



An
Coimisiún
Pleanála

Inspector's Report

PL-501007-KY-26

Development

Construction of an agricultural building and all associated site works.

Location

Incycullane, Kilcummin, Killarney, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

25/61218

Applicant(s)

Robert Duggan

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Robert Duggan

Observer(s)

Adrian Lowin
Thomas Joseph O'Leary
John Mahony
Jacqueline Kelly-Barrett

Date of Site Inspection

21st May 2026

Inspector

Suzanne White

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1.0 Site Location and Description

- 1.1. The proposed development is located in the rural area of Incycullane, c. 2.2km northeast of the town of Killarney. The site is in agricultural use, for grazing, and there were cattle present on the day of my site visit. The site is located on the northern side of the L3018 and is accessed via an existing agricultural entrance and gate from this road. The site has a stepped shape comprising of two fields. The first field extends north from the road, linked to a larger field which extends to the west and north.
- 1.2. Adjacent to the site to the west and south is a row of existing detached single storey dwellings and their curtilages, including the residences of the Observers in this case. There are other rural dwellings in proximity to the west and east. Construction work was taking place on the lands to the northeast of the appeal site on the day of my site visit, for which there is an extant permission for an agricultural shed (PRR 21/1415). Those lands are accessed by a formal recessed entrance defined by stone walls, located to the east of the appeal site. The wider area is agricultural in character.
- 1.3. Levels on site rise gradually from southwest to northeast. A block wall forms the western site boundary with the dwellings to the west and continues around the rear gardens of some of those dwellings before being replaced by a tall, dense planted boundary. The remainder of the site is bounded by mature hedgerows.
- 1.4. The stated site area is 2.47ha. The as-measured site area is c. 1ha or 2.47acres.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of an agricultural building and a new concrete slab and all site development works.
- 2.2. The proposed agricultural building would have a floor area of 462sqm. It would have a pitched roof with a maximum height of 8.76m and would be finished externally with metal sheeting to the roof and upper parts of the walls, render to lower walls, three roller shutter doors on the southern (front) elevation and a smaller roller door on each of the side elevations.

- 2.3. Internally, the shed is divided into three equally sized parts, comprising animal pens, hay storage and machinery storage sections.
- 2.4. An access lane is indicated between the existing entrance gate and proposed shed. No details of the surfacing of the lane and the levels of the proposed structure or lane are indicated in the submitted drawings.
- 2.5. As part of the grounds of appeal, the applicant states that a small dungstead on an impermeable base is also proposed within the structure.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by Kerry County Council by order dated 24th February 2026, for the following reasons:

1. It is considered that the proposed development, when taken in conjunction with similar permitted development in the surrounding area would result in an excessive density of such development in this rural area, resulting in negative visual impacts and negative impacts on neighbouring residential amenities in the locality. The proposed development would result in substandard development and set an unwanted precedent for similar such development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not result in a traffic hazard when having regard to the achievable sight distances at the proposed entrance to the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. In the absence of an Archaeological Impact Assessment being carried out on site, the Planning Authority is not satisfied that the proposed development would not have a negative impact on any monuments in the surrounding area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Based on the information submitted and in the absence of a Farmyard Management Plan, the Planning Authority is not satisfied that the proposed

development would not negatively impact the surrounding environment and would not comply with the requirements set out in European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, resulting in pollution. 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. Planning Reports

The main points of the Planner's Report may be summarised as follows:

- The site is designated as Rural General in the Kerry County Development Plan 2022-28.
- The proposal is screened out for Appropriate Assessment and is not considered to require EIA Screening or EIA.
- Operational stage impacts on water quality either locally or within the wider catchment are not considered likely.
- The principle of the proposed development can be considered.
- It is not clear from the information what the applicant's legal interest in the landholding is.
- There was a previous grant of permission to a Patrick Duggan on an adjacent site to the east for a similar structure.
- Due to insufficient detail provided regarding sightlines and any proposed road improvement works at the entrance at the public roadway, concern raised that the proposed development would result in a traffic hazard.
- Further information was requested by the Environment Section and County Archaeologist. As the application is to be refused for other reasons, refusal reasons are added in respect of these issues also.
- Due to the proximity of the proposed access road to the rear of existing dwelling houses, concern raised that the proposed development would impact negatively on residential amenities.

