



An
Coimisiún
Pleanála

Inspector's Report PL-501331-KY-26

Development	Retention of change of use from storage to residential and roller doors. Decommission of septic tank and installation of mechanical wastewater treatment system.
Location	Dooaghs, Glenbeigh, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	26/60221
Applicant	Marcus O'Shea
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant	Marcus O'Shea
Observer	Denis Hartnett
Date of Site Inspection	28 th July 2026
Inspector	Suzanne White

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1.0 Site Location and Description

- 1.1. The appeal site, which is roughly rectangular in shape with a stated area of 0.895 ha, is located in a rural coastal area at Dooaghs, Glenbeigh, Co. Kerry. The site is located on the eastern side of the L-11705, close to end of that road where it provides access to a small slipway and a single dwelling house. The site is bounded to the north by Castlemaine Harbour. The application site boundary roughly follows the line of existing rock armour on the shore.
- 1.2. The site is currently occupied by a single storey flat roofed building with a stated area of 303.5sqm and a maximum height of 3.265m. The floor plans show that the structure is divided into two units, a storage building of 183.5sqm on the southern side and a residential unit of 120sqm on the northern side. The structure has two roller shutters on the south elevation. On both the western and eastern elevations there is a door and window, while the northern elevation has four windows. A vehicular gate and separate pedestrian gate provide access to the northern yard, while a further vehicular gate provides access to the southern yard.
- 1.3. An existing drain on the site runs inside the northern boundary of the site, along the eastern side of the structure, along the southern boundary of the southern yard, before routing south parallel with the public road. The eastern part of the site is covered in forestry, while the remainder of the western part is characterised by the open drain and rushes. The site is low-lying and ground levels are relatively flat.
- 1.4. There is a rural dwelling adjoining the application site to the south and a small number of other dwellings further south, near the junction with another public road.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - (1) retention permission to retain the change of use of part (120sqm) of the existing storage building to residential accommodation and roller doors to the existing storage area at the southern side, and
 - (2) planning permission to decommission the existing septic tank and install a mechanical wastewater treatment system and raised polishing filter.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the proposed development, by order dated 6th May 2026, for four reasons as follows:

1. The proposed dwelling unit is located in an area at risk of flooding, designated as Flood Zone A as per the CFRAM Flood Maps. Residential developments are considered highly vulnerable to flood risk. The proposal for retention permission to retain a residential unit at this location would be contrary to the 'Planning System and Flood Risk Management Guidelines 2009' and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the soil conditions on site and proximity of the site to the shoreline, the Planning Authority is not satisfied on the basis of submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site. The proposed development would, therefore, be prejudicial to public health. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-15 Rural Settlement Policy of the County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area under Urban Influence. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development includes for retention permission to retain the change of part of an unauthorised building for which retention permission has not been sought. 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:

- There are a number of open drains around the building on site that appear to drain northwards to the coastline.
- From inspection of the planning history file 19/1297 it is noted that a further extension has taken place to the building on site without the benefit of planning permission. Also, on inspection of an earlier file 96/1654, it is noted that the floor area of the structure built on site does not have the benefit of planning permission. The applicant has not sought retention permission for the as-constructed building. Therefore, the current proposal would constitute a proposal relating to the change of use of part of an unauthorised structure.
- The site is located in Flood Zone A as per 'The Planning System and Flood Risk Management Guidelines 2009'.
- No detail has been provided in relation to the applicant's housing need for a dwelling unit at this location. This is a location with an extremely high density of one-off dwellings.
- No traffic concerns noted with the proposal.
- The proposal is not likely to impact negatively on residential amenities in the area.
- It is accepted that there was a building used for shellfish purification on site in 1996. The extensions that have been subsequently built, although presently deemed unauthorised, are not considered to have a significant visual impact.
- Screened out for AA. The proposal is not one which needs EIA screening or EIA.
- The proposed site is located in a highly sensitive coastal environment in very close proximity to the coastline, which is also a designated SAC, SPA and pNHA relating to Castlemaine Harbour.

3.2.2. Other Technical Reports

- County Archaeologist: no objection.
- Environment: serious concerns raised in respect of ground conditions and proximity to the foreshore. Further information recommended, requiring excavation of a new trial hole for inspection.
- Flooding, Coastal and Marine Unit: proposed dwelling is located in a site at high risk of coastal flooding, Flood Zone A according to CFRAM maps. Recommends refusal.
- Environmental Assessment Unit: concludes that the proposed development for retention would not have required AA or EIA.

3.3. **Prescribed Bodies**

No reports on file.

3.4. **Third Party Observations**

The Planning Authority received one third party submission in objection to the proposed development, from the Observer in this case. The submission raised concerns in relation to flood risk/climate, Appropriate Assessment, wastewater treatment, rural housing policy and existing unauthorised development.

4.0 **Planning History**

19/1297: planning permission refused for (a) material change of use of existing mussel store to reception building, (b) to construct a series of material alterations to the existing mussel store building, (c) install six camping pod accommodation units, (d) provide on site car parking, (e) to install a mechanical waste water treatment system and polishing filter and (f) all associated external works, servicing and landscaping. The application was refused for four reasons, relating to inappropriate tourism-related development within a scenic rural area, impact on European Sites, flood risk and public health due to inappropriate conditions for on-site wastewater treatment.

96/1654: Permission sought to upgrade a shellfish purification building with associated extensions. This application was deemed incomplete.

5.0 Policy Context

5.1 Development Plan

Kenmare Municipal District Local Area Plan 2024-2030

The stated purpose of the LAP is to guide future plan led coordinated sustainable and equitable development within the towns and villages of the area. It should be read in conjunction with the Kerry County Development Plan 2022-2028. Section 2.4 relates to rural areas and notes that the rural area types have been identified in Chapter 5 of the KCDP 2022-2028. Section 2.4.1 states that the Council will endeavour to accommodate genuine rural generated housing in the area it arises and to accommodate urban generated housing within the development boundary of all towns and villages, in accordance with Chapter 5, Settlement Strategy, of the KCDP.

Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028, in conjunction with the Kenmare MD LAP 2024, 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 3: Core & Settlement Strategy

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.

Chapter 5: Rural Housing

KCDP 5-2 Protect and promote the sense of place and culture and the quality, character and distinctiveness of the rural landscape that make Kerry's rural areas authentic and attractive places to live, work and visit.

KCDP 5-4 Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), circular PL2/2017, National Planning Framework (NPOs 15 & 19) and the Development Management Guidance of this Plan.

KCDP 5-7 Facilitate and support the objectives and actions of “Housing for All, a New Housing Plan for Ireland” in relation to policy initiatives for rural housing.

5.5.1 Identifying Rural Area Types

The existing building on site is located in a 'Rural Area Under Urban Influence', while the eastern and southern parts of the site are located in a 'Rural Area Under Significant Urban Influence'.

5.5.1.2 Rural Areas Under Urban Influence

In these areas, population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong rural/agricultural economic base. The key challenge in these areas is to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in wider rural areas.

Objective KCDP 5-15

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

- a) Farmers, including their sons and daughters or a favoured niece/nephew where a farmer has no family of their own who wish to build a first home for their permanent residence on the family farm.
- b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent residence, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working full-time in farming or the marine sector for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent residence.

d) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent residence.

e) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation and currently live with a lifelong or life limiting condition and can clearly demonstrate that the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.

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

KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.

KCDP 5-20 Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.

KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a House in Rural Kerry Design Guidelines 2009 or any update of the guidelines.

Chapter 11 Environment

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

KCDP 11-65 Take into consideration areas identified at risk of flooding under the CFRAM and ICPSS studies and any other studies/analysis commissioned by the Council/allied state agencies to inform planning policy, development management decisions and capital projects.

KCDP 11-66 Have regard to and implement the recommendations and provisions of the Planning System and Flood Risk Management guidelines (DoEHLG 2009).

Section 11.5.2.1 Sequential Approach Justification Test

It is the policy of the Planning Authority to:

Avoid inappropriate development in areas at risk of flooding and integrate sustainable water management solutions (such as SuDS, the minimisation of non-porous surfacing and green roofs) to create safe places in accordance with the guidelines.

KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

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.

Landscape Designations: The subject site has the landscape designation 'Visually Sensitive Area'.

11.6.3.1 Visually Sensitive Areas

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

11.6.4 Development in Designated Areas.

As outlined above and in accordance with Objective 11-77 and Objective 11-78 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.

Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. Development is not precluded in visually sensitive landscapes however, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.

The following provisions shall apply to development in Visually Sensitive landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.

- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided.

Chapter 13: Water and Waste Management

KCDP 13-10 Ensure that all wastewater treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication 'Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses" or any amending/replacement guidance or standards.

KCDP 13-19 Ensure that proposed wastewater treatment system for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and any updated version of this document during the lifetime of the Plan, and are maintained in accordance with approved manufacturer's specifications and subject to compliance with the Water Framework Directive, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.

Volume 6: Development Management Standards & Guidelines

1.5.10.1-1.5.10.10 Standards for residential development on rural and non-serviced sites.

Building a House in Rural Kerry – Design Guidelines 2009

5.2 National/Regional Plans/Policies

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.

5.3 National Guidance

The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)

Sustainable Rural Housing – Guidelines for Planning Authorities 2005

5.4 Natural Heritage Designations

The site is not located within a designated site. The nearest such sites are:

- Castlemaine Harbour SPA (004029) directly adjacent to the north
- Castlemaine Harbour SAC (000343) directly adjacent to the north
- Lough Yganavan and Lough Nambrackdarrig SAC (000370) c. 1.2km to the southeast
- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) c. 3.23km to the south

- Slieve Mish Mountains SAC (002185) c. 6.47km to the northeast
- Dingle Peninsula SPA (004153) c. 6.54km to the north
- Iveragh Peninsula SPA (004154) c. 6.81km to the southwest
- Mount Brandon SAC (000375) c. 13.17km to the north
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070) c. 13.71km to the northeast
- Tralee Bay Complex SPA (004188) c. 14.97km to the northeast

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The first party grounds of appeal may be summarised as follows:

- While it is acknowledged that the site is identified within Flood Zone A, this building has been in situ for approximately 30 years, with a previous structure on the site prior to that. The site has never been affected by flooding, including during recent severe storm events. The building is already established on the site with no significant increase in footprint, ground levels, or impermeable area proposed as part of the works. As such, the development will not displace flood waters, impede flow paths, or increase flood risk elsewhere. Flood defence works carried out along the shoreline have provided additional protection to the property and the surrounding lands.
- The proposal to decommission the existing septic tank and install a mechanical wastewater treatment system provides for the replacement of an existing older septic tank with a modern wastewater treatment system, representing an environmental improvement over the previous arrangement at the site. The site characterisation

report indicates that the site is suitable for the installation of an on site wastewater treatment system. The proposed system would be in accordance with the EPA Code of Practice.

- The residential use of an existing building represents an appropriate and efficient reuse of established built infrastructure and can facilitate families in desperate need of accommodation, in line with the Government's Housing for All strategy, particularly Pathway 4, which seeks to address vacancy and ensure the efficient use of existing housing stock and the national policy framework. The proposal is in accordance with Development Plan Policy Objectives KCDP 5-7, KCDP 5-15 and KCDP 5-19. The Planners Report confirms that the proposal is not likely to impact negatively on residential amenities in the area, and 'Visual Impact', confirms that the extensions that have been built are not considered to have a significant visual impact.
- Approximately 40% of the building is in residential use, with the remainder continuing to be used for storage.

7.2. Planning Authority Response

None received.

7.3. Observations

One observation has been received, from the occupier of the dwelling to the southeast of the application site. The issues raised may be summarised as follows:

- A grant of retention permission would materially undermine the integrity of the statutory planning process by legitimising unauthorised development.
- The proposal raises concerns regarding the long-term suitability of the site for permanent residential occupation having regard to wastewater treatment and disposal, groundwater and surface water protection, cumulative rural intensification and the potential for indirect environmental impacts.

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
- Flood Risk
- Wastewater Treatment
- Other issues

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including neighbouring residential amenity, access and traffic impact. 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 subject application relates to the retention of change of use of part of an existing commercial structure located within a rural area to use as a dwelling.
- 8.1.2. The Planning Authority's third reason for refusal stated that the Planning Authority was not satisfied that a rural housing need had been demonstrated in accordance with Objective KCDP 5-15 Rural Settlement Policy of the County Development Plan 2022-2028 having regard to the location of the application site in an area designated a Rural Area under Urban Influence.
- 8.1.3. In relation to this issue, the first party appellant, in their grounds of appeal, maintain that the residential use of an existing building represents an appropriate and efficient reuse of established built infrastructure and can facilitate families in desperate need of accommodation, in line with the Government's Housing for All strategy, particularly Pathway 4, which seeks to address vacancy and ensure the efficient use of existing housing stock and the national policy framework. They add that the proposal is in

accordance with Development Plan Policy Objectives KCDP 5-7, KCDP 5-15 and KCDP 5-19.

- 8.1.4. The subject structure is located within a 'Rural Area under Urban Influence' according to the Kerry County Development Plan 2022-2028 'KCDP' wherein Objective KCDP 5-15 requires that applicants for new residential development demonstrate an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area.
- 8.1.5. From review of the application documentation submitted to the Planning Authority, I note that no details were provided to show an exceptional rural generated housing need for the applicant based on their social and/or economic links to the area. I also note that the applicant's stated address on the application form is not the application site. Having regard to the appellant's grounds of appeal, I note that the use of the existing structure as a dwelling is not authorised and, therefore, I do not consider that policies aimed at addressing vacancy and ensuring the efficient use of existing housing stock are relevant in this case.
- 8.1.6. Overall, I consider that insufficient information has been submitted to demonstrate that the applicant has an exceptional rural generated housing need based on their social and / or economic links to this rural area. Consequently, I consider that permission should be refused on this basis.

8.2. Flood Risk

- 8.2.1. The Planning Authority's first reason for refusal stated that the proposal to retain a dwelling unit, being a highly vulnerable use, in an area at risk of flooding (designated as Flood Zone A), would be contrary to the 'Planning System and Flood Risk Management Guidelines 2009'.
- 8.2.2. The appellant, in their grounds of appeal, acknowledges that the site is identified within Flood Zone A, but argues that the building has been in situ for approximately 30 years, that there was a previous structure on the site prior to that, that the site has never been affected by flooding and that no significant increase or alteration to the footprint, ground levels, or impermeable area are proposed as part of the works. As such, they maintain that the development will not displace flood waters, impede flow paths, or increase flood risk elsewhere. They also note that flood defence

works carried out along the shoreline have provided additional protection to the property and the surrounding lands.

- 8.2.3. The report of the Council's Flooding Coastal and Marine Unit states that the site is at high risk of coastal flooding and, according to CFRAM Flood Maps, is designated as being within Flood Zone A. Noting that residential development is considered highly vulnerable to flood risk, the report recommends that retention permission for change of use to residential is refused.
- 8.2.4. Policy Objective KCDP 11-65 of the Development Plan is to take into consideration areas at risk of flooding to inform development management decisions and KCDP 11-66 of the Development Plan is to have regard to and implement the recommendations and provisions of the Planning System and Flood Risk Management guidelines (DoEHLG 2009).
- 8.2.5. According to the OPW Community-Scale Flood Depth (Present Day) flood hazard mapping, which draws on CFRAM 2018, National Flood Map Review and Completed Flood Relief Scheme datasets, the northern portion of the application site, including the existing structure, is at high probability of flooding (Flood Zone A).
- 8.2.6. Within Flood Zone A, highly vulnerable development, including residential use, is classified as inappropriate under the Guidelines and can only be considered if it would meet all the criteria of the Justification Test. The application documents do not include a justification test submitted by the applicant. The proposed development is not located on lands zoned for residential use and has not been subject to a flood risk assessment; therefore it has not been shown to meet the criteria of the Justification Test set out in the Guidelines.
- 8.2.7. Consequently, the proposed change of use of part of the existing structure to residential use is contrary to Policy Objectives KCDP 11-65 and KCDP 11-66 of the Development Plan and to The Planning System and Flood Risk Management Guidelines (DoEHLG 2009). A refusal is recommended on this basis.

8.3. **Wastewater Treatment**

- 8.3.1. The Planning Authority's second reason for refusal stated that, having regard to the soil conditions on site and the proximity of the site to the shoreline, it was not

considered that the effluent arising from the proposed development could be adequately disposed of on site, making the proposed development prejudicial to public health. █

- 8.3.2. The Council's Site Assessment Unit (SAU) requested further information in respect of the application. Their report expressed concern regarding the existing ground conditions and proximity of the site to the foreshore. Noting the vast amount of rush growth in the area and the presence of surface water retained and water table encountered on site, the SAU requested that a new trial hole was excavated for inspection. █
- 8.3.3. The appellant's grounds of appeal maintain that the proposal to decommission the existing septic tank and install a mechanical wastewater treatment system provides for the replacement of an existing older septic tank with a modern wastewater treatment system, representing an environmental improvement over the previous arrangement at the site. █
- 8.3.4. I note that an existing septic tank is indicated on the submitted site layout plan, located to the northeast of the existing building, near the rock armour. The location of the existing septic tank is classified as being in an area of high groundwater vulnerability. There is no record of a grant of planning permission for this septic tank. █
- 8.3.5. The submitted Site Characterisation Form indicates the underlying aquifer is Regionally Important – Karstified (diffuse) with moderate groundwater vulnerability. The depth from ground surface to water table in the trial hole was recorded as 1m and the subsoil is recorded as a silt/ clay. Ground conditions on inspection were noted as soft in the Site Characterisation Form and abundant rushes were noted in the area. Drains were noted to the north and west of the proposed percolation area. The Site Characterisation Form identifies that the site falls within the R1 response category according to Table E1 of EPA CoP 2021, where an on-site WWTS is acceptable subject to normal good practice. The T-test value given in the Site Characterisation Assessment is 35.31 and P-test value 20.53. █
- 8.3.6. The location of the trial hole excavated to inform the Site Characterisation Form is not indicated on the plