



An
Coimisiún
Pleanála

Inspector's Report

PL-500503-KY-25

Development

Construction of dwelling, garage, home office and wastewater treatment system.

Location

Shanara Upper, Beaufort, Killarney,
Co.Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

25243

Applicant(s)

MaryAnn Doherty

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Liam O'Keeffe

Observer(s)

Michael J Healy-Rae T.D

Date of Site Inspection

8th June 2026

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1.1. The appeal site has a stated site area of 0.369ha, c.2.4km southwest of Kilgobnet. The site is located in a rural area on agricultural farmlands is accessed via a minor local road L-4039.
- 1.1.2. The site is located in an open field and rises gently away from the public road in a westerly direction. The roadside boundary consists of rural roadside hedgerow across the road frontage. The closest dwelling is a dormer type dwelling located c. 120m to the southwest of the site
- 1.1.3. The Finglas River is located to the south and southeast of the site.

2.0 Proposed Development

- 2.1.1. The application comprises:
 - Permission to construct a dwelling house (253sq.m floor area) and detached garage / home office (40sq.m floor area), c/w mechanical treatment unit (trichel novo treatment unit and trichel zero module) with 90.25sq.m polishing filter and all associated site works.

3.0 Planning Authority Decision

3.1.1. Decision

By Order dated 25th November 2025, Kerry County Council issued notification of a decision to GRANT permission for the proposed development subject to 17 no. conditions.

3.1.2. Planning Authority Reports

The Planning Report notes:

- This is the second application by the applicant. Subsequent to preplanning the design was revised not to break the skyline and is considered acceptable.
- The applicant is the daughter of the landowner and satisfies the rural housing policy for the area.
- The reports notes that traffic, wastewater, surface water, landscape and visual impact all considered acceptable
- Recommendation to grant planning permission.

3.1.3. Other Technical Reports

Environment (19/11/2025) – No objection subject to conditions

3.1.4. Conditions

3.1.5. The following PA conditions are noted:

- Condition no. 3 relates to permanent occupancy.
- Condition no. 4 stipulates that the dwelling shall be used as a primary residence and not a holiday home.
- Condition no. 5 and 6 relates to design.
- Condition no. 12 relates to retention of roadside boundary save at vehicular entrance.

3.2. **Prescribed Bodies**

None

3.3. **Third Party Observations**

The PA in their assessment note that one no. 3rd party submission was received. The concerns raised relate to the impact of the development on the rural character/visual amenity of the area.

4.0 **Planning History**

KCC Reg. Ref. 25/111 – Permission sought by Maryann Doherty to construction a dwelling house. Application Withdrawn.

5.0 **Policy Context**

5.1. **Development Plan**

Kerry County Development Plan 2022-2028

The site is located in an area designated as 'Rural Areas under Urban Influence' under Section 5.5 Rural Housing of the Plan. In this regard, Objective KCDDP 5-15 states:

"In Rural Areas under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life limiting) and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, including their sons and daughters or a favoured niece/nephew where a farmer has no family of their own who wish to build a first home for their permanent residence on the family farm.*

- b) *Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent residence, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*
- c) *Other persons working full-time in farming or the marine sector for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent residence.*
- d) *Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent residence.*
- e) *Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation and currently live with a lifelong or life limiting condition and can clearly demonstrate that the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.*

Preference shall be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house."

Other relevant rural housing objectives

- KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.
- KCDP 5-20 Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.
- KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.
- KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines 2009 or any update of the guidelines

11.6.2 relates to Landscape Sensitivity

The Plan establishes that ‘It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Development in areas outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.’

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

Section 11.6.3 relates to development in designated landscapes.

The site is located within a designated Visually Sensitive Area - ‘comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.

These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.’

Section 11.6.4 sets out criteria for Development in Designated Areas

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1. National Planning Framework (First Revision) April 2025

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

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

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.2. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between urban generated housing and rural generated housing and directs urban generated housing to town and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal land gives rise to much greater public infrastructure costs. **Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and are perhaps seeking to build their first home near their family place of residence.** Appendix 4 sets out that these Guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

5.2.3. Climate Action Plan (2025) and National Biodiversity Action Plan (NBAP) 2023-2030.

5.2.4. Our Rural Future Rural Development Policy 2021-2025.

5.3. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Castlemaine Harbour SAC (000343) located c.165m to the east of the site. The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) is located c. 1.2km south of the site.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- The concerns raised in the grounds of appeal relate to the continued urbanisation of the rural area and the associated visual impact of the development in the rural landscape. It is set out that this should not be allowed to continue and the land should remain as green fields.
- The area is an amenity used by walkers, cyclist and drivers and this should remain.

6.2. Applicant Response

- In response to the appeal the first party set out relevant local and national policy provision.
- It is set out that the site and design of the dwelling has taken into account the topography, vegetation, existing boundaries and features of the area to integrate into its surroundings in order to minimise the effect on the landscape. The site will be landscaped with native species.
- It is further set out that the proposed dwelling is modest one and a half storey dwelling with a ridge height of 7.295m similar to existing properties in the rural area.
- It is set out that the proposed development complies with national and development plan objectives in relation to rural housing, effluent can be satisfactorily treatment on site, the development will not adversely impact on traffic safety, visual impact, aquatic environment or Natura sites.
- The applicant is from the local area and has a genuine housing need.

6.3. Planning Authority Response

None

6.4. Observations/Submission

The Commission will note a submission was received from Michael J Healy-Rae T.D on 7th May 2026 making representation of behalf of the applicant and setting out that applicant is seeking to build and home on family lands.

7.0 Assessment

- 7.1. 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 and national policies and

guidance, I consider that the substantive issues in this case to be considered are as follows:

- Principle of Development
- Design Strategy and Visual Impact/Impact on Rural Character
- Other Matters

7.2. Principle of Development

Proposed Development

- 7.2.1. Permission is sought for a 253sqm dormer dwelling with a ridge height of 7.295m and a detached 40sqm garage and home office on site of 0.369 hectares, together with on-site sewage system and connection to public water supply.
- 7.2.2. Vehicular access is via a new splayed entrance. In order to achieve 90m sightlines, it is proposed to remove some of the existing road boundaries and reinstate a new recessed boundary with native hedging to match the existing black-thorn and white-thorn hedging. combined entrance.

Housing Need

- 7.2.3. The site is located in an area designated as 'Rural Areas under Urban Influence' under Section 5.5 Rural Housing of the Plan. While housing need was not raised by the appellant, the Commission will note that the applicant is from the local area and is the daughter of the landowner (folio details accompany the application) and therefore the applicant satisfies housing needs in accordance with Objective KCDP 5-15 of the KCCDP. The PA raised no concerns in this regard.
- 7.2.4. I am satisfied that the principle of development is acceptable subject to detailed consideration below. In addition, I am satisfied that this approach is consistent with National Policy Objective 28 to 'facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'

7.3. Design Strategy and Visual Impact/Impact on Rural Character

- 7.3.1. The primary concern raised by the appellant relates to the reduction in the rural character of the area as a result of the introduction of the development and the associated visual impact.

- 7.3.2. The site is located within a designated Visually Sensitive Area - 'comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. The Development Plan notes that these areas are particularly sensitive to development and development 'will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area'. In the context of the subject site, the Commission will note that the mountain ranges are located to the south of the site and the costal vistas at a significant distance. The general area is characterised by a scattered of one-off rural houses and agricultural development and there does not reflect an 'unspoilt wilderness area'. As such I am satisfied that although the site is located in a Visually Sensitive Area' it has capacity to accommodate development.
- 7.3.3. As set out above the proposal is for a dormer style dwelling. The design incorporates a traditional pitched roof design, wall dormer windows and a single storey pitched roof porch. The introduction of the porch serves to balance the wall to roof ratio and provides for greater symmetry across the façade with respect to the fenestration. Site inspection determined that the closest dwelling located to the southwest of the site is of similar design. Overall, I am satisfied the proposed design is generally acceptable. The proposed garage is located to the rear of the dwelling.
- 7.3.4. As regard, the visual impact of the proposed dwelling, I note the appeal site forms part of a larger agricultural field and the wider field rises gradually in a north westerly direction. In addition, the eastern section of the field is identified as subject to flooding. The wet nature of this area was evident by rushes present on site and visible land drain (no visible evidence of water on day of site inspection) running across the northeastern and eastern field boundaries.
- 7.3.5. The applicant argues that the site and design of the dwelling has taken into account the topography, vegetation, existing boundaries and features of the area to integrate into its surroundings in order to minimise the effect on the landscape. Having regard to the constraints of the site as set out above, I would accept the site is located at the most appropriate location within the field occupying the lower ground levels and removed from the outside of lands identified as subject to periodic flooding. The Commission will note that the applicant previously sought to develop on the highest part of the field to the west and this

application was withdrawn (KCC Reg. Ref. 25/111).