- No justification has been submitted with the application for the need of a unit of this bulk and scale. When taken in conjunction with previously permitted development in the area, in particular the large agricultural – building granted permission directly to the east under Pl. Reg 21/1415, it is considered that the proposal would result in an overdevelopment of agri-buildings, which would have a negative impact on the visual amenity and residential amenities in the surrounding area.

3.2.2. Other Technical Reports

County Archaeologist: no recorded monuments listed in the Record of Monuments and Places located in proximity to the proposed development site. However, given the scale of the site (greater than 0.5ha), an archaeological impact assessment, including pre-development archaeological testing, should be requested prior to any grant of permission. The excavated areas described in the submitted archaeological testing report are not within the application site.

Environment Section: further information should be sought, consisting of a Farmyard Management Plan prepared by a suitably qualified Agriculturalist, surface water management details, roof water management details and confirmation of any land drains on site.

Roads Maintenance and Operational Services Section: the drawings submitted do not demonstrate adequate sightlines at the proposed vehicular entrance. Further information to be submitted by the applicant are outlined in the report.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

The Planning Authority received six submissions in respect of the application. I consider that the matters raised are covered in the observations received in respect of this appeal. These matters are summarised in Section 7.3 of this report and are not repeated here.

4.0 Planning History

Application site:

01/1723: application withdrawn in respect of proposal to construct 4 no. dwelling houses with septic tanks & percolation areas.

01/2655: application withdrawn in respect of proposal to erect one no. dwelling house with septic tank and percolation area.

Adjoining lands to the east:

21/1415: permission granted to construct an agricultural building and a new concrete slab and all site development works. The site area was stated as 0.74ha and the floor area of the proposed works was 464.26sqm.

22/281: permission granted to fill land with waste clay, stone and soil for land reclamation and all site development works. A NIS report has been submitted with the application.

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. The relevant policies and objectives pertaining to the proposed development are set out below.

Volume 1 Written Statement

It is an objective of the Council to:

Chapter 5: Rural Housing

KCDP 5-1 Facilitate the development of the rural economy by supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, harnessing technology and opportunities for remote working, while at the same time noting the

importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

Chapter 8: Gaeltacht Areas, Culture & Heritage

KCDP 8-24 (i) Secure the preservation in situ of all sites, features, protected wrecks and objects of archaeological interest within the county. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service, Department of Housing, Local Government and Heritage, the National Museum of Ireland, and the County Archaeologist.

(ii) Ensure that proposed development (due to location, size, or nature) which may have implications for the archaeological heritage of the county will be subject to an Archaeological Assessment (including Underwater Archaeological Impact Assessment) which may lead to further subsequent archaeological mitigation – buffer zones/exclusion zones, monitoring, pre-development archaeological testing, archaeological excavation and/or refusal of planning permission. This includes areas close to archaeological monuments, development sites which are extensive in area (half hectare or more) or length (1km or more) or include potential impacts on underwater cultural heritage and development that requires an Environmental Impact Assessment.

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

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

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

KCDP 9-59 Recognise and promote the value of agricultural land to ensure sustainable food supply and the landscape value of the rural area.

KCDP 9-61 Support the maintenance of a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time allowing for engaging in alternative employment in or close to rural areas to sustain rural communities.

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

Chapter 11 Environment

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.

11.6.3.2 Rural General - 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, it is important that proposals are designated to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

11.6.4 Development in Designated Areas - As outlined above and in accordance with Objective KCDP 11-76 and Objective KCDP 11-77 the protection of the landscape is a major factor in developing policies for rural areas. It should be noted that the landscapes and scenery are not just of amenity value but constitute an enormous economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. The capacity of an area to visually absorb development is also influenced by a combination of the following factors:

1. Topography - development in elevated areas will usually be visible over a wide area; development in enclosed areas will not.

2. 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.

3. Development - new development is likely to be more conspicuous in the context of existing development in the landscape.

Chapter 13 – Water & Waste Management

KCDP 13-9 Protect the County's waters from pollution by nitrates and phosphates from agricultural sources by facilitating changes in agricultural practices.

