan has been provided.
- No Construction Environmental Management Plan or Dust Control Plan was provided. Given the scale of excavation, and the sensitivity of nearby receptors (residences, visitors to the stone circle, and the Motorhome Park) impacts are likely.

- No account has been taken of cumulative impacts with the Wastewater Treatment Plant, the existing shed, and the operational quarry to the south-west.
- No information has been submitted on a water connection, and there has been no confirmation of feasibility from Uisce Éireann.
- The Appropriate Assessment Screening was inadequate, as no bat survey was carried out. This is a critical omission as the Screening itself acknowledges that the scrub and hedgerow along the southern boundary provides habitat connectivity. The construction impacts are also likely to disrupt Lesser Horseshoe bats, which are extremely sensitive to disturbance.
- No archaeological impact assessment was undertaken to assess impacts on the Kenmare Stone Circle. The National Monuments Service not requiring a Section 14 determination is irrelevant; this is only required for works directly affecting a monument, and indirect impacts have not been assessed. Ground disturbance and vibrations from rock breaking may have impacts. Additionally, impacts from the visibility of the building, the increased noise and activity, and the erosion of the cultural landscape have not been assessed.
- There is a history of unauthorised development by the applicant in this sensitive landscape, with the agricultural shed extended and requiring retention permission, and a quarry which to date remains unauthorised.

7.2. Applicant Response

None received.

7.3. Planning Authority Response

7.3.1. A response was received from the planning authority dated 14 January 2026, summarised as follows:

- The lands are zoned P1 – Agriculture in the Kenmare MD LAP 2024-2030. There was a typo in the planner's report.
- The proposed building is over 150 metres from the nearest house, with no significant impacts on residential amenity.

- A full AA Screening Report was prepared by the council, with an addendum following receipt of Further Information.
- The proposed building is over 100 metres from the stone circle, and the existing building between the two blocks views.

7.4. Observations

None on file.

7.5. Further Responses

None on file.

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, the reports 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:

- Zoning
- Residential amenity
- Archaeology and Landscape
- Bat Survey

8.2. Zoning

8.2.1. The appellant states that the development is incompatible with the G1 Open Space/Park zoning objective in the town plan, and the planning authority failed to properly assess the development against the P1 Agricultural zoning.

8.2.2. I note the response from the planning authority, noting the error made in the planner's report, referring to the G1 zoning. I have consulted the zoning maps, and am satisfied that the site is on lands zoned for agricultural purposes (P1 Agriculture). The surrounding fields were grazed by sheep on the date of my site visit. The

proposed shed is adjacent to the existing agricultural shed. The construction of a sheep shed is acceptable in principle in the zoning.

8.3. Residential amenity

- 8.3.1. The appellant (whose residence is c. 185 metres north) has concerns regarding impacts on their residential amenity, and on the amenity of visitors to their business, the adjacent Kenmare Aire Motorhome Park. These concerns include construction impacts; odour and noise from operational impacts; vermin; and cumulative impacts in conjunction with the Wastewater Treatment Plant, the existing shed, and the quarry.
- 8.3.2. Regarding construction impacts, I note no conditions were attached regarding construction. A construction method statement was submitted at Further Information stage; this document details the works to be undertaken, and focuses largely on compliance with health and safety measures on site, and gives little to no detail on mitigation measures to prevent potential impacts from noise, light pollution, dust, vibrations, and additional traffic and parking, and gives no undertakings regarding hours of operation of the construction site. The section on Environmental considerations has been left blank. Given there is significant excavation to be undertaken, I consider a condition regarding hours of construction, and the submission of a Construction Management Plan to be reasonable.
- 8.3.3. I note there are existing sheep on the site, which is part of a landholding zoned for agricultural use. Given the distance from the appellant's house and business, and the existing zoning and use of the site, I do not have concerns regarding noise or odour from operational impacts. Typical good housekeeping measures in the interests of animal welfare and efficient farming can be expected to mitigate any risk of vermin.

8.4. Archaeology and Landscape

- 8.4.1. The appellant has concerns regarding impacts on the Kenmare Stone Circle (SMR no KE093-032001). The appeal site is c. 130 metres southwest of the stone circle, which is a national monument (in private ownership) subject to a preservation order. As such Section 14 of the National Monuments Act 1930-2014 applies. This is a

prohibition on demolition, excavation, renovation or sale of the national monument without a Ministerial consent.

