



An
Coimisiún
Pleanála

Inspector's Report

PL-500765-KY-26

Development	Construction of dwelling, treatment unit and associated site works
Location	Lissyviggeen, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2561058
Applicant(s)	Hannah Casey
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Hannah Casey
Observer(s)	Charlotte Kelleher
Date of Site Inspection	3 rd April 2026
Inspector	Carol Smyth

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1.0 Site Location and Description

- 1.1. The appeal site is located within the administrative boundary of Kerry County Council. The site is located in the townland of Lissyviggeen approximately 600 metres from the eastern environs of Killarney Town. There are a significant number of one-off dwellings in the immediate vicinity.
- 1.2. The site has a stated area of 0.313 hectares and slopes steeply from north to south towards the N22. The site is accessed from a local road to the north. Siteworks have been carried out and a retaining wall constructed on the site.

2.0 Proposed Development

- 2.1. Planning permission to construct a two-storey dwelling house and permission to install a treatment unit and polishing filter unit and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The Planning Authority issued a decision to refuse permission on the 20th January 2026 for the following reasons:

1. *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 5-14 Rural Settlement Policy of the Kerry County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area Under Significant Urban Influence. Therefore, the proposed development would contravene Objective KCDP 5-14 of the said development plan and would be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the bulk, scale and urban character of the proposed structure and the elevated nature of the site, it is considered that the proposed development would form an obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area and would fail to be adequately integrated into the landscape. The proposed development would,*

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

3.3. **Planning Authority Reports**

3.3.1. Area Planners Report

The Area Planners report dated 20th January 2026 is consistent with the decision notice issued. A refusal of permission was recommended in relation to compliance with rural housing policy, design and visual amenity impact.

3.3.2. Environment Report

Report dated 19th January 2026. Further information requested with respect to the proposed waste water treatment system. A site layout plan was required indicating separation distances, the locations of the trial holes and percolation test holes.

3.4. **Prescribed Bodies**

Uisce Éireann

Submission received on the 19th December 2025. Further information requested requiring the submission of a Pre-Connection Enquiry to assess feasibility of connection to the public water infrastructure.

3.5. **Third Party Observations**

A total of 2 no. submissions were received in relation to the planning application. The issues raised in relation to the planning application are as follows:

- Concerns regarding safety of vehicular entrance
- Non-compliance with rural housing policy

4.0 **Planning History**

4.1. Kerry County Council Reg Ref: 25/60557

Split Decision issued

Permission granted to retain existing retaining wall and site works in accordance with previously granted planning application (Reg. Ref. 21/878) and

Permission refused to construct a two-storey dwelling house and permission to install a treatment unit and polishing filter unit and all associated site works. The reasons for refusal are as follows:

- 1. 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 5-14 Rural Settlement Policy of the Kerry County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area Under Significant Urban Influence. Therefore, the proposed development would contravene Objective KCDP 5-14 of the said development plan and would be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the bulk, scale and urban character of the proposed structure and the elevated nature of the site, it is considered that the proposed development would form an obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area and would fail to be adequately integrated into the landscape. The proposed development would, therefore, materially contravene Objective KCDP 11-78 of the Kerry County Development Plan 2022 2028 and would be contrary to the proper planning and sustainable development of the area.*

4.2. Kerry County Council Reg Ref: 24/60701

Permission refused to retain existing retaining wall and site works in accordance with previously granted planning application (Reg. Ref. 21/878) and permission to construct a two storey dwelling house and permission to install a treatment unit and polishing filter unit and all associated site works.

- 1. 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 5-14 Rural Settlement Policy of the Kerry County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area Under Significant Urban Influence. Therefore, the proposed development would contravene Objective KCDP 5-14 of the said development plan and would be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the bulk, scale and urban character of the proposed structure and the elevated nature of the site, it is considered that the proposed development would form an obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area and would fail to be adequately integrated into the landscape. The proposed development would, therefore, materially contravene Objective KCDP 11-78 of the Kerry County Development Plan 2022 2028 and would be contrary to the proper planning and sustainable development of the area.*

4.3. Kerry County Council Reg Ref: 21/878

Permission granted to retain part of split level two storey house and permission to construct and complete dwelling, waste water treatment system, polishing filter and all associated site works.