Volume 6 – Development Management Standards & Guidelines

1.20 Transport, Movement and Parking Standards

5.2. Relevant National or Regional Policy / Ministerial Guidelines

National Planning Framework 2025

NPO33 - Support the agri-food industry in promoting Ireland's continued food security in a manner that ensures economic, environmental, and social sustainability while ensuring progress in achieving targets in the National Climate Action Plan 2024 and the River Basin Management Plan.

RPO 58 - Bio-economy and Rural Areas

It is an objective to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together the bioeconomy, subject to required environmental assessment processes where necessary and balanced with while at the same time noting the importance of maintaining and protecting the natural landscape.

5.3. Natural Heritage Designations

The nearest designated sites to the appeal site are:

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and pNHA (000365) c. 120m south
- Castlemaine Harbour SAC & pNHA (000343) c. 2.8km to the north

- Sheheree (Ardagh) Bog SAC and pNHA (000382) c. 4.7km to the south
- Killarney National Park SPA (004038) c. 3.1km to the southwest
- Anna More Bog NHA (000333) c. 11.4km to the north
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 12.8km to the northeast
- Blackwater River (Cork/Waterford) SAC (002170) c. 13.7km to the east
- Castlemaine Harbour SPA (004029) c. 18km to the west

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Article 8 of the 1994 Roads Regulations).

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was received from the applicant. The grounds of appeal may be summarised as follows:

- The proposed development has no impact on the nearby residences. It is located as far from these as possible (120metres). It cannot be argued that the development is at an excessive density or that it will have a detrimental negative visual impact or residential impacts, as suggested in reason for refusal No.1.
- Mr Duggan is entitled to farm his land and is entitled to erect a shed for this purpose without the need to apply for planning permission. There is an existing agricultural entranceway to the site. The applicant is entitled to carry out his agricultural business without the need for planning permission. For this reason, any traffic that is generated is taken to be exempted development. The property is neutral in regards traffic impact. Therefore, reason for refusal

No. 2 is invalid. Nevertheless, an assessment of the accessway is submitted as part of the appeal.

- There is no requirement under the planning code or development plan for an archaeological impact assessment. It is unreasonable for the planning authority to suggest that the absence of such a report is a ground for refusal. The county archaeologist did not recommend refusal but recommended further investigation. Nevertheless, such a report is submitted with the appeal.
- The shed will be used primarily for dry goods storage with a small dungstead to provide for the small number of animals that will be on the land. Therefore, there will be no impact on groundwater quality or other environmental matters.
- The building is only marginally above what would be exempted development. Class 9 of the exempted development regulations permits a shed of 300sqm and up to 8m in height. The proposed structure is c. 430sqm and 8.7m in height. It cannot be described to have a discernible amenity impact in the area designated 'Rural General', which is not a high amenity designation in the Development Plan. The applicant is keen to ensure he has adequate storage capacity. In the event of a refusal, the applicant will use the exempted development provision. We suggest that, unless the Commission can substantiate that the difference between what is now proposed and what is permitted under the exempted development regulations is of such a scale as to be of concern, that permission should be granted.
- The applicant is an electrician with a longstanding interest in agriculture and horses. Documentation was submitted with the application and further information is submitted with the appeal in respect of the applicant's involvement in the bloodstock industry. It is intended to keep two horses on site together with a small number of sheep/goats, from time to time. A farm management plan is submitted with the appeal. An agricultural needs statement is submitted with the application.
- A concrete base is proposed, which may be used for temporary storage of dung prior to spreading. The applicant will comply with the GAP regulations in this regard.

- The facility will not be used in the motor trade.
- It is accepted that this is a small agricultural holding, but the applicant wishes to carry out part-time agriculture on this holding. He wishes to provide an appropriate facility for this purpose. The County Development Plan makes provision for agricultural buildings under policy objectives KCDP 9-53 and KCDP 9-55.
- Appendix 1: Accessway assessment: existing field entrance to be upgraded to a splayed entrance arrangement. Sightlines of 90m available in both directions, in line with Table 1.3 of TII Publication “Rural Road Link Design” (DN-Geo-03031 May 2023).
- Appendix 2: Agricultural need statement: applicant holds a recognised agricultural qualification (Green Cert) submitted? and has a long-standing involvement in farming and equestrian activities. Full-time employed as an electrician but actively involved in agriculture. The land is suitable for grazing, hay production, keeping of animals. The proposed shed is required for proper management of the landholding. The size of the shed is necessary to allow separation of stables, hay storage, machinery storage and dry storage. The shed is located at the most suitable point on the land having regard to topography, shelter, existing boundaries and distance from houses. It is positioned beside an existing farm building on neighbouring lands which avoids creating a new exposed farmyard. The development includes a dungstead. Manure will be spread on the applicant’s own land only.
- Farm Management Plan: the land will be used for grazing of mare and foal, occasional keeping of calves, production of hay for on-site use, storage of bedding and fodder, storage of machinery required to maintain the land and spreading of manure. No discharge to any watercourses. Traffic will be limited to occasional farm machinery and horse trailers. Sightlines are available. In terms of visual impact, the development is agricultural in nature, small scale, screened by hedges and will not create urbanisation.
- Appendix 3: Extracts from horse passport documentation and vaccination record.

7.2. Planning Authority Response

None received.

7.3. Observations

Four observations were received in relation to this appeal, submitted by, or on behalf of, local residents. The issues raised in the observations may be summarised as follows:

- Traffic safety: the sightline assessment is schematic and unsurveyed. Hedgerow removal not addressed. Entrance is on a narrow road, near a junction. The Accessway Assessment does not take account of the nearby hill and bend in the road.
- Archaeology: the report submitted relates to a different land folio and cannot be relied upon.
- Farmyard management plan: no nutrient plan or GAP compliance documentation submitted. Environmental and water quality concerns raised.
- Agricultural need: lack of evidence submitted i.e. no Green Cert, no active herd number, livestock movement records, livery receipts, farm accounts, DARM scheme participation. The horse passport submitted does not prove ownership. The landholding (0.97ha) is insufficient to sustain the claimed enterprise after infrastructure deductions. The spaces proposed for machinery and animal food storage are excessive relative to the landholding and number of animals proposed. The applicant does not live in Inchycullane.
- Class 9 exemption not available given the nature of the proposed development. Note nearest houses are c. 60-70m distance from the concrete hardstand area, which is not fully detailed on the drawings.
- Fire Safety certificate: structure would not meet requirements for agricultural building FSC exemption.
- Ownership: the site is not registered in the ownership of the applicant and no details proving otherwise have been submitted.
- Use: concern raised that the use of the structure may be non-agricultural. Connection to other parties enforcement record raised.

- Appropriate Assessment: no AA screening submitted.
- Visual impact: the structure would be on elevated land and would appear overbearing. Cumulative impact with the structure under construction adjacent would alter the character of this rural area.
- Residential amenity: loss of amenity due to overlooking, overbearance, noise, lighting and odour.
- Potential impact on structure of neighbouring boundary wall at entrance as a result of machinery accessing the site during construction and operation.

7.4. Further Responses

None received.

8.0 Assessment

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

- Principle of development
- Visual impact
- Traffic impact
- Archaeological impact
- Environmental impact
- Other issues

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including surface water drainage. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

8.1.1. The principle of development is not raised within the planning authority's reasons for refusal. The Planner's Report states that the principle of development can be considered.

8.1.2. Having regard to the agricultural use of the lands, I consider that the proposed development of an agricultural building on site is acceptable in principle, subject to accordance with the relevant policy objectives and standards of the Development Plan.

8.2. Visual impact

8.2.1. The planning authority's first reason for refusal related to visual impact. It stated that the proposed development, when taken in conjunction with similar permitted development in the surrounding area would result in an excessive density of such development in this rural area, resulting in negative visual impacts and negative impacts on neighbouring residential amenities and setting an unwanted precedent. The Planner's Report identified that no justification had been submitted with the application of the need for a unit of the bulk and scale proposed and concluded that, given the scale and size of the proposed structure, taken in conjunction with the agricultural building granted to the east under PRR 21/1415, there was potential for a cumulative, local, negative visual impact on the residential properties in this rural area.

8.2.2. The grounds of appeal state that the applicant wishes to carry out part-time agriculture on this holding and to provide an appropriate facility for this purpose. The agricultural need statement attached as an appendix to the grounds of appeal states that the size of the shed is necessary to allow for separation of stables, hay storage, machinery storage and dry storage. It is stated that the land and shed will be used for keeping two horses and occasional keeping of calves. Within the main grounds of appeal, it is stated that it is intended to keep two horses and a small number of sheep/goats from time to time. The applicant, in their grounds of appeal, maintains that the proposed structure is only marginally above exempted development provisions and could not therefore be described as having a discernible amenity impact in the area, which they note has the landscape classification 'Rural General'.

8.2.3. In design terms, I consider that the proposed structure is agricultural in appearance, noting its general form, shallow pitch roof and external materials. I note that a

building of very similar appearance was granted permission by the planning authority on the adjoining site to the east under PRR 21/1415.

- 8.2.4. The stated site area is 2.47ha. From my own calculation, the site area is c. 1ha or c.2.47 acres. The floor area of the proposed structure is 462sqm, divided into three roughly equal sized areas (154sqm each) for animal pens, hay storage and machinery storage.
- 8.2.5. Having regard to The Department of Agriculture Food and the Marine S. 117 Standards (Minimum Specifications for the Housing of Organic Animals May 2020), 1.5sqm per head is required for organic sheep housing, while a total floor area of 2.3sqm per calf (including feed passage) is recommended for calves according to S. 124 Standards (Minimum Specifications for Calf Housing July 2016). According to The Department of Agriculture Food and the Marine S. 156 Standards (Minimum Specification for Horse Housing and Facilities July 2024), horse loose boxes for larger horses shall be in the range 11-20sqm, while boxes for foaling shall be 20-25sqm. The minimum floor area for goat housing, according to The Department of Agriculture Food and the Marine S. 159 Standards (Minimum Specification for Goat Housing March 2010) is 1.8sqm per adult goat. Whilst I recognise that, in the main, these are minimum standards which the applicant may choose to exceed, I consider that they are a useful indicator of the space requirements for housing farm animals.
- 8.2.6. In relation to machinery storage, the application documents do not include details of the type of machinery to be kept on site. It is stated that the land will be used for grazing and hay production. There is no indication of any proposed cultivation of the land and no details have been provided of any other agricultural lands in the applicant's ownership for which the machinery would be used.
- 8.2.7. With regard to hay storage, the farm management plan submitted with the appeal states that hay produced on site would be stored in the structure. The farm management plan also refers to the storage of feed (dry storage), bedding, and a small dungstead within the structure.
- 8.2.8. I note that there is no existing farmyard on site. Having reviewed the documentation submitted with the application and appeal, there are limited details of any existing farming enterprise being undertaken by the applicant. Notwithstanding, the objectives of the Development Plan seek to support and facilitate the development of

sustainable agricultural practices and facilities within the county and I consider that this would include a new agricultural enterprise. However, I do not consider that the scale of the proposed structure is necessary for the efficient operation of the farm, having regard to the size of the landholding (1ha), it's proposed continued use as grazing land and the number and type of animals which the applicant intends to keep on site. In this regard, I consider that the proposed building is disproportionately large relative to the landholding and, therefore, I do not consider that it has been demonstrated that the proposed development would comprise sustainable agricultural facilities supported by Policy Objective KCDP 9-53. I also note Policy Objectives KCDP 5-1, KCDP 9-55 and KCDP 9-62 which generally support sustainable agricultural development whilst seeking a balance with the protection of the natural and rural landscape. In the absence of a demonstrated need for the scale of structure proposed, I consider that the proposed development would result in the unnecessary erosion of the local rural landscape character.

- 8.2.9. Section 11.6.3 of the Development Plan relates to Landscape Designation and states that it is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape. In respect of 'Rural General' designated areas, Section 11.6.3.2 states that these landscapes have a higher capacity to absorb development than visually sensitive landscapes, but 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 for development.
- 8.2.10. The proposed structure would be sited c. 150metres from the public road. The site is well screened from the public road by existing tree cover and existing and permitted neighbouring buildings. From my site observations I noted that the proposed location of the structure is on the more elevated part of the site. Given the footprint of the structure, its east-west orientation and the topography of the site, some excavation of existing ground levels would be required in order to provide a level internal floor level. No details of existing or proposed ground levels, site section drawings or details of any retaining features were provided as part of the application. The extent of any excavation and retaining features and the degree of visibility of the structure in the landscape is therefore not clear from the drawings submitted. From my site observations I note that ground levels continue to rise in a northeasterly direction. This is confirmed by the site layout plan approved for the adjoining

site, PRR 21/1415, which indicates a ground level of 8.45m at the boundary between the sites and 10.0m further east. The finished floor level for that building is shown as 9.75m. In the event of a grant of permission, I consider that the finished floor level of the proposed structure, together with details of any retaining features, could be agreed by condition.

