



Inspector's Report

PL-500601-KY-26

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| Development | Construction of dwelling, treatment unit and associated site works |
| Location | Ardroe, Inch, Co. Kerry |
| Planning Authority | Kerry County Council |
| Planning Authority Reg. Ref. | 2560999 |
| Applicant(s) | Anne Kennedy |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party Normal Planning Appeal |
| Appellant(s) | Anne Kennedy |
| Observer(s) | Lisa Brody Lillian Bresnahan Emma Kennedy John Greenaway Andrew Kennedy Veronica Tinney |
| Date of Site Inspection | 2 nd April 2026 |
| Inspector | Carol Smyth |

1.0 Site Location and Description

- 1.1. The subject site (0.33ha) is located in Ardroe, Inch, Co. Kerry and is within the administrative boundary of Kerry County Council. This is an upland scenic location overlooking Dingle Bay, circa 1.5km northwest of Inch beach car park. The subject site is located on a narrow substandard laneway serving agricultural lands and a number of one-off dwellings, many of which appear in use as holiday homes. The laneway forms part of the Dingle Way, a long distance walking route along the Dingle Peninsula.
- 1.2. The subject site is located at the foothills of Slieve Mish Mountains. The site rises from the laneway towards the rear of the site. Western and southern site boundaries comprise native hedgerow and trees while the northern and eastern boundaries are open.

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a single storey domestic dwelling, mechanical treatment unit & sand polishing filter, connection to a private well and all associated site works

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse permission on the 16th December 2025 for the following 3 no. reasons

1. *The private access road serving the site is substandard and inadequate in terms of alignment, surface and width. It is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the zoning of the landscape as Visually Sensitive, the topography of the land, the elevated positioning of the proposed development and the existing high density of dwellings in this area, it is considered that the*

proposed erection of a further dwelling at this location would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. *The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-16 Rural Settlement Policy of the County Development Plan 2022-2028 having regard to the location of the application site in an area designated as Other Rural Area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Area Planners Report

The Area Planners report dated 15th December 2025 is consistent with the decision notice issued.

A refusal of permission was recommended on grounds of traffic safety, impact on the character of the rural area and housing need.

3.2.2. Environment Report

Report dated 8th December 2024. No objection subject to conditions

3.3. Prescribed Bodies

The planning application was referred to Fáilte Ireland, The Heritage Council, Arts Council of Ireland, An Taisce, Department of Housing, Local Government and Heritage. No submissions were received from prescribed bodies in relation to the application.

3.4. Third Party Observations

A total of 6 no. submissions were received in relation to the planning application. The issues raised in relation to the planning application also form the third party grounds of appeal and are addressed below in Section 7.

4.0 Planning History

4.1. ABP 321997-25 / Kerry County Council Reg. Ref. 24/60952

Planning Permission refused for the construction of a single storey domestic dwelling and adjacent single storey garage, mechanical treatment unit and sand polishing filter, connection to a private well and all associated site works. The reasons for refusal are as follows:

- 1. Having regard to the location of the site within "Other Rural Area" as identified in Kerry County Development Plan 2022-2028 and objective KCDP 5-16, which seeks to accommodate demand for permanent residential development as it arises subject to good sustainable planning practices, it is considered that the applicant has not adequately demonstrated a need for a permanent residential development at this location in accordance with the development plan. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The site of the proposed development is located within a "Visually Sensitive Area" as set out in the Kerry County Development Plan 2022-2028 for the area, and objective KCDP 11-78 which aims 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. Having regard to the topography of the site, the unsurfaced minor laneway which is inadequate in width, alignment and structural condition, the elevated positioning of the proposed development, together with its depth and scale, the removal of the front boundary hedging and proliferation of one-off dwellings in the locality, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the*

vicinity and would contravene objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Kerry County Council Reg. Ref. 00/1563

Outline permission refused for 3 dwellings

4.3. Adjacent sites

4.3.1. Kerry County Council Reg. Ref. 24/60949

Retention Permission refused for existing structure on site to convert to a glamping pod. The reasons for refusal are as follows:

- 1. The existing dwellinghouse on the site was constructed pursuant to planning permission granted under Planning Register No. 03/416. The proposed development would contravene materially Conditions No. 3, 4 and 9 attached to the existing permission for development on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposal for a second living unit within the curtilage of an existing dwelling house with both residential units connecting to the one septic tank system would contravene the policy objective contained in volume 6, section 1.5.10.7 of the KCDP 2022-2028 – “Only one dwelling unit shall be connected to a single septic tank”. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. The private access road serving the site is substandard and inadequate in terms of surface and width. It is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 4. The proposed development would comprise the construction of a tourist accommodation unit within the curtilage of a dwelling house located in a rural unserviced area. This proposal would not comply with the policy of the Council in relation to Camping/Glamping, Campervans and Caravans as set out at section 10.3.5.1 of the KCDP and would materially contravene objective KCDP 10-31 to*

“Support the development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing settlements, established tourism assets or adjacent to a main farmyard complex on suitable sites and at an appropriate scale subject to normal planning considerations”. The proposed development would set an undesirable precedent for similar developments and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3.2. Section 5 EX1263

Deemed not exempt for clearance of access road and placement of shipping or storage container

4.3.3. ABP PL08.24001/ Kerry County Council Reg. Ref: 16/1132

Permission refused for new garage and carport with recreational space overhead.