4.4. Kerry County Council Reg Ref: 03/2220

Permission granted to construct dwelling house, garage and septic tank.

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.

The Guidelines state that areas under strong urban influence exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.1.3. Climate Action Plan 2025

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.

5.1.4. 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. **Development Plan**

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. Objective KCDP 3-2 *Support the sustainable growth and prioritise development of the county's settlements in accordance with the Settlement Hierarchy and the Core Strategy.*

5.2.2. 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.

5.2.3. Section 5.5.1.1 Rural Areas Under Significant Urban Influence

5.2.4. These are areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the larger towns and villages, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.2.5. Objective KCDP 5-14

5.2.6. *In Rural Areas under Significant Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong of life limiting condition) 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: the family farm.

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

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 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.

5.2.7. Objective KCDP 5-18

Give favourable consideration to the sustainable development of permanent places of residence on vacant sites within unfinished developments where services have already been completed to the satisfaction of the local authority.

5.2.8. 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.

5.2.9. 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.

5.2.10. Objective KCDP 5-21

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

5.2.11. 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.

5.2.12. Section 11.6.3 Landscape Designations, identifies two types of rural landscape namely Rural General and Visually Sensitive Areas. The proposed site is in the Rural General landscape type. The Development Plan states that rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, the Development Plan emphasises that it is important that proposals are designed to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential of development. The Development Plan requires that proposals should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. The Development Plan states that permission will not be granted for development which cannot be integrated into its surroundings.

5.2.13. 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.

5.2.14. 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:

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 0003650 is located 337 metres to the northeast and 573 metres to the south of the subject site.
- Killarney National Park SPA 004038 2.8 km to the southwest of the subject site

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 – Housing need

- The appeal documentation includes additional information in the form of a completed Form B of the planning application form which indicates that the applicant has a genuine housing need and local connections.
- The applicant complies with Objective KCDP 5-14 of the Development Plan.
- Medical circumstances demonstrated in grounds of appeal.

- The proposal complies with the Development Plan policy aimed at preventing rural decline.

7.4. Reason for refusal no.2 –Design and Visual Impact

- The site is located within a rural general designation of the Development Plan and is not in a visually sensitive landscape or location. The area has the capacity to absorb development.
- There are numerous other substantial properties nearby comparable to the proposed dwelling, which set a precedent and affect landscape quality.
- The proposal is modest in scale to suit the applicants needs and will read as a row of houses
- The design complies with the Building a House in Kerry Design Guidelines and Objective KCDP 5-22.
- A revised design proposal reducing the bulk and mass of the development by 10% to overcome the Planning Authority's concerns regarding visual appearance and landscape impact has been included with the grounds of appeal.
- The proposal will add one dwelling to an underpopulated area.
- The new housing unit is suitable for an older less-able person in a time of housing crisis.
- The unsightly and derelict site would be completed and landscaped improving the overall appearance of the area.

7.5. **Planning Authority Response**

None on file.

7.6. **Observations**

7.7. One observation was received in relation to the appeal. The concerns raised have been summarised as follows:

- Unsafe traffic movements due to entrance at the top of a steep hill with limited visibility.
- The proposal will result in a traffic hazard.

7.8. Further Responses

None on file.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including 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 as follows:

- Planning History
- Reason for Refusal No. 1
- Reason for Refusal No. 2
- Access and Servicing

8.2. Planning History

- 8.2.1. This site has an established Planning History. On the 23rd March 2004 planning permission was granted for a 2 storey split-level dwelling on the site under Kerry County Council Reg. Ref 03/2220. The Planning Authority report for the current application indicates that development commenced on the site under this permission with siteworks carried out and a retaining wall constructed.
- 8.2.2. Permission was then granted under Kerry County Council Reg. Ref. No 21/878 on the 2nd March 2022 to a different applicant to retain these works and complete the two storey split-level dwelling. I note that the design of the proposed dwelling differed to that permitted under the parent permission. The scale of the dwelling was significantly reduced and the elevations, roof design and materials were revised.
- 8.2.3. On the 10th April 2025 a split decision was issued under Kerry County Council Reg. Ref. 24/60701 to another new applicant, whereby retention permission was granted for the retaining wall and permission was refused for the construction of a two storey dwelling house. There were two reasons for refusal which related to non-compliance with the rural housing policy and impacts of visual/landscape amenity as a result of the bulk, scale and design of the proposed dwelling. In this instance, the dwelling

was larger in scale, mass and bulk and the design differed to that permitted under Kerry County Council Reg. Ref. No 21/878.

- 8.2.4. On the 22nd August 2025 the Planning Authority issued a split decision under Kerry County Council Reg. Ref. 25/60557 to the current applicant whereby retention permission was granted for the existing retaining wall and site works and permission was refused for the construction of a two-storey house and waste water treatment system. There were 2 no. reasons for refusal relating to rural housing need, and visual/landscape impacts as a result of the bulk, scale and the design of the proposed dwelling. I note that the design of the dwelling is similar to that refused permission under Reg. Ref. 24/60701 and that there was a reduction in overall height of the dwelling by 425mm.
- 8.2.5. Under the current application, Kerry County Council Reg. Ref. 25/61058, to address the previous reasons for refusal, the applicant has stated that they have a local housing need and the design of the dwelling has been amended from that previously proposed and the overall scale, mass and bulk reduced. Notwithstanding, the Planning Authority issued a decision to refuse permission on the 20th January 2026. There were two reasons for refusal relating to noncompliance with the rural housing policy and impacts on visual/landscape amenity in terms of the design of the proposed dwelling and the elevated nature of the site.

8.3. Reason for Refusal No. 1

- 8.3.1. The Planning Authority's first reason for refusal relates to the applicant's non-compliance with the rural housing policy as set out in the Development Plan. The Planning Authority considered that the applicant did not demonstrate a rural housing need in accordance with Objective KCDDP 5-14 of the Development Plan. The Planning Authority further noted that the supplementary information section of the planning application form was not completed and no details were submitted in relation to the applicant's links to the area. While the Planning Authority acknowledged that an accessibility and medical needs statement had been submitted on behalf of the applicant, no reports from medical practitioners were submitted or other relevant information to demonstrate that the applicant complies with Objective KCDDP 5-14 of the Development Plan. Based on the information submitted the Planning Authority considered that the applicant did not demonstrate a genuine rural

housing need and that the previous reasons for refusal as set out under Kerry County Council Reg. Ref. 25/60557 had not been addressed.

- 8.3.2. The subject site is located within an area designated as 'Rural Area Under Significant Urban Influence' as set out in the Development Plan. Development Plan, Section 5.5.1.1 – Rural Areas Under Significant Urban Influence, sets out that these are rural areas which are proximate to surrounding towns and villages and have significant demand for housing due to accessibility to urban areas. In relation to the sites rural housing designation Objective KCDP 5-14 requires applicants to demonstrate that their proposal constitutes an exceptional rural generated housing need and that they comply with one of the categories of housing need as set out in the Development Plan. I consider this objective to be reasonable.
- 8.3.3. The grounds of appeal sets out that the applicant complies with Objective KCDP 5-14 (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 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.
- 8.3.4. The appellant contends that they have a local links to the area and specific medical needs which requires the support of an immediate family member who is a caregiver, and who will reside with the applicant. In this regard I note that the supporting documentation submitted with the grounds of appeal comprises a letter from a medical practice outlining that the applicant requires fully accessible step free housing close to Killarney Primary Medical Centre and co-residency with the applicant's caregiver. The grounds of appeal refers to the submission of supporting documentation including a completed Form B Supplementary Information Section of the Kerry County Councils planning application form and further evidence of links/connections to the area. However, apart from the letter from the medical

practice no other supporting documentation accompanied the submission to the Commission.