8.2.11. The planning authority's reason for refusal pointed to a cumulative visual impact, in conjunction with the structure approved under PRR 21/1415 on the site directly adjacent to the east. From my site observations and review of the approved drawings for PRR 21/1415, I consider that the structure approved under that permission would provide a significant screen to the proposed structure, in conjunction with existing tree cover.

8.2.12. With regard to impact on neighbouring visual amenity, the proposed structure would be located c. 68m from the nearest residential boundary to the south and c. 117m from the nearest rear elevation of a dwelling to the south. A line of tall, dense planting provides a screen between the site and existing dwellings to the south.

Notwithstanding the lack of clarity in respect of the finished floor level of the structure, I consider that the existing planting to the rear of the residential properties provides an effective screen and, in combination with the separation distances involved, would be sufficient to prevent a material negative impact on residential amenity due to visual impact.

8.2.13. Overall, having regard to the objectives of the Development Plan which seek to support and facilitate the development of sustainable agricultural practices and facilities within the county, I consider that the proposed building is disproportionately large relative to the size of the landholding and the nature of the agricultural enterprise as described. I do not consider therefore that it has been demonstrated that the proposed development would comprise sustainable agricultural facilities, as supported by Policy Objective KCDP 9-53. Consequently, the proposed development would contribute to the erosion of the local rural landscape character, contrary to Policy Objectives CDP 5-1, KCDP 9-55 and KCDP 9-62 and Section 11.6.3.2 of the Development Plan. I recommend that permission be refused on this basis.

8.3. Traffic impact

- 8.3.1. The planning authority's second reason for refusal stated that the Planning Authority is not satisfied that the proposed development would not result in a traffic hazard when having regard to the achievable sight distances at the proposed entrance to the site. The report of the Council's Roads Maintenance and Operational Services Section stated that the drawings submitted did not demonstrate adequate sightlines at the proposed vehicular entrance and recommended further information in this regard.
- 8.3.2. The grounds of appeal state that the property is neutral in regards traffic impact, given the existing agricultural use is not changing. An Accessway Assessment, attached to the grounds of appeal, states that the existing field entrance is to be upgraded to a splayed entrance arrangement and that 90m sightlines are available in both directions from the new entrance location.
- 8.3.3. During my site visit, I noted that sightlines from the existing entrance were significantly constrained to the west by existing hedgerow. Sightlines were less constrained to the east, though I noted that the vertical alignment and curvature of the road to the east restricted visibility. Given that the proposed development includes significant storage space for machinery and animal feed and bedding storage, I consider that it is reasonable to expect an increase in traffic, including farm vehicles and machinery utilising the site entrance. The existing agricultural entrance does not provide adequate sightlines and, therefore, its use as part of the proposed development would result in a traffic hazard. A refusal is recommended on this basis.
- 8.3.4. With regard to the new entrance proposal set out in the Accessway Assessment, the entrance and internal laneway would be relocated to the west and a splayed entrance arrangement would be installed under this proposal. The revised entrance proposal is indicated in Figure 3 of the Accessway Assessment. A corresponding scaled layout plan has not been submitted. Figure 3 indicates that sightlines of 90m are available in both directions from the new entrance at a setback of 3m, however as the diagram is not scaled, this cannot be verified. The 90m sightline is based on the speed limit of the local road, 60km/hr. However, sightline distance should be based upon the design speed of the road, according to the relevant TII Publication "Rural Road Link Design" (DN-Geo-03031 May 2023). It is not clear from the information submitted whether the sightlines have been measured from a driver's eye

height, as required by DN-Geo-03031. I also note that the 90m sightline distance to the east extends beyond the rise in the road in this direction. For these reasons, and given that the indicated sightlines cannot be verified as they are not shown to scale, I consider that it has not been demonstrated that the revised entrance proposal would provide adequate sightlines in accordance with TII Publication "Rural Road Link Design" (DN-Geo-03031 May 2023). Consequently, I consider that the revised proposal does not address the planning authority's second reason for refusal and my conclusion above in respect of access.

8.4. Archaeological impact

- 8.4.1. The planning authority's third reason for refusal found that, in the absence of an Archaeological Impact Assessment being carried out on site it had not been demonstrated that the proposed development would not have a negative impact on any monuments in the surrounding area. The report of the County Archaeologist noted that there were no recorded monuments listed in the Record of Monuments and Places located in proximity to the proposed development site but that, given the site area of over 0.5ha, an archaeological impact assessment including pre-development archaeological testing, should be requested prior to a grant of permission.
- 8.4.2. The applicant's grounds of appeal state that there is no requirement under the planning code or development plan for an archaeological impact assessment. They consider that it is unreasonable for the planning authority to suggest that the absence of such a report is a ground for refusal. They further note that the county archaeologist did not recommend refusal but recommended further investigation. The grounds of appeal state that an archaeological report was submitted with the appeal, however this was not received. I note that an archaeological testing report, relating to the lands to the east (PRR 00/2489), was submitted with the application to the planning authority. The report relates to test trenches which were examined in March 2002.
- 8.4.3. The County Archaeologist's report requested an archaeological impact assessment as part of further information due to the application site area being greater than 0.5ha. Having reviewed the National Monuments Service's historic environment viewer, I note the location of the proposed agricultural shed is c.197 metres south of

ref. KE058-103 (Ringfort) and c. 260 metres southwest of ref. KE058-475 (Fulacht Fia). Although the application site boundary is c. 1ha in size, the area proposed for development, comprising the agricultural structure (485sqm GEA), laneway and hardstanding would be under 0.5ha, which is the threshold above which an Archaeological Impact Assessment is required under Policy Objective KCDP 8-24 part (ii). I note that the Archaeological report submitted with the application, which pertained to lands in proximity to the east, closer to the nearest recorded monuments, identified no archaeological finds or levels within the test trenches examined. Having regard to the nature and scale of the development, to the separation distance to the nearest recorded monuments and to the planning history for the lands to the east including trial trenching results, I am satisfied that the archaeological potential of the site could be adequately safeguarded through the imposition of a condition requiring an archaeological watching brief, in the event of a grant of planning permission. Therefore, it is my view that an archaeological impact is not required at this stage and that the proposed development does not contravene Policy Objective KCDP 8-24 of the CDP.

8.5. Environmental impact

- 8.5.1. The fourth reason for refusal issued by the planning authority related to the absence of a Farmyard Management Plan demonstrating that the proposed development would not negatively impact the surrounding environment and would comply with the requirements set out in European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- 8.5.2. The applicant's grounds of appeal state that the shed will be used primarily for dry goods storage with a small dungstead to provide for the small number of animals that will be on the land. Therefore, there will be no impact on groundwater quality or other environmental matters. A Farm Management Plan is attached as Appendix 2 to the grounds of appeal.
- 8.5.3. The submitted Farm Management Plan provides an outline of the proposed farm operation. It is not stated to have been prepared by a qualified Agriculturalist, as specified by the Environment Officer's report and it does not give the level of detail requested by the Environment Officer as regards farm stocking rate, slurry quantities,

animal identification and movement, volume of manure storage and bedding to be used, yard layout plan and confirmation that the design of the proposed development complies with the Department of Agriculture, Food and the Marine. I consider that some of the data requested is either not relevant to the proposed development e.g. milk parlour/dairy washings or relates to data which the applicant would not have e.g. number of animals on the farm in the last 12 months. The Farm Management Plan submitted with the appeal provides an outline of the proposed farm operation, which would comprise a small number of animals together with dry storage and machinery storage and hay production. It states that a small dungstead would be provided on an impermeable base for manure to be kept temporarily and that the development will comply with the GAP Regulations. It also states that roof water will discharge to an on-site soakaway/attenuation area, that access way runoff will drain within the site and that no discharge to any watercourse will occur.

8.5.4. An Coimisiún Pleanála is not the competent authority for land spreading. The use of organic fertiliser as fertiliser on lands used for spreading is monitored and controlled by other competent bodies – DAFM and Local Authorities. The spread of fertiliser is governed by the GAP Regulations, to prevent water pollution. The GAP Regulations provide for site specific assessment of lands and, when adhered to, ensures that the use of fertiliser will not cause environmental pollution. Having regard to the nature of the proposal as a new farming enterprise, to the limited scale of that enterprise and the proposals for management of manure, landspreading and surface water runoff outlined in the appeal documents, I consider that this matter can be adequately addressed by conditions in the event of a grant of permission.

8.6. Other issues

Impact on adjoining residential amenities

8.6.1. The Planner's Report considered that, due to the proximity of the proposed access road to the rear of existing dwelling houses, the proposed development would impact negatively on residential amenities. I note observations received which raise concerns relation to overlooking, overbearance, noise, lighting and odour. In terms of noise, given the separation distance to the proposed building and its proposed use for storage and animal housing, I do not consider that a material impact on amenity would occur. Having regard to the existing agriculture use and to the nature and

scale of the proposed development I would expect traffic volume to be low and mainly reserved to daylight hours. Given the separation distance to residential dwellings I do not consider that a material impact on residential amenity would occur. Similarly, given the separation distance to the proposed building, I do not consider that lighting and odour would generate a material impact on residential amenity.

Legal interest to make application

- 8.6.2. Both the Planner's Report and observers to the appeal raise doubt as to the applicant's legal interest in the landholding. According to the planning application form, the applicant is the legal owner. A solicitor's letter, dated 19th December 2025, submitted as part of the application states that the applicant is the authorised person to apply for planning permission. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 120m north of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365). The proposed structure would be located c. 320m north of the SAC.
- 9.2. The nearest other European sites are: Castlemaine Harbour SAC (000343) c. 2.8km to the north; Killarney National Park SPA (004038) c. 3.1km to the southwest; Sheheree (Ardagh) Bog SAC (000382) c. 4.7km to the south; Anna More Bog NHA (000333) c. 11.4km to the north; Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 12.8km to the northeast; Blackwater River (Cork/Waterford) SAC (002170) c. 13.7km to the east; and Castlemaine Harbour SPA (004029) c. 18km to the west.

- 9.3. The proposed development comprises construction of an agricultural building for the storage of machinery, hay and animals. Based on the details submitted, the number of animals proposed to be kept within the building and attendant lands is limited, comprising two horses together with a small number of sheep/goats/calves, from time to time. The development includes a concrete base which may be used for temporary storage of dung prior to spreading. It is stated that manure will only be spread on the applicant's land only and will comply with the GAP regulations.
- 9.4. The spreading of organic fertilisers is managed under the GAP Regulations 2025. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2025, that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development.
- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.6. The reason for this conclusion is as follows:
- The rural location and existing agricultural use of the lands.
 - The relatively small-scale nature of the development.
 - Compliance with the GAP Regulations and associated standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
 - The distance from the nearest European site and lack of ecological connections thereto.
 - Taking into account the screening determination by the P.A.
- 9.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 9.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

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.
- 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. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that permission is refused.

12.0 Reasons and Considerations

1. Having regard to the c. 1ha size of the landholding and the nature of the agricultural enterprise as described, it is considered that the proposed structure of 462sqm is excessive in terms of its size, has not been demonstrated to be necessary for the efficient operation of the farm and would not therefore comprise a sustainable agricultural facility supported by Policy Objective KCDP 9-53 of the Kerry County Development Plan 2022-2028. It is considered that the proposed development would contribute to the erosion of the rural landscape character of the area, contrary to Policy Objectives KCDP 5-1, KCDP 9-55 and KCDP 9-62 which support sustainable agricultural development balanced with the protection of the rural environment and natural landscape. In this regard, the proposed development

would set an undesirable precedent for similar future developments and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on this public road at a point where sightlines are restricted in both directions to east and west.

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.”

Suzanne White

Planning Inspector

16th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501007-KY-26
Proposed Development Summary	Proposed construction of an agricultural building and a new concrete slab and all site development works
Development Address	Incycullane, Kilcummin, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White Date: 16/06/2026