- 8.4.2. I note the Kenmare Municipal District LAP states that proposals to develop any lands within or adjacent to the zone of archaeological potential/notification as shown on the RMP or SMR will be subject to a full Archaeological Impact Assessment, which may include test excavations. The site is some 50 metres south of the outer edge of the SMR zone, and over 100 metres from the stone circle, on the other side of the lane, and beyond the existing shed. I do not consider this to be 'within or adjacent to the SMR zone'. The County Archaeologist referred to the site as being 'in proximity to' the stone circle, and recommended the file be referred to the National Monuments Service, to ascertain whether a Section 14 Consent was required. However, the County Archaeologist did not express any specific concerns regarding impacts on the monument, and neither the County Archaeologist nor the National Monuments Service recommended an Archaeological Impact Assessment be undertaken. The National Monuments Service deemed the site a sufficient distance from the monument to avoid the requirement for a Section 14 Ministerial Consent, and expressed no concerns regarding the proposed development.
- 8.4.3. The appellant refers generally to archaeological guidance (on construction impacts, including impacts from vibration) and on national and Development Plan policy on indirect impacts on the acoustic environment, and experiential qualities of the site. However, no specific guidance document or policies are referred to, and the appellant has not set out any policy that has been contravened.
- 8.4.4. The appellant refers to the site as lying within a sensitive landscape – however, it is not within a designated Visually Sensitive Area, and designated Views & Prospects are unaffected, as shown in the relevant maps in Volume 4 of the Development Plan (and Volume 1 Appendix 7 Landscape Review). Nor is it within an identified Archaeological Landscape as shown in Section 8.3.2 Archaeological Landscapes in Chapter 8 of the Development Plan (and Volume 3 Appendix 4). Nor is the gated lane on the list of Public Rights of Way (Volume 3 Appendix 1).
- 8.4.5. The stone circle is screened by tall trees and there are no views of the stone circle from the site, and no views of the site from the stone circle. In any case, the shed is a typical agricultural building, and while large, not eye catching or obtrusive in the

rural landscape. Construction impacts can be mitigated by condition. I have no concerns regarding impacts on the setting of the stone circle.

8.5. Bat Survey

- 8.5.1. The appellant submits that the AA Screening is inadequate, as no survey was carried out for the Lesser Horseshoe Bat, a Qualifying Interest of the Kenmare River SAC.
- 8.5.2. This species has declined dramatically in other parts of Europe, and the Irish population (limited to 6 western counties) is therefore considered of International Importance. There are two internationally important roosts for Lesser Horseshoe Bats in the SAC, a winter roost in a souterrain in Dunkerron, and a summer roost in a two-storey cottage near Killaha (Foley's Cottage). These roosts, and the 2.5 km normal potential foraging radius around them, are shown on Map 9 of the SAC Conservation Objectives document. Potential foraging grounds are also mapped. It is a target of the SAC that there is no significant loss of foraging grounds within 2.5 km of the qualifying roosts. The appeal site is within the 2.5 km radius of the Dunkerron souterrain roost; however, it is not indicated as potential foraging grounds.
- 8.5.3. The recent *Lesser Horseshoe Bat Species Action Plan 2022-26* by the NPWS and Vincent Wildlife Trust provides a useful outline of the current body of knowledge on the species, as well as actions for conservation. The lesser horseshoe bat's distribution in the west is strongly linked with broadleaved and mixed woodland. They typically roost in old unoccupied stone buildings in summer, as well as caves and underground structures in winter. The optimal foraging habitats are deciduous woodlands, riparian vegetation and mature hedgerows. In the absence of woodland, areas of scrub close to roosts are important and should be retained.
- 8.5.4. The Screening Report submitted by the applicant at Further Information stage noted that neither the site nor the adjacent shed present suitable roosting habitat, but that some of the habitats on the site – scrub adjacent to the southern boundary - provides some habitat connectivity to suitable foraging habitat in the wider landscape. The site as a whole is considered to be of moderate suitability for foraging and commuting, as it is open to the north and east, and the scrub on site is immature.

- 8.5.5. These are reasonable conclusions, in accordance with the best scientific knowledge of the behaviour of the lesser horseshoe bat. The assumption that the site may be used for commuting or foraging (notwithstanding that it is on the outer edge of the 2.5 km buffer zone surrounding the roost, and does not contain the preferred feeding habitat of broadleaf woodland) is in line with the precautionary principle.
- 8.5.6. The area of scrub adjacent to the southern boundary is to be maintained, and further native planting is proposed. No external lighting is proposed. These are appropriate measures. I have no concerns regarding impacts on the Lesser Horseshoe Bat.