- 8.3.5. 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. I note that part (d) of Objective KCDP 5-14 relates to 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. I consider that insufficient documentary evidence has been submitted to establish that the applicant has lived a substantial period of their lives in the area local to the application site, and has a housing need. In this regard, I note the lack of documentary evidence in respect of the applicant's or caregivers current or previous places of residence. Based on the information on file, it has not been demonstrated that the proposed dwelling would be the applicant's first home or that they have lived a substantial period of their lives in the locality.
- 8.3.6. To conclude this section, having regard to the location of the site within an area designated as 'Rural Area Under Significant Urban Influence' and to the details on file, I am not satisfied that the applicant has established an exceptional rural generated housing need to live in this location. The proposed development would therefore be contrary to Objective KCDP 5-14 of the Development Plan and should be refused for this reason.

8.4. **Reason for Refusal No. 2**

- 8.4.1. The Planning Authority's second reason for refusal related to the bulk, mass and urban character of the design of the dwelling and its impacts on visual amenity and the landscape having regard to elevated location of the site. The Planning Authority considered that the design of the dwelling was not in compliance with the 'Building a House in Rural Kerry Design Guidelines' and would be visible from the N22 National Primary Road to the south because of the elevated nature of the site. The Planning Authority considered that the previous reason for refusal under Kerry County Council Reg. Ref. 25/60557 had not been addressed.
- 8.4.2. The First Party contends that the design complies with the Building a House in Kerry Design Guidelines and Objective KCDP 5-22 of the Development Plan. The grounds of appeal also sets out that the site is located within the Development Plan 'rural

general' landscape designation, is therefore not visually sensitive and the area has the capacity to absorb development particularly as there are numerous other substantial properties nearby which set a precedent. The First Party considers that the proposal is modest in scale and will read as a row of houses. A revised design proposal is referred to in the grounds of appeal, however as noted in my assessment above no supporting documentation other than a letter from a medical practice accompanied the submission to the Commission.

- 8.4.3. The Development Plan sets out two designations for the rural landscape of Kerry. The site is located within the 'Rural General' designation. Section 11.6.3.2 - Rural General of the Development Plan, states that while this designation generally has a higher capacity to absorb development than visually sensitive landscapes, it is important that proposals are designed to integrate into their surroundings to minimise the effect on the landscape. The Development Plan further states that permission will not be granted for development which cannot be integrated into its surroundings. I further note that Development Plan Objective KCDP 11-78 seeks to protect the landscapes of the County by ensuring that any new developments do not negatively impact on the character of their area and that any development which could unduly impact upon such landscapes will not be permitted. I consider this objective to be reasonable.
- 8.4.4. In terms of design, Development Plan Objective KCDP 5-22 seeks to ensure that the design of housing in rural areas complies with the 'Building a House in Rural Kerry Design Guidelines 2009'. I further note that Volume 6, Development Management Standards and Guidelines, Section 1.5.10.4, also requires that proposals for new dwellings have regard to 'Building a House in Rural Kerry Design Guidelines 2009'.
- 8.4.5. The Guidelines states that individuals seeking to construct a suburban style residence on a highly visible site should recognise that rural settings may not be the most suitable location for such development. The Guidelines further sets out that the countryside in the environs of towns and villages is under development pressure from the nearby urban areas and the ability of this landscape to absorb future development is quite limited due to the threat of water pollution, loss of rural character and impact on the capacity of the road network. Urban type designs and ribbon type patterns of development should be avoided in these areas. In addition, I

note that the Guidelines advocates the use of vernacular and contemporary architecture which response to the site topography and the avoidance of elevated and exposed locations.