- 1. It is considered that the proposed development, by reason of its height, scale, design and proximity to the dwelling house on the adjoining site, would seriously injure the amenities and depreciate the value of property in the vicinity by reason of overlooking and would be contrary to the proper planning and sustainable development of the area.*
- 2. The existing stone shed on the appeal site reflects local vernacular architecture. Policy Objective (H45) in the Kerry County Development Plan 2015 to 2021 encourages protection and retention of structures such as this. The proposed development would involve demolition of the existing attractive stone structure on the appeal site. It is considered that the proposed development would be contrary to Policy Objective H45 of the Kerry County Development Plan 2015 to 2021, would detract from the architectural heritage of the local area and would, therefore, be contrary to the proper planning and sustainable development of the area*

5.0 Policy Context

5.1. Relevant National or Regional Policy / Ministerial Guidelines

5.1.1. National Planning Framework – First Revision April 2025

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

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

5.1.2. Sustainable Rural Housing Guidelines 2005

The Guidelines aim to ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

5.1.3. Climate Action Plan 2025

- 5.1.4. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.1.5. National Biodiversity Action Plan 2023 – 2030

Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

5.2. **Kerry County Development Plan 2022-2028**

The site is governed by the policy and objectives of the Kerry County Development Plan 2022-2028 (referred to hereafter as the Development Plan).

5.2.1. Section 5.5 – Rural Housing

This section of the Development Plan sets out that the policy for single housing in the countryside in this Development Plan has been guided by national and regional policy. It is the policy of the Council to:

- Enhance the vitality and viability of the rural towns and villages, to strengthen their role as rural service centres and protect existing community uses and services in the villages
- Maintain a stable population base in the rural areas with a strong network of rural service centres in villages and small towns
- Sustainably provide cluster developments within (small) villages at a density that reflects the existing footprint of the settlement
- Protect sensitive landscapes and other environmentally sensitive areas from unsustainable development

The section further outlines that it is a policy of the Council to ensure that future housing in rural areas complies with national policy and that this will be achieved by establishing that there is a genuine economic or social need for permanent occupation; prioritising the reduction of residential vacancy rates in all the Rural Areas in preference to new residential development; the renovation or modification of existing structures in rural areas for residential use and by encouraging people who wish to reside in the countryside to live in existing villages or small village settlements where there are services available.

5.2.2. Section 5.5.1.3 - Other Rural Areas

The subject site is located within the rural housing type area 'Other Rural Areas'. The Development Plan sets out that some of these areas have low population density and by virtue of their location and topography are isolated. In these areas, the challenge is to stop sustained population and economic decline with a focus on both villages and rural areas.

5.2.3. Objective KCDDP 5-16

In Other Rural Areas accommodate demand for permanent residential development as it arises subject to good sustainable planning practice in matters such as design, location, wastewater treatment and the protection of important landscapes and environmentally sensitive areas. Preference should be given to renovation/ restoration/ alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.

5.2.4. Objective 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.

5.2.5. Objective 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.

5.2.6. Objective KCDP 5-21

Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

5.2.7. Objective 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.

5.2.8. 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.

5.2.9. 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.

5.2.10. Section 11.6.3 - Landscape Designations

There are two landscape designations for the county, Visually Sensitive Areas and Rural General. Designations reflect the importance of a landscape to the overall amenity of a locality and its importance to communities within these areas. The Development Plan states that permission will not be granted for development which cannot be integrated into its surroundings. The subject site is located in the 'Visually Sensitive Areas' designation.

5.2.11. Section 11.6.3.1 - Visually Sensitive Areas

This designation comprises 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.

5.2.12. Section 11.6.4 - Development in Designated Areas

The protection of the landscape is a major factor in developing policies for rural areas. Landscapes and scenery are considered not just as an amenity value but are also considered to constitute an enormous economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. The Development Plan outlines that the capacity of an area to visually absorb development is influenced by a combination of the following factors:

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

The Development Plan sets out the following provisions which apply to development in Visually Sensitive landscape areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.
- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided. Notwithstanding the landscape designation of a site, where infrastructure is proposed by the Local Authority or another prescribed body, these works will be considered on their own merits on a case-by case basis in accordance with the proper planning and development of the area.

5.2.13. Appendix 2 – Landscape Review

Sets out that Kerry's landscape has a significant economic, social and community value, contributing to a sense of identity. It also has an environmental value, as a home for wildlife. It is important therefore that the county's sensitive landscapes and views & prospects are identified and protected from inappropriate development.

5.2.14. Volume 6 – Development Management and Guidelines

Contains development standards for residential development on rural and non-serviced sites.

5.3. **Building a House in Rural Kerry- Design Guidelines**

These guidelines highlight the importance of site selection, integration and sensitive design when building in the Kerry rural countryside.

5.4. **Natural Heritage Designations**

The subject site is not located within any designated site. The following conservation sites are in close proximity to the subject site:

- Dingle Peninsula SPA (Site Code: 004153) is located approximately 92 metres to the south and 250 metres to the northwest.
- Castlemaine Harbour SAC & pNHA (Site Code: 000343) Castlemaine Harbour SPA (Site Code: 004029) is located approximately 370 metres south.
- Slieve Mish Mountains SAC (Site Code: 002185) is located approximately 1.9km east.
- Mount Brandon SAC (Site Code: 000375) is located approximately 5.6 km northwest.

6.0 **EIA Screening**

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

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.2. This is a first party appeal against the Planning Authority's decision to refuse permission to construct a new single storey dwelling. The following provides a summary of the content of the appeal:

7.3. Reason for refusal no.1 – Access Road and Traffic Safety

- The appeal documentation includes a detailed technical assessment by a qualified highways consultant which demonstrates that vehicle speeds are low and adequate sightlines are achievable and exceed relevant standards.
- Highway Engineers Report included.
- The applicant proposes to cut back the vegetation to maintain sightlines.
- Additional traffic associated with a single dwelling would be negligible in operational and safety terms.
- The reason for refusal is not supported by technical evidence and reference to the road at capacity is arbitrary.
- The unsurfaced nature of the road reduces speeds to 20km/h average.
- The road is on a waiting list (ref. no. 5544) in Kerry County Council to be resurfaced.
- The road has served the existing dwellings for many years without recorded incidents.
- The Development Plan and Transport Infrastructure Ireland criteria were assessed.

7.4. Reason for refusal no.2 – Visual Impact, Elevated Positioning and Density

- The site is located within an established cluster of approximately 17 no. dwellings and sits on a naturally contained ledge below the ridgeline.
- The cluster of houses forms part of the character of the landscape as defined in the Development Plan.
- The Planning Authority has not demonstrated how the development would interfere with the character of the area or the way in which the house would be visually obtrusive.

- Photomontages were included with the planning application material which indicate that the proposed development does not impact on the landscape character.
- Existing buildings, hedgerows and vegetation provide effective screening, and the proposal does not extend development further into open countryside or introduce linear sprawl.
- The proposed development is single storey, modest in scale, visually subordinate to nearby two storey houses and finished in muted materials consistent with the local vernacular.
- The site represents a logical and defensible endpoint to the existing pattern of development, as land beyond this point becomes higher, more exposed and visually sensitive.
- The proposal constitutes contained infill within an established rural cluster rather than the incremental erosion of the landscape character.

7.5. Reason for refusal no. 3 – Rural Housing Need

- The reason for refusal in relation to rural housing need represents a misapplication of development plan policy.
- Policy KCDP 5-16 applies to ‘Other Rural Areas’ and does not require the demonstration of housing need. The policy does not require an applicant to establish or justify need.
- The policy provides for the accommodation of permanent residential development subject to good planning practice in matters such as design, access, wastewater treatment and landscape protection.
- Even if the policy did require a needs test, the applicant would still qualify based on the criteria used in the other 2 categories of rural housing policy and has a long standing local connection and family circumstances which would satisfy the criteria applied in more restrictive rural designations.
- The applicant is a returning emigrant and will enable care for an existing disabled Kerry resident.

7.6. Housing Crisis

- The governments housing plan requires 33,000 new homes every year to 2030 and demand outstrips supply.
- The applicant has the land to build their own home.
- The proposal will add to the inadequate stock of local houses adapted for the elderly or disabled.

7.7. Observations from 3rd Parties

- The planning authority states that 6 no. submissions were received in relation to the application. The same number of supporting letters were also received.
- 2 no. letters of support from Dingle Health Centre and Annascaul Health Centre included with the planning application material.
- The Planning Authority failed to mention the letters of support and the decision is not balanced or fair.
- The benefits of the development include the donation of ultrasound machines to local GP practices. Letters and information regarding the ultrasound machines were included in the planning application material and have also been submitted with the grounds of appeal.

7.8. **Planning Authority Response**

None on file.

7.9. **Observations**

7.10. In total 6 no. observations were received in relation to the appeal. The concerns raised have been summarised as follows:

- Applicant is a resident of Utah, and the proposal will be for holiday letting.
- The applicant has never worked in Ireland and does not reside with her brother in the adjacent property.
- The applicant works in the USA and the statement that the applicant will work in the medical centre and set up an ultrasound machine is misleading and incorrect.

- The family home is not in the area, and the disabled parent is cared for by other family members and not by the applicant's brother who lives beside the subject site.
- The family owns several properties, and the applicant has access to other houses.
- Query in relation to ownership of the site.
- The applicant has not demonstrated a housing need.
- The access road is substandard.
- The adjoining roadway is part of the Dingle Way and there is a need to preserve its character and uniqueness.
- The boreen could not be improved without damaging its character.
- The proposal would impact negatively on the adjoining road.
- The proposal would be a holiday home and there are already 6 no. holiday homes on this road.
- Surface water disposal concerns outlined from the proposed development.
- Concerns regarding flooding of adjacent property.
- Overlooking of adjoining property.
- The proposal would impact negatively on residential amenities in the area.
- Concerns that the sewerage treatment will contaminate adjoining wells.
- Concerns regarding pollution from the proposed development.
- The proposal would result in further development which would damage and impinge on the natural beauty and character of the area.
- The proposal would have a negative impact on tourism.
- The proposed development extends ribbon development.
- There is inadequate infrastructure in the area to cater for further development.
- The proposal would impact on wildlife and the landscape character of the area.

- Concerns regarding the removal of hedgerows to accommodate the proposed vehicular entrance.
- The intention of donating an ultrasound machine is unrealistic.

7.11. 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, and having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are the reasons for refusal and are therefore as follows:

- Planning History
- Principle of Development
- Visual Impact on the Character of the Area
- Access
- Other Matters

8.2. Planning History

8.2.1. This site has an established Planning History. On the 23rd June 2025 following a first party appeal against the Planning Authority's decision to refuse permission (Reg. Ref. 24/60952), An Bord Pleanála issued a decision to refuse permission under APB 321997-25 for a single storey dwelling, a single storey garage, sewerage treatment unit and well. There were 2 no. reasons for refusal relating to rural housing need, access and visual and landscape impacts.

8.2.2. Under the current application the applicant proposes a similar style single storey dwelling to that previously refused permission on the site. I note that the garage has been omitted from the current application which has reduced the overall floor area proposed.

- 8.2.3. To address the previous reasons for refusal, a Landscape and Visual Appraisal, a revised Planning and Design Statement, a Highway Engineers Report, letters of support from family and residents from the wider locality, and from Dingle and Annascaul Health Centres have been submitted in conjunction with the planning application material.
- 8.2.4. The Planning Authority refused permission for the current application for 3 no. reasons relating to rural housing need, visual and landscape impacts and access.

8.3. **Principle of Development**

- 8.3.1. The Planning Authority's third reason for refusal relates to rural housing need. The Planning Authority noted the applicant has been working and living in the United States for a majority of her life and is stated as being originally from the general Annascaul area, intending on returning to Ireland to retire. The Planning Authority further noted that the supplementary information section of the planning application form was not completed. Based on the information submitted and planning history of the site, the Planning Authority considered that the applicant has not demonstrated a genuine housing need for a new dwelling at this rural location.
- 8.3.2. The subject site is located within an area designated as 'Other Rural areas' of the Development Plan, where Objective KCDP 5-16 seeks to accommodate residential development, subject to proper planning and sustainable development. This includes considerations of design, location, wastewater treatment and the protection of important landscapes and environmentally sensitive areas. The Objective gives priority to the renovation or extension of existing dwellings on the landholding before the consideration of the construction of a new house. I consider this objective to be reasonable.
- 8.3.3. The grounds of appeal sets out that the applicant is a returning emigrant. The applicant has indicated that it is her intention to return to Ireland to provide care for her mother. The grounds of appeal sets out that the letters of support submitted with the planning application were not considered by the Planning Authority. In this regard I note that the supporting documentation provided comprises proof of third level study from Trinity College, Dublin, letters of support from residents in the wider locality and letters of support from Dingle and Annascaul Health Centres. The grounds of appeal further sets out that Objective KCDP 5-16 - Other Rural Areas,

which applies to the subject site, does not require an applicant to establish or justify a housing need. The grounds of appeal further refer to the housing crises, the ability of the applicant to build their own home and the inadequate stock of local houses adapted for the elderly or disabled.

- 8.3.4. Third party observations state that the proposed dwelling will be a holiday home and that the applicant's family home is in Coumduff approximately 7 km from the subject site. Third party observations also outline that the disabled parent is cared for by other family members and not as stated in the application by the applicant's brother who lives beside the subject site. Third party observations further outline that the family owns several properties, and the applicant has access to other houses.
- 8.3.5. I consider that limited information has been submitted with the planning application and grounds of appeal. The Planning and Design Statement submitted with the planning application material confirms that the family home is in Coumduff and includes correspondence from individuals outlining that they attended primary school in Annascaul with the applicant and that she was a member of youth groups in Annascaul. A further letter was submitted by the applicant's brother who outlines that he cares for their elderly disabled parent who resides with him, that the proposed dwelling which is fully accessible will be more suitable for the care of the elderly and disabled family member. The correspondence from the applicant's brother further outlines that the applicant assists in caring for their parent and that the family are long-standing members of the community. Additional letters from Dingle and Annascaul Health Centres refer to a potential involvement of the applicant in establishing a Point of Care Ultrasound (POCUS) service in the Health Centre in Annascaul.
- 8.3.6. I note the policy of the Council set out in Section 5.5 of the Development Plan which requires compliance with national policy in relation to rural generated housing and which requires the demonstration of housing need. Section 5.5 also states that it is the policy of the Council to support rural towns and villages by strengthening their role as rural service centres, protecting local community uses and services, maintaining stable populations and by safeguarding environmentally sensitive areas from unsustainable development. This will be achieved by establishing that there is a genuine economic or social need for permanent occupation and by encouraging

people who wish to reside in the countryside to live in existing villages or small village settlements where there are services available.

8.3.7. While Objective KCDP 5-16 does not explicitly require the demonstration of local ties, it does refer to location being a consideration and development being in accordance with the proper planning and sustainable development of the area. I am not satisfied, based on the details submitted, that substantive or verifiable evidence has been provided to demonstrate or justify a genuine or current need for a permanent dwelling at this rural location based on either social or economic ties. I note that the planning application material asserts that the elderly and disabled parent's dwelling cannot be adapted, however no supporting evidence has been submitted to substantiate this claim. In this regard I note that Objective KCDP 5-16 gives priority to the renovation or extension of existing dwellings on the landholding before consideration to the construction of a new house. On this basis I am not satisfied that the family home cannot be adapted or that a new dwelling is warranted for this reason.

8.3.8. To conclude this section, notwithstanding the housing crisis and the ability of the applicant to build their own home, having regard to the location of the site in a rural area 5 km outside the settlement of Annascaul, I am not satisfied that sufficient evidence has been submitted to demonstrate that the applicant has a genuine economic or social need for permanent dwelling in this rural location. Furthermore, I consider the development to be contrary to the Development Plan requirement to prioritise the use or extension of existing dwellings as set out in Objective 5-16. I therefore consider the development to be contrary to policy as set out in Section 5.5 – Rural Housing and Objective KCDP 5-16 of the Development Plan.

8.4. Visual Impact on the Character of the Area

8.4.1. The Planning Authority's second reason for refusal related to the impacts of the proposed development on the character of the landscape having regard to the visually sensitive and elevated location of the site and the number of existing houses nearby. The Planning Authority considered that the proposed erection of a further dwelling at this location would adversely affect the landscape character, contrary to Objective KCP 11-78 which seeks to protect the landscapes of the county by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. In this regard I note that the

Objective further states that any development which could unduly impact upon such landscapes will not be permitted.

- 8.4.2. The subject site is located within Landscape Type A – Mountains as outlined in the Landscape Review of the Development Plan. I note that the Landscape Review includes mapping of planning application locations within the county between 2010 - 2018, which indicates significant pressure for development in the vicinity of the site. The site is located within Landscape Character Area No. 17 Annascaul, Inch and Southern Slieve Mish Mountains, which outlines that the subject site is in an area of high sensitivity within the Landscape Character Area, meaning the key characteristics and qualities of the landscape are highly sensitive to change. It is further set out in Development Plan Map I, that the subject site is located within a visually sensitive area, with views and prospects to the south of the subject site located along the R561 in a southerly direction. In addition, I note that the laneway which provides access to the site to the south forms part of the Dingle Way, a long distance walking trail.
- 8.4.3. The grounds of appeal sets out that the proposed development being single storey is modest in scale, is visually subordinate to nearby two storey houses and is consistent with the local vernacular in terms of materiality. The applicant contends that the site located within an established cluster of approximately 17 no. dwellings represents a logical endpoint to the existing pattern of development. The applicant considers that the proposed dwelling constitutes infill development within an established rural cluster rather than the incremental erosion of the landscape character.
- 8.4.4. I note that third party observations raise concerns regarding the impact of the proposed development on the Dingle Way which bounds the site to the south, the need to preserve its character and uniqueness and concerns that the development would have a negative impact on tourism.
- 8.4.5. The Landscape and Visual Appraisal submitted in conjunction with the planning application material, sets out that given the modest scale and materiality of the proposed dwelling, that the development is likely to knit into the existing landscape character. The Appraisal further sets out that the proposed development is likely to read as a 'natural' extension to the row of four similar, existing residential dwellings

located to its immediate west, and the row of six similar, existing residences located on the southern side of the Dingle Way. Furthermore, the Assessment notes that the ridgeline of the proposed development will be set below the ridgeline of mountains to the rear (north) of the subject site, as well as that of the adjacent residences to its immediate west and that all of the primary views from the area around the site are south towards Dingle Bay, and not in the direction of the site.

- 8.4.6. Development Plan Section 11.6.4 - Development in Designated Areas, sets out provisions to be taken into account in the consideration of new development in visually sensitive areas. I note that neither the planning application nor the grounds of appeal address these provisions. In this regard I note that details of other lands available to the applicant have not been provided, however as noted in my assessment above the applicant currently resides in the United States and her family home is in Coumduff. The submitted drawings indicate that the existing mature hedgerows will be retained, save for the creation of the new vehicular entrance at a width of 12.7 metres. The other criteria listed under Section 11.6.4 relate to the design of the proposed development, its proximity to existing structures, its visibility within and compatibility with the surrounding landscape and any extension of development into an unspoilt coastal area. The application site is located in a coastal area, being c. 404 metres from Dingle Bay to the south and is elevated relative to the shore and N561, which runs roughly parallel to the coast. The site is also situated on the lower slopes of the Slieve Mish Mountains, situated to the north. Both the stretch of coastline to the south and the mountains to the north are included within the 'Visually Sensitive' designation. The application site comprises undeveloped agricultural land and is bounded by an existing cluster of rural dwellings to the west and, in my view, would therefore extend development into unspoilt areas. I also note that the existing green area provides separation between the cluster to the west and a further cluster of houses approximately 250 metres to the east of the site.
- 8.4.7. Having visited the site and having regard to the application documentation including drawings, photomontages and Landscape and Visual Appraisal, I am satisfied that the proposed development will not interfere with the views and prospects along the R561 located to the south of the site which are in a southerly direction towards the coast. I accept that the proposed development would be seen in the context of the cluster in views from the west. Notwithstanding, I am not satisfied that the proposed

development would not impact on the landscape character of the area when viewed from the Dingle Way an elevated laneway with views towards Inch Beach to the south and the mountains to the north.

- 8.4.8. I note that the proposed dwelling design is single storey with a relatively low profile. In addition, I acknowledge that in terms of height and scale that the proposed dwelling is below the ridgeline of mountains to the rear of the site and the adjoining 2 no. storey property directly to the east. However, in my view this would not overcome the fundamental issues of the elevated siting of the dwelling and the increased extent of development visible on this hillside, which would further erode its scenic value along the Dingle Way. Furthermore, I am not satisfied that the development reads as a natural extension, rather I consider that the proposal constitutes ribbon development. In my view, the development in combination with the level of existing rural dwellings to the west and southwest, would constitute an excessive density of suburban-type development in a rural area, which would negatively impact against the preservation of the rural environment and which would negatively impact upon the views from the Dingle Way towards the mountains.
- 8.4.9. Objective KCDP 5-22 seeks to ensure that design of housing in rural areas complies with the Building a house in Rural Kerry Design Guidelines 2009. In addition Volume 6, Development Management Standards and Guidelines, Section 1.5.10.4 –requires that proposals for new dwellings shall have regard to Design Building a House in Rural Kerry Design Guidelines. The Guidelines outline that ribbon type patterns of development should be avoided in rural areas. I note that there are 4 no. existing dwellings along a continuous road frontage of approximately 160 metres directly to the west of the subject site. I further note that there are 6 no. dwellings in a row opposite the subject site, with a further 6 no. dwellings constructed approximately 250 metres to the east of the subject site. Appendix 4 of the Sustainable Rural Housing Guidelines defines ribbon development as five or more houses on any one side of a given 250 metres of road frontage. The proposed development will be the fifth dwelling on a row on the north side of the Dingle way. It is my view that the addition of another dwelling in a visually sensitive location will lead to a proliferation of one-off dwellings which would create a ribbon type pattern of development which would be contrary to Objective KCDP 5-22 of the Development Plan.

8.4.10. To conclude this section, I consider that the proposal constitutes ribbon development which would seriously injure the visual amenities of the Dingle Way and this sensitive landscape area and the overall scenic quality of the area. The development would negatively impact upon the distinct character of the area and the extent to which it remains intact, and the and would consequently be contrary to Objective KCDP 11-78 and Objective KCDP 5-22 of the Development Plan and should be refused for this reason.

8.5. Access

8.5.1. The Planning Authority's first reason for refusal considered the private access road serving the site to be substandard and inadequate in terms of its alignment, surface quality and width. The reason for refusal further considered that the additional traffic generated by the proposed development would pose a risk to public safety due to increased traffic hazards.

8.5.2. The grounds of appeal contends that the reason for refusal based on the road already serving existing dwellings is arbitrary and that additional traffic associated with a single dwelling would be negligible in operational and safety terms. The grounds of appeal set out that the unsurfaced nature of the road reduces speeds to 20km/h average and complies with Development Plan criteria. The First Party further states that the road is on a waiting list to be taken in charge by the Council. Third party observations raise concerns regarding the substandard nature of the laneway.

8.5.3. A Technical Assessment prepared by a highways consultant was submitted in conjunction with the grounds of appeal. The private laneway serving the proposed development forms part of the Dingle Way and is a cul de sac for vehicles. The Assessment outlines that the applicant or neighbouring properties have not yet registered a formal 'right of way' with the Land Registry but that the applicant has established a 'right of way' by prescription as a long user as would the neighbouring property and landowners. In this regard I note a statutory declaration regarding right of way over the roadway has been submitted by the applicant in conjunction with the planning application material.

8.5.4. The Assessment further outlines that the laneway is not under the maintenance remit of the Council and that an application was made under the Local Improvement Scheme to the Council in 2001 for the laneway to be upgraded and that it is currently

on a waiting list of 673 no. roads awaiting funding. It is further stated that the laneway is a cul de sac, there is no through traffic and that the proposed dwelling would have zero impact on the continued safe operation of the laneway. The Assessment outlines which that vehicle speeds are low and adequate sightlines are achievable and exceed relevant standards. The proposal includes the upgrade of the existing field access to maximise sightlines and as noted in my assessment above the applicant proposes to cut back the vegetation to maintain sightlines. The proposed sightlines accord with TII visibility standards.

8.5.5. Having visited the site, I note that the laneway is a narrow gravel track/dirt track. The application site is located approximately 250 metres east of the junction with the public road L8065 and serves 17 no. existing dwellings. The unsurfaced laneway on approach to the application site is narrow, is in a very poor condition and has poor alignment.

8.5.6. I consider that the laneway, due to its unsurfaced substandard condition, narrow width and poor alignment is not suitable to provide access to a new residential dwelling and to cater for the increased traffic that would be generated by the proposed development. In the absence of firm proposals or a timeline for its upgrade, I consider that the proposed development is unacceptable due to endangering public safety by reason of traffic hazard.

8.6. **Other Matters**

8.6.1. Third party observations raise concerns regarding drainage and servicing. In this regard I note that there were no concerns raised by the Planning Authority in relation to the proposed well and wastewater treatment system subject to conditions.

8.6.2. A wastewater treatment system is proposed to serve the development which would comprise a septic tank with a sand polishing filter. A Site Suitability Assessment was carried out for the proposed on-site wastewater treatment system and a Site Characterisation Form in accordance with the EPA Code of Practice, Wastewater Treatment and Disposal Systems (Population Equivalent ≤ 10) 2021, was prepared and submitted with the application. The form states that it is proposed to install a 5-person wastewater treatment unit.

- 8.6.3. The site overlies the Dingle ground waterbody which is classified as 'Not at Risk' and 'Good Status'. The underlying bedrock is 'Devonian sandstone'. The location of the trial hole was not visible on the occasion of the site visit.
- 8.6.4. A trial hole was opened on the 10th of June 2024 to a depth of 2.1 metres. Based on the percolation values returned, I am satisfied that the site is suitable for a septic tank and sand polishing filter. This conclusion is supported by the guidance contained in the EPA Code of Practice. All separation distances shown are in accordance with the requirements of Section 6.3 of the Code of Practice. I note that the Planning Authority had no objection to the proposed wastewater treatment system.
- 8.6.5. Surface water from the roofs of the proposed development will drain to a soakaway. I note that the Council's Area Engineer did not raise any issues in relation to surface water subject. On the basis of the information submitted, I consider that the proposed surface water drainage to be acceptable.
- 8.6.6. Third party observations also raise concerns regarding overlooking of adjoining property and impacts on residential amenity. Having regard to the scale of the single storey development and the separation distances to adjacent properties and site boundaries I am satisfied that the proposal would not overlook, overshadow and appear overbearing in relation to third party property.

9.0 **AA Screening**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

10.0 **Water Framework Directive**

- 10.1. A Screening Determination is attached in Appendix 4 below
- 10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and,

where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

11.0 Recommendation

11.1. I recommend that permission be refused for the following reasons.

12.0 Reasons and Considerations

1. Having regard to the location of the site within "Other Rural Areas" as identified in Kerry County Development Plan 2022-2028 and objective KCDP 5-16, which seeks to accommodate demand for permanent residential development as it arises subject to good sustainable planning practices, and which seeks to prioritise the use or extension of existing dwellings, and to the policies set out in Section 5.5 Rural Housing of the Kerry County Development Plan 2022-2028 which seeks to encourage people to live in existing villages and settlements it is considered that the applicant has not adequately demonstrated a need for a permanent residential development at this rural location in accordance with the Development Plan. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene Section 5.5 and Objective KCDP 15-16 of the Kerry County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the elevated nature of the site, to its location along the Dingle Way, within a "Visually Sensitive Area" as set out in the Kerry County Development Plan 2022-2028, and to Objective KCDP 11-78 which aims 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, to the proliferation of one-off dwellings in the locality, and Objective 5-22 which aims to ensure that proposals for housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines, it is considered that the proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development, would fail to be adequately absorbed and integrated into the landscape and would seriously injure the visual amenities of the area. The proposal would therefore set an undesirable precedent for other such development in the vicinity and would contravene Objective KCDP 11-78 and Objective 5-22 of the Kerry County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located along an unsurfaced minor laneway which is inadequate in width, alignment and structural conditions and would, therefore, endanger public safety by reason of traffic hazard.

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.

Carol Smyth

Planning Inspector

16th April 2026

Appendix 1: Form 1 EIA Pre-Screening

| | |
|---|---|
| Case Reference | PL-500601-KY-26 |
| Proposed Development Summary | Construction of dwelling, mechanical treatment unit & sand polishing filter and a new connection to a private well and all associated site works. |
| Development Address | Ardroe, Inch, 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? | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2. |
| | <input type="checkbox"/> 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)? | |
| <input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |

| | |
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| <p>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?</p> | |
| <p><input type="checkbox"/> 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.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p> | |
| <p><input checked="" type="checkbox"/> 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)</p> | <p>Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold</p> |

| | |
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| 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 <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

| | |
|---|--|
| Case Reference | PL-500601-KY-26 |
| Proposed Development Summary | Construction of dwelling, mechanical treatment unit & sand polishing filter and a new connection to a private well and all associated site works. |
| Development Address | Ardroe, Inch, 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 | <p>The c.0.33ha greenfield site is located in a rural area, adjacent to a cluster of 17 no. existing rural dwellings. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</p> |
| Location of development | <p>The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site:</p> <ul style="list-style-type: none"> • Dingle Peninsula SPA (Site Code: 004153) is located 92 metres to the south and 250 metres to the northwest. • Castlemaine Harbour SAC & pNHA (Site Code: 000343) Castlemaine Harbour SPA (Site Code: 004029) is located 370 metres south. • Slieve Mish Mountains SAC (Site Code: 002185) is located 1.9km east. |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Mount Brandon SAC (Site Code: 000375) is located 5.6 km northwest. <p>There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p> |
| <p>Types and characteristics of potential impacts</p> | <p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p> |
| <p>Conclusion</p> | |
| <p>Likelihood of Significant Effects</p> | <p>Conclusion in respect of EIA</p> |
| <p>There is no real likelihood of significant</p> | <p>EIA is not required.</p> |