- 7.3.6. The proposed works incorporate elements of cut and fill having regard to the undulating site levels. However, the finish floor level of the dwelling is identified at 85.45m and the public road level at the proposed entrance is identified as 85.20m. Therefore, the proposed dwelling will not be significantly above the public road at the proposed entrance. In addition, the applicant has proposed a landscaping scheme of native hedgerows and trees to assist in assimilating the dwelling into the rural landscape. In my opinion, it is essential that the proposed landscaping is carried out prior to the occupation of the dwelling to ensure the planting happens having particular regard to the fact the site will have limited boundary screening owing to the location in the middle of the field and the proposal to remove a significant section of roadside boundary in order to achieve sightlines. In this regard, I consider the proposed entrance should be limited to 2 no. entrance piers only at the proposed gate and the entrance splay should consist of native hedgerow to match the roadside boundary.
- 7.3.7. There will be limited intervisibility of the proposed development on approach from the southwest as the site will sit at a lower level and will be screened by the already established roadside boundaries to be retained. The site will be more prominent on approach from the northeast and southeast however subject to a condition requiring the implementation of the landscaping scheme including entrance splay hedgerow, I am satisfied that the proposed development is acceptable and in accordance with Objective KCDP 11-78 to 'Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area..'
- 7.3.8. Regarding the concerns raised about the enjoyment of the landscape and rural area, I do not consider the proposed dwelling will detract from the appellants enjoyment of the rural landscape in and around the site nor do I think the traffic generated by a single dwelling will result in a traffic hazard or obstruction to roads users including cyclists and walkers. Whilst I accept the proposed dwelling will alter the landscape the Development Plan establishes that 'It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development'. As far as is practicable I am satisfied that the development has been designed to integrate into the rural landscape.
- 7.3.9. In summary, I am satisfied that the proposed design is acceptable and in accordance with

the Kerry County Development Plan 2022-2028 and the Kerry County Council Rural Design Guidelines.

7.4. Other Matters

7.4.1. *Drainage* – The Commission will note that a tertiary treatment system is proposed to the northwest of the site. To accommodate this a layer of soil above the T- test level will have to be removed and replaced with good topsoil (T-value 3-30) as detailed in the Site Characterisation Report accompanying this application. I refer the Commission to the report from the Environment Section of KCC dated 19th November 2025 setting out no objection to the proposed development on the basis of the assessment report and recommendation submitted. In my opinion, the conditions as set out by the Environment Section of KCCC should be included in any grant of planning permission should the Commission be minded to grant planning permission.

7.4.2. *Food Risk*- The application drawings identify the southeastern corner of the agricultural field as at risk of localised flooding. The Commission will note that the application site is located outside of this identified area and the land levels rise in a westerly direction away from the area. In addition, a review of Floodmaps.ie on 9th June 2026 did not establish the site within an identified flood risk area. The PA raised no concerns in this regard. I am satisfied that the site is not at risk of flooding.

8.0 AA Screening

8.1. See completed screening determination form in Appendix 2. 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, namely Castlemaine Harbour SAC, and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.2. This determination is based on:

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

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Water Framework Directive

9.1. The subject site is located c. 165m west of the River Finglas waterbody (IE_SW_22F030700) (good water body status) and the groundwater body is IE_SW_G_022 Cahersiveen (good water body status). I refer the Commission to Appendix 3 of this report.

9.2. The proposed development comprises construction of a dwelling house.

9.3. I have assessed the proposed dwelling 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 including the disposal of effluent via an on-site wastewater treatment system in accordance with EPA standards and the implementation of SUDs measures on site and , 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:

- Nature of works e.g. small scale and nature of the development.
- Location-distance from nearest water bodies and lack of direct hydrological connections.

9.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to Objective KCDP 5-15 '*Rural Areas under Urban Influence*' and development standards of the Kerry County Development Plan 2022-2028, specifically to KCDP 5-22 to ensure that the design of housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines 2009 or any update of the guidelines and Section

11.6.3 *Visually Sensitive Area* as they relate to the nature, scale and design of proposed development relative to landscape context, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

1. Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 2nd 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: (a) A plan to scale of not less than 1:250 showing – (i) The existing roadside boundary shall be retained except for where its part removal is necessary for the construction of an entrance with adequate sight lines. The recessed roadside boundary shall be reinstated with a double row of native hedgerow common to the locality. The proposed entrance shall be limited to two no. piers at the entrance gate only. The entrance splay shall be planted with a double row of native hedgerow consistent with the recessed roadside boundary. (ii) Proposals to provide the northern, eastern and western site boundaries with hedgerow screening and native tree planting. Details of screen

	planting [which shall not include cupressocyparis x leylandii] shall be submitted. (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species] (b) Prior to occupation of the dwelling, the applicant shall submit a certificate of compliance prepared by a suitably qualified person with professional indemnity insurance stating that all landscaping conditions pertaining to the grant of planning permission have been complied with. Photographic evidence shall also be submitted. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
3	(a) The wastewater treatment system units hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021. (b) The packaged wastewater treatment unit, packaged tertiary intermittent filter media system and gravel distribution layer shall be located and installed on site as outlined in the plans and particulars received by the Planning Authority, and, in particular, as per the

	drawings ref. “OSC/MAD-PS/03/2025” and “OSC/MAD-PS/01/2025” received by the Planning Authority on the 02/10/2025. (c) The packaged wastewater treatment unit and packaged tertiary intermittent filter media system shall comply with all separation distances listed in Table 6.2 of the Environmental Protection Agency Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10)”, except as may be otherwise approved by the Planning Authority. (d) The packaged wastewater treatment unit and packaged tertiary intermittent filter media system shall have at a minimum, the capacity to cater for a Population Equivalent of 6. (e) The packaged wastewater treatment unit shall be certified as compliant with the relevant part(s) of EN12566. (f) The wastewater treatment system shall incorporate a suitable alarm system (both audible and visible) which shall activate in the event of any malfunction of the system. (g) Stormwater drains, water mains, service pipes, soakaways, access roads, driveways, paved areas or land drains should not be located within or around the gravel distribution layer. The growth of any type of tree or plant which develops an extensive root system should be limited to a minimum distance of 3m from the gravel distribution layer. This restriction also applies to the cultivation of crops necessitating the use of machinery, likely to disturb the gravel distribution layer (h) Within four weeks of the completion of installation and subsequent commissioning of the proposed effluent treatment system the applicant/developer shall submit a certificate {this shall include relevant photographs and as-constructed records of the installation} from a suitably qualified person, the holder of up-to-date professional indemnity insurance, stating that the packaged wastewater treatment unit, packaged tertiary intermittent filter media system, gravel
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	distribution layer and all sundries have been installed in accordance with – • the terms of the planning permission; • the Environmental Protection Agency Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10)”; • the manufacturer’s instructions. A copy of the insurance certificate confirming that the qualified person referred to above held up-to date professional indemnity insurance at the time of preparation of the installation certificate shall be submitted along with the certificate. Reason: In the interest of public health and to prevent water pollution.
4	The applicant, and any subsequent owner(s) of the development, shall undertake a maintenance or service contract for the on-going maintenance of the packaged wastewater treatment unit and packaged tertiary intermittent filter media system with the manufacturer or such suitably qualified person in perpetuity. A signed and approved maintenance contract / agreement shall be submitted to the Planning Authority prior to the commissioning of the system. A maintenance contract for the effluent treatment system shall be entered into and paid in advance for a minimum period of five years from the date of the completion of installation and subsequent commissioning of the proposed effluent treatment system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed with, the planning authority within four weeks of the date of the installation. Reason: In the interest of public health and to prevent pollution.
5	(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

	(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage. (c) The positioning of all soakaways shall comply with the 2021 EPA Code of Practice entitled. All soakaways shall be designed in accordance with BRE DG 365:2016. All hard stand areas contiguous with the dwelling shall have separate drainage pathways. Full design details, including drainage along the public road shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site. Reason: In the interest of traffic safety and to prevent flooding or pollution.
6	Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann. Reason: in the interest of public health
7	The garage shall only be used for the purpose incidental to the enjoyment of the dwelling house only. Garage shall not be used as residential living, commercial or for business purposes. Reason: To ensure the garage is not used for residential living, commercial or business purposes and to also ensure the residential amenity of nearby occupiers is preserved
8	All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site. Reason: In the interest of amenity
9	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

	Reason: To safeguard the amenity of property in the vicinity
10	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.
11	(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not

	affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale. Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector
23rd June 2026

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500503-KY-25
Proposed Development Summary	Permission for the construction of dwelling, garage, home office and wastewater treatment system.
Development Address	Shanara Upper, Beaufort, Killarney, Co. Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ 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	
☒ 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)	Class 10 (b) (i) >500 dwellings

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

Case Reference	PL-500503-25-KY
Proposed Development Summary	Permission for the construction of dwelling, garage, home office and wastewater treatment system.
Development Address	Shanara Upper, Beaufort, Killarney, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential cluster environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster. The increased height and scale are not considered to result in significant environmental effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g., wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located in a High Value Landscape. The development would not break the skyline; the roadside boundary will be retained /reinstated and additional landscaping incorporated. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Appendix 2: Standard AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500503-25-KY	
Step 1: Description of the project and local site characteristics	
Brief description of project	Permission for the construction of dwelling, garage, home office and wastewater treatment system. The Finglas River is located c. 165m east of the site. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Kerry County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kerry County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.
Brief description of development site characteristics and potential impact mechanisms	The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Castlemaine Harbour SAC (000343) located c.165m to the east of the site. The Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) is located c. 1.2km south of the site.
Screening report	N
Natura Impact Statement	N
Relevant submissions	N/A
No nature conservation concerns were raised in the appeal.	
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

The proposed development site is not located within or immediately adjacent to any site designated as a European Site. The boundary of the nearest European Site, Castlemaine Harbour SAC, is within 165m of the proposed development.

Castlemaine Harbour consists of the whole inner section of Dingle Bay, i.e. Castlemaine Harbour, the spits of Inch and White Strand/Rosbehy and a little of the coastline to the west. The River Maine, almost to Castlemaine, and much of the River Laune catchment, including the Gaddagh, Gweestion, Glanooragh, Cottoner's River, the River Loe and , are also included within the site. Given the limited scale of the proposal and lack of ecological connections, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Castlemaine Harbour including The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).

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
Castlemaine Harbour SAC	Habitats: Estuaries, Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Dunes with <i>Salix repens</i> ssp. <i>Argentea</i> , Humid dune slacks, Alluvial	0.165km	Indirect via surface water discharge	N

	forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> . Species: Sea Lamprey, River Lamprey, Salmon, Otter, <i>Petalophyllum ralfsii</i> (Petalwort)			
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites Due to the nature of the development site and the presence of a buffer area between the site and the Finglas River, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. The proposed development would not have direct impacts on any European site. During site clearance and construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. The contained nature of the site with no direct ecological connections or pathways and distance from receiving features connected to Castlemaine Harbour SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including: The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to distance and lack of meaningful connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. In combination effects Having reviewed Kerry County Council and An Bord Pleanála's online mapping systems, I do not consider that there are any projects, which could have the potential to have significant in combination effects on a European Site when considered alongside the proposed development. Similarly, I am not aware of any plans that could have the potential to have in-combination effects on a European Site when considered alongside the proposed development.				

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

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

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

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 3 – Water framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500503-25-KY	Townland, address	Shanara Upper, Beaufort, Killarney, Co. Kerry
Description of project		Construct dwelling and associated site works	
Brief site description, relevant to WFD Screening,		Greenfield site in a rural area. Land drain to the east of the site c.30m (wet underfoot but no water flow evident). Open land drain with steady water flow located on the opposite side of the public road flowing in an easterly direction towards the River Finglas waterbody located located c. 165m east of the site.	
Proposed surface water details		Surface water will discharge to a soak pit on site.	
Proposed water supply source & available capacity		Connection to Public Water.	
Proposed wastewater treatment system & available capacity, other issues		On-site wastewater treatment system to EPA standards.	
Others?		Not applicable	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body		Distance to (m)	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 run-off, drainage, groundwater)
River Waterbody		165m	River Finglas waterbody (IE_SW_22F030700)	Good	Not At risk	None	Not directly hydrologically connected to surface watercourse.
Groundwater waterbody		Underlying site	IE_SW_G_022 Cahersiveen	Good	Not At risk	None	Free draining soil conditions.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water

							environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Clearance works/ Construction	River Finglas waterbody (IE_SW_22F030700) IE_SW_G_048 Luane Muckross	No direct pathway exists.	Siltation, pH (Concrete), hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	River Finglas waterbody (IE_SW_22F030700)	None	None	None	No	Screened out
4.	Ground	IE_SW_G_048 Luane Muckross 0020	None	None	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						