8.6. Other issues

- 8.6.1. The appellant considers the application invalid, as works proposed at Further Information stage are outside the red line boundary, contravening requirements for transparency, proper public consultation, and enforceability of any permission granted.
- 8.6.2. These works consist of the creation of a planted berm to the south and west of the shed. This area is within the blue line as submitted with the application, comprising lands in the control of the applicant. I note the development was readvertised following the submission of further information, and the planning authority attached a condition regarding the planting and maintenance of this area.
- 8.6.3. I have consulted the Planning and Development Regulations 2001 (as amended), including Article 23(1)(a) as referenced by the appellant, and Articles 33 and 34, which sets out the requirements for Further Information and Revised Plans, and Article 35, which sets out the requirements for advertising same. I have also considered Section 34 (4)(a) of the Planning and Development Act 2000 (as amended) which sets out that a planning authority may impose conditions on adjacent lands under the control of the applicant (ie, lands within the blue line boundary). I am satisfied that the application was advertised in a transparent fashion, with proper public consultation, and that the relevant condition is reasonable and enforceable.
- 8.6.4. The appellant refers to unauthorised development on adjoining lands, both quarrying, and the extension of the neighbouring shed (since granted retention permission). Enforcement is an issue for the Local Authority.

9.0 AA Screening

- 9.1.1. 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 Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.1.2. This determination is based on:
- The nature of the works
 - The location, and distance from the nearest European site
 - Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

10.0 Water Framework Directive

- 10.1.1. The subject site is located within the designated urban area of Kenmare town, on the outskirts of the built up area, the nearest river (River Finnihy) is located approximately 100 metres north of the subject site. The proposed development comprises of a slatted sheep shed, dungstead and associated works adjacent to an existing agricultural shed and grazing lands. The site is located within the Finnihy_020 River Sub Basin and over the Kenmare Groundwater body.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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. The reason for this conclusion is as follows:

- Scale and size of the proposed development
- Distance to the nearest waterbody at 100 metres south

- The construction of the development in compliance with the standards set out by the Department of Agriculture for such works (S123 Bovine Livestock Units and Reinforced Tanks - October 2022).

Conclusion: 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. (Refer to Appendix 3 for screening matrix).

11.0 Recommendation

11.1. I recommend a grant of permission.

12.0 Reasons and Considerations

12.1.1. Having regard to the nature and scale of the development on agriculturally zoned lands, and the proposed development's compliance with the Kerry County Development Plan 2022-2028, specifically Objectives KCDP 9-55 and KCDP 9-56, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual or residential amenity of the area and would be acceptable in terms of public health, traffic and environmental sustainability. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11th day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The building shall be used for agricultural purposes only.

Reason: in the interests of clarity.

3. All external finishes shall harmonise with the existing agricultural structure on site.

Reason: In the interests of visual amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

5. All construction work shall be carried out in accordance with current Department of Agriculture, Food and the Marine specifications and in particular S101: Minimum Specifications for the structure of Agricultural Buildings, S108 Minimum Specifications for Manure Pit and Dungsteads, S123 Minimum Specifications for Bovine Livestock Units and Reinforced Tanks.

Reason: To prevent water pollution.

6. All soiled water, farmyard manure runoff, yard and building washings, silage effluent, slurry, and contaminated rainwater shall be discharged to the existing or the proposed effluent storage facilities. The storage facilities shall be properly maintained to the Planning Authority's satisfaction and emptied as required to prevent the discharge of polluting matter to any watercourse or aquifer and to comply with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) regulations 2022 (as amended).

Reason: To prevent water pollution.

7. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

8. All uncontaminated surface water run-off from roofs, yards etc., shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the effluent holding facilities. Gutters and down pipes shall be provided on all buildings on the farmyard and shall be kept in good repair.

Reason: To prevent water pollution.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compound including areas identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

10. Site development and building works shall be carried out between the hours of 7 am to 7 pm Mondays to Fridays inclusive, between 8 am to 2 pm on Saturdays and not at all on Sundays and public holidays. Deviation from these

times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11.A) No external lighting shall be provided within the proposed site.