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| effects on the environment. | |
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination Template 2

| Screening for Appropriate Assessment Test for likely significant effects | |
|--|---|
| Case Reference Number: PL-500601-KY-26 | |
| Step 1: Description of the project and local site characteristics | |
| Brief description of project | Construction of dwelling, mechanical treatment unit & sand polishing filter and a new connection to a private well and all associated site works. |
| Brief description of development site characteristics and potential impact mechanisms | <p>The c.0.33ha greenfield site is located in a rural area, adjacent to a cluster of 17 no. existing rural dwellings.</p> <p>The site is not located within any protected areas.</p> <p>The following natural heritage areas are located in proximity to the site:</p> <ul style="list-style-type: none"> • Dingle Peninsula SPA (Site Code: 004153) is located 92 metres to the south and 250 metres to the northwest. • Castlemaine Harbour SAC & pNHA (Site Code: 000343) Castlemaine Harbour SPA (Site Code: 004029) is located 370 metres south. • Slieve Mish Mountains SAC (Site Code: 002185) is located 1.9km east. • Mount Brandon SAC (Site Code: 000375) is located 5.6 km northwest. <p>Surface water is proposed to be managed on site via SUDS features, with runoff collected and drained to a soakaway.</p> <p>A septic tank and percolation area is proposed, within the front garden, downslope to the south of the dwelling.</p> <p>No details of construction timing or duration have been provided.</p> |

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| Screening report | None submitted. The Planner's Report includes an Appropriate Assessment Screening Report which concludes that, having regard to the nature of the development proposed, existing development on the site and the distance from any SAC or SPA, there is no likely potential for significant effects to Natura 2000 sites, therefore AA is not required. |
| Natura Impact Statement | No |
| Relevant submissions | None |

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Sites potentially within a zone of influence of the proposed development are listed in the table below

| European Site (code) | Qualifying interests¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections² | Consider further in screening³ Y/N |
|---|---|--|---|--|
| Dingle Peninsula SPA (Site Code: 004153) | Fulmar (<i>Fulmarus glacialis</i>) [A009] Peregrine (<i>Falco peregrinus</i>) [A103] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346] | 92m to the south and 250m to the northwest. | Indirect There is connectivity via ground water. There is no connectivity via surface water. Potential use of the site as habitats Disruption from noise and visual presence during construction phase. | Yes |
| Castlemaine Harbour SAC (Site Code: 000343) | Estuaries [1130] | 370 metres south | Indirect There is no connectivity via surface water or ground water | Yes |

| | | | | |
|--|---|--|---|--|
| | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> | | <p>Negative impacts (temporary) on water quality due to construction related emissions including increased sedimentary and construction related pollution</p> <p>Leakage from septic tank</p> | |
|--|---|--|---|--|

| | | | | |
|--|---|------------------|---|-----|
| | <p>Humid dune slacks [2190]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> | | | |
| <p>Castlemaine Harbour SPA (Site Code: 004029)</p> | <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> | 370 metres south | <p>Indirect</p> <p>There is no connectivity via surface water or ground water.</p> <p>Potential use of habitats</p> <p>Disruption from noise and visual presence during construction phase.</p> | Yes |

| | | | | |
|--|--|------------|---|-----|
| | <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Wetland and Waterbirds [A999]</p> | | | |
| <p>Slieve Mish Mountains SAC (Site Code: 002185)</p> | <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> | 1.9km east | <p>Indirect</p> <p>There is no connectivity via surface water.</p> <p>There is connectivity via ground water.</p> | Yes |

| | | | | |
|--|---|-------------------------|---|------------|
| | <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> | | <p>Negative impacts (temporary) on water quality due to construction related emissions including increased sedimentary and construction related pollution</p> <p>Leakage from septic tank</p> | |
| <p>Mount Brandon SAC (Site Code: 000375)</p> | <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae</p> | <p>5.6 km northwest</p> | <p>Indirect</p> <p>There is no connectivity via surface water.</p> <p>There is connectivity via ground water.</p> <p>Negative impacts (temporary) on water quality due to construction related emissions including increased sedimentary and construction related pollution</p> | <p>Yes</p> |

| | | | | |
|--|---|--|---------------------------------|--|
| | <p>and/or Isoeto-Nanojuncetea [3130]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> | | <p>Leakage from septic tank</p> | |
|--|---|--|---------------------------------|--|

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|--|---|--|--|--|
| | Vandenboschia speciosa (Killarney Fern) [6985] | | | |
|--|---|--|--|--|

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

The subject site comprises existing greenfield, agricultural lands. The site is not located in a European site and no direct impacts on a European site would occur.

The building construction site (single rural dwelling, septic tank and percolation area and associated works) would be situated c. 92 m south of the nearest protected site. Subject to standard construction procedures being implemented, the risk of surface water borne pollutants, including hydrocarbons, and sediments reaching the Dingle Peninsula SPA is low.

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

The matrix below identifies possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects).