- 8.4.6. Having regard to the elevated nature of the site and having reviewed the drawings submitted with the planning application and having visited the site, I considered that the proposed development would be visible from the immediate surrounding area including the N22, the L3011 to the west of the site and also a local access road which runs along the southern boundary of the site. I am not satisfied that the proposed dwelling has been designed to respond to the specific topography of the site and in my view the overall design of the dwelling requires further consideration. I consider that the deep floor plan, mass, bulk and materiality of the proposal is comparable to suburban style architecture rather than the vernacular or contemporary architecture typology encouraged by the Building a House in Rural Kerry Design Guidelines. I have further concerns regarding the mansard type roof proposed as a result of the deep floor plan. Overall, it is my opinion that the proposal is not an appropriate design solution for this elevated site.
- 8.4.7. I note that the grounds of appeal state the design of the dwelling is comparable to existing surrounding houses and there is a precedent for the proposal. The appellant further states that the proposal would complete a derelict site improving the overall appearance of the area. In this regard I note that each application is assessed on its own merits and in this instance, I consider in terms of design that the proposal, appears out of character with the area and would unduly impact upon visual amenities and the surrounding landscape. Furthermore, I am not satisfied with the justification put forward by the appellant that development would improve the character of the area by developing the derelict site and I consider that the proposal would have a greater negative impact upon the visual amenity than the existing retaining wall which is not visible from the surrounding area.
- 8.4.8. To conclude this section, I consider that the proposal fails to respond to the topography of this elevated site and in my view is an inappropriate design for this rural location. I consider that the development would seriously injure the visual amenities and landscape character of the area 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 and Servicing**

8.5.1. Access

- 8.5.2. Third party observations raise concerns regarding access to the proposed development in terms of visibility and traffic hazards.
- 8.5.3. The speed limit along the road at the location of the proposed vehicular entrance is 80km/hr. As per Table 1.3 of DN-GEO-03031 (TII – Rural Road Link Design) the desirable stopping sight distance of 160 metres is required for a road design speed of 85km/hr. The submitted Site Layout Drawing No. PP002 indicates sightlines of circa 75 metres provided to the junction of the road with the L3011 to the west of the site. A minimum of 160 metres is provided to the east. I note that the report from the Planning Authority raises no objection to the proposed development in terms of vehicular access.
- 8.5.4. I have no information before me that the proposed development will cause a traffic hazard. Having regard to the planning history on the site where permission was granted for the proposed vehicular entrance under Kerry County Council Reg. Ref's. 03/2220 and 21/878, I am satisfied that the proposed vehicular entrance can accommodate traffic movement to and from the development and will not impact on traffic safety.

8.5.5. Waste Water Treatment

- 8.5.6. Section 1.5.10.7 Septic Tank and Proprietary Treatment Systems of the Development Plan, seeks to ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems.
- 8.5.7. Further information was requested by the Planning Authority's Area Engineer requiring a revised site layout plan indicating the layout for the proposed treatment system, separation distances, the location of the trial hole and percolation test holes.
- 8.5.8. While this matter was not addressed in the grounds of appeal, I note that the Site Layout Plan drawing no. PP002 submitted to the Planning Authority in conjunction with the planning application material indicates the location of the mechanical

aeration unit, the proposed filtration area, the trial hole and percolation test area and the location of soakaways. All separation distances shown are in accordance with the requirements of table 6.2 of the EPA Code of Practice Domestic Waste Water Treatment Systems.

- 8.5.9. The Scartaglin ground water body (Site Code IE_SW_G_073) underlies the site. The ground water body is not at risk and has a good status. The river Flesk is located approximately 740 metres to the west and is not at risk and has a good status. The underlying bedrock is 'Devonian sandstone'.
- 8.5.10. A trial hole was opened on the 18th December 2024 to a depth of 3.1 metres. The location of the trial hole was not visible on the occasion of the site visit. Based on the percolation values returned, I am satisfied that the site is suitable for a domestic waste water treatment system. This conclusion is supported by the guidance contained in the EPA Code of Practice.
- 8.5.11. 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. On the basis of the information submitted, I consider the proposed surface water drainage to be acceptable.
- 8.5.12. Water Supply
- 8.5.13. In terms of water supply the applicant proposes to connect to the mains supply. A submission was received from Uisce Éireann requiring further information with regard to the submission of a Pre Connection Enquiry. I note that no further submissions were received from Uisce Éireann and the matter was not addressed in the grounds of appeal.
- 8.6. While I note that the concerns raised by Uisce Éireann could potentially be addressed by way of condition, having regard to the substantive issues raised in my assessment above, particularly in relation to the principle of the development, the overall design approach and the resulting visual and landscape impacts, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area and that permission should therefore be refused.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or the Killarney National Park SPA (Site Code 004038) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on
- The nature and relatively minor scale of the proposed development.
 - The distance of the site from the nearest European site and lack of connections.
 - The qualifying interests and conservation objectives of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) and the Killarney National Park SPA (Site Code 004038).
 - Taking into account the screening determination of the Planning Authority.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

- 10.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.
- 10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

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 a 'Rural Area Under Significant Urban Influence' where housing is restricted to persons demonstrating local need in accordance with Objective 5-14 of the Kerry County Development Plan 2022-2028, it is considered that the applicant has not demonstrated that they would come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the bulk, scale and design of the proposed structure and the elevated nature and topography of the site, it is considered that the proposed development fails to respond to the topography of the site and would form an obtrusive feature on the landscape at this location. The proposed development would seriously injure the visual amenities and landscape character of the area and would consequently be contrary to Objective KCDP 11-78 and Objective KCDP 5-22 of the Kerry County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

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

Carol Smyth

Planning Inspector

12th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500765-KY-26
Proposed Development Summary	Construction of dwelling, treatment unit and associated site works
Development Address	Lissyviggeen, 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?	<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	

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?

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

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <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-500765-KY-26
Proposed Development Summary	Construction of dwelling, treatment unit and associated site works
Development Address	Lissyviggeen, 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).	<p>The c.0.3 ha site is located in an rural area, adjacent to a cluster of existing 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 (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,	<p>The site is not located within any protected areas. The Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) is located approximately 388 metres to the northwest. The Killarney National Park SPA (Site Code 004038) is located approximately 2.7km to the southwest.</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>cultural or archaeological significance).</p>	<p>Given the nature, scale and mass 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 (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>

Conclusion

<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

Appendix 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500765-KY-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Construction of dwelling, treatment unit and associated site works.
Brief description of development site characteristics and potential impact mechanisms	<p>The 0.3 ha site is located in a rural area within a cluster of existing dwellings. The site is not located within any protected areas.</p> <p>The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) is located approximately 388 metres to the northwest and approximately 478 metres to the south of the subject site. The Killarney National Park SPA (Site Code 004038) is located approximately 2.7km to the southwest.</p> <p>Surface water is proposed to be managed on site and drained to a soakaway.</p> <p>A septic tank and percolation area is proposed, downslope to the south of the dwelling.</p> <p>No details of construction timing or duration have been provided.</p>
Screening report	<p>None submitted.</p> <p>The Planner's Report includes an Appropriate Assessment Screening Report which concludes that, having regard to the nature of the development proposed, existing development on the site and the</p>

	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 Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC Site Code: 000365	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion	Approximately 388 metres to the northwest and 478 metres to the south	There is indirect connectivity via ground water. There is no connectivity via surface water.	Yes

	<p>fluitantis and Callitricho-Batrachion vegetation [3260]</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>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Old sessile oak woods with Ilex and Blechnum</p>			
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	<p>in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Geomalacus maculosus (Kerry Slug) [1024]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>			
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	Najas flexilis (Slender Naiad) [1833] Alosa fallax killarnensis (Killarney Shad) [5046] Vandenboschia speciosa (Killarney Fern) [6985			
The Killarney National Park SPA Site Code 004038	Merlin (Falco columbarius) [A098] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Approximately 2.7km to the southwest	Potential use of the site as habitats Disruption from noise and visual presence during construction phase	Yes

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

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

³ if no connections: N

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

[From the AA Screening Report or the Inspector’s own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify 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><u>The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</u> <u>Site Code: 000365</u></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>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p>	<p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Potential for pollutants and particulate matter carried by ground water to enter SAC, resulting in impacts on water quality.</p>	<p>Given the separation distance to the SAC, 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 SAC for the qualifying interests listed.</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><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i></p>		
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<p>(Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Geomalacus maculosus (Kerry Slug) [1024]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Alosa fallax killarnensis (Killarney Shad) [5046]</p>		
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<p>Vandenboschia speciosa (Killarney Fern) [6985]</p>		
<p><u>The Killarney National Park SPA</u> <u>Site Code 004038</u></p> <p>Merlin (Falco columbarius) [A098]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</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 qualifying interests listed.</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>I conclude that the proposed development (alone) would not result in likely significant effects on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or the Killarney National Park SPA (Site Code 004038) . The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>		