B) Landscaping and Biodiversity planting measures for this site shall be carried out in accordance with Landscape Plan drawing number 07 submitted with the Further Information planning documentation on 11 October 2025 and as updated by conditions of planning herein. All tree and shrub planting shall be native species only. All landscape/biodiversity planting shall be completed within 18 months of the completion of this development under the supervision of an appropriately qualified and experienced specialist. Any trees/planting that die or are removed within three years of planting shall be replaced in the first planting season thereafter. A compliance report, shall be submitted and agreed with the Planning Authority within a period of two months after the first planting season post completion of construction works.

Reason: In the interests of ecology and to protect biodiversity.

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

8 September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500424-KY
Proposed Development Summary	Sheep shed and associated works
Development Address	Reennagappul, Kenmare, 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) [Delete if not relevant]
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]

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: PL-500424	
Step 1: Description of the project and local site characteristics Construction of a sheep and shed and associated works	
Brief description of project	Construction of a slatted shed for sheep, associated site levelling and excavation.
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA). There are no water courses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The Finnihy River which forms part of the Kenmare River SAC is located to the north and west of the site. The boundary of the nearest European Site, the Kenmare River SAC (002158) is within 100 metres. The existing site is partly an existing agricultural yard, and partly an area of raised ground vegetated with scrub, gorse, willow, bracken, bramble, and grasses. There is potential for significant effects from release of pollutants during construction phase, as well as noise, vibrations, generation of wastes, and increased human presence and activity. There is potential for significant effects from release of pollutants during operational phase.
Screening report	Yes. Kerry County Council screened out the need for AA.

Natura Impact Statement		No.		
Relevant submissions		Third party.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
SAC 002158 Kenmare River	Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous	100 metres	No direct, possible indirect via groundwater or air. Located within the foraging area of the lesser horseshoe bat roost at Dunkerron Souterrain.	Y

vegetation (grey dunes) [2130] European dry heaths [4030] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Submerged or partially submerged sea caves [8330] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] CO002158.pdf			

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) SAC 002158 Kenmare River Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	Direct: There is no potential effect in terms of loss, fragmentation or disturbance of habitat, or reduction in species density, due to the characteristics of the site and the distance to the SAC. Indirect Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution, and potential for spread of invasive species.	The distance from the site, the design of the development, and standard construction measures, and the level of mixing, dilution, and dispersion of any surface or ground water discharges in the receiving aquatic environment prior to reaching the SAC is sufficient to exclude any potential effects arising from any construction or operational discharges from the site. The site is of moderate suitability for foraging and commuting for the lesser horseshoe bat, providing connectivity to lands to the south – the landscape proposals that provide visual screening to the shed are appropriate to maintain connectivity. Significant adverse effects on the QI can be excluded. No external lighting is proposed.

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] European dry heaths [4030] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Submerged or partially submerged sea caves [8330] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]		
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Phoca vitulina (Harbour Seal) [1365]		
	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	
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 SAC 002158 Kenmare River. 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.		
Screening Determination		
Finding of no likely significant effects		
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.		
This determination is based on: • The nature and extent of the subject development; • The distance from European Sites; • The weakness of connectivity between the development and European Sites; and, • Standard pollution controls and landscaping that would be employed regardless of proximity to a European site and effectiveness of same.		

Appendix 3: Water Framework Directive Scoping

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500424-25	Townland, address	Reennagappul, west of Market Street, Kenmare
Description of project		Sheep shed with underground effluent holding tank, dungstead, associated site works	
Brief site description, relevant to WFD Screening,		The site is adjacent to the built up area of Kenmare. The development has a connection to the public water mains. There are no water features on site or adjacent to the subject site.	
Proposed surface water details		Soakpit	
Proposed water supply source & available capacity		Mains water supply	
Proposed wastewater treatment system & available capacity, other issues		None. Slurry and effluent to be removed off-site for land spreading in compliance with S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (GAP Regs) which give effect to the Nitrates Action Programme concerning the protection of water against pollution caused by nitrates from agricultural sources.	
Others?		N/A	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River waterbody	Finnihy_020 Code IE_SW_21F010510	Moderate	Not at risk	Urban runoff	Potential surface runoff	Standard construction measures	No residual impacts.
Transitional waterbody	Inner Kenmare River IE_SW_190_0300	Moderate	Not at risk	None	Potential surface runoff	Standard construction measures	No residual impacts.
Groundwater waterbody	Kenmare groundwater IE_SW_G_040	Good	Not at risk	None	Potential surface runoff	Standard construction measures	No residual impacts.