AA Screening matrix

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
|--|---|---|
| | Impacts | Effects |
| <p>Site 1:</p> <p><u>Dingle Peninsula SPA</u></p> <p><u>(Site Code: 004153)</u></p> <p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> | <p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Potential use of the site for habitats, pollutants and particulate matter carried by ground water to enter SPA, resulting in impacts on water quality, and for disturbance from noise and visual presence during construction phase.</p> | <p>Given the separation distance to the SPA, the lack of direct surface water connections, the limited scale of the proposed works, the use of standard construction practices and standard measures designed into the scheme, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p> |

| Likelihood of significant effects from proposed development (alone): No | | |
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| If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | | |
| | Impacts | Effects |
| <p>Site 2:</p> <p><u>Castlemaine Harbour SAC</u></p> <p><u>(Site Code: 000343)</u></p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> | <p>Direct:</p> <p>Not directly impacting any of the QI's habitats.</p> <p>Indirect:</p> <p>Negative impacts (temporary) on water quality due to construction related emissions including increased sedimentary and construction related pollution</p> <p>Leakage from septic tank</p> | <p>There is no surface water connectivity between the proposed development and SAC.</p> <p>No significant adverse effects as a result of deleterious substances within surface water run-off or ground water continuation during activities undertaken in the construction phase.</p> <p>Foul water will be treated in a septic tank that will meet the requirements of the EPA Code of Practice, Wastewater Treatment and Disposal Systems.</p> |

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| <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> | | |
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Likelihood of significant effects from proposed development (alone): No

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

| | Impacts | Effects |
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| <p>Site 3: <u>Castlemaine Harbour SPA</u> (Site Code: 004029)</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> | <p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Potential use of the site for habitats, and for disturbance from noise and visual presence during construction phase.</p> | <p>Given the separation distance to the SPA, the lack of direct ecological connections or pathways, the limited scale of the proposed works, the use of standard construction practices and standard measures designed into the scheme, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p> |

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| <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Wetland and Waterbirds [A999]</p> | | |
| <p>Likelihood of significant effects from proposed development (alone): No</p> | | |
| <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p> | | |
| | <p>Impacts</p> | <p>Effects</p> |
| <p>Site 4: <u>Slieve Mish Mountains SAC</u> <u>(Site Code: 002185)</u></p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> | <p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Negative impacts (temporary) on water quality due to construction related emissions including increased sedimentary and</p> | <p>There is no surface water connectivity between the proposed development and SAC.</p> <p>No significant adverse effects as a result of deleterious substances within surface water run-off or ground water continuation during activities undertaken in the construction phase.</p> <p>Foul water will be treated in a septic tank that will meet the</p> |

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| <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> | <p>construction related pollution</p> <p>Leakage from septic tank</p> | <p>requirements of the EPA Code of Practice, Wastewater Treatment and Disposal Systems.</p> |
|--|---|---|

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

| | Impacts | Effects |
|--|---|--|
| <p>Site 5: <u>Mount Brandon SAC (Site Code: 000375)</u></p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> | <p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Negative impacts (temporary) on water quality due to construction related emissions including increased sedimentary and construction related pollution</p> <p>Leakage from septic tank</p> | <p>There is no surface water connectivity between the proposed development and SAC.</p> <p>No significant adverse effects as a result of deleterious substances within surface water run-off or ground water continuation during activities undertaken in the construction phase.</p> <p>Foul water will be treated in a septic tank that will meet the requirements of the EPA Code of Practice, Wastewater Treatment and Disposal Systems.</p> |

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| <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Vandenboschia speciosa</i> (Killarney Fern) [6985]</p> | | |
| <p>Likelihood of significant effects from proposed development (alone): No</p> | | |
| <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p> | | |
| <p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p> | | |
| <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> | | |

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

| | | | |
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| An Bord Pleanála ref. no. | PL-500601-KY-26 | Townland, address | Ardoe, Inch, Co. Kerry |
| Description of project | Construction of dwelling, mechanical treatment unit & sand polishing filter and a new connection to a private well and all associated site works. | | |
| Brief site description, relevant to WFD Screening, | The site is located within a rural area on the Dingle peninsula. The site is agricultural in use and is situated within a cluster of single rural dwellings. The site is located c. 404 metres north of Outer Dingle Bay and c.216m west of the River Gortnanooran East Finglas. The subsoil type on site is identified as a sandstone till (Devonian). | | |
| Proposed surface water details | Surface water run off to soakpit. | | |
| Proposed water supply source & available capacity | Proposed private well. | | |
| Proposed wastewater treatment system & available capacity, other issues | On site septic tanks and percolation area. | | |

| Others? | | | No | | | |
|---|------------------------|--|------------|--|---|--|
| 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) |
| Coastal Waterbody | c. 404 metres | Outer Dingle Bay (IE_SW_230_0000) | Good | Review | | Surface water run-off |
| Groundwater Waterbody | Underlying the site | Dingle Ground Water Body (IE_SW_G_033) | Good | Not at risk | | Drainage to ground |
| River Waterbody | Within basin catchment | Gortinanooran east 010 (IE_SW_22G130680) | Good | Not at risk | | Surface water run-off |
| 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. | Surface | Outer Dingle Bay (IE_SW_230_000) | Surface water run off | Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction | Standard construction practice, and condition requiring the submission of a Construction Management Plan | No | Screened out |
| 2 | Discharges to Ground | Dingle Ground Water Body (IE_SW_G_033) | Drainage to ground | Reduction in groundwater quality from pollution of surface water run-off | Standard construction practice, and condition requiring the submission of a Construction Management Plan | No | Screened out |
| 3 | Surface | Gortinanooran east 010 | Surface water run off | Water Pollution - Deterioration of | Standard construction practice, | No | Screened out |

| | | | | | | | |
|------------------------------|-------------------------|--|-----------------------|--|--|----|--------------|
| | | (IE_SW_22G13 0680) | | surface water quality from pollution of surface water run-off during site preparation and construction | and condition requiring the submission of a Construction Management Plan | | |
| OPERATIONAL PHASE | | | | | | | |
| 4. | Surface | Outer Dingle Bay (IE_SW_230_0 000) | Surface water run off | Spillages Deterioration of water quality | Surface water discharged to soakpit | No | Screened out |
| 5 | Discharges to Ground | Dingle Ground Water Body (IE_SW_G_033) | Drainage to ground | Pollution associated with wastewater discharge. | Compliance with EPA Code of Practice for wastewater treatment systems. | No | Screened out |
| 6 | Surface | Gortinanooran east 010 (IE_SW_22G13 0680) | Surface water run off | Spillages Deterioration of water quality | Surface water discharged to soakpit | No | Screened out |
| DECOMMISSIONING PHASE | | | | | | | |

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| 4. | Decommissioning is not anticipated as this is a permanent residential development | | | | | Screened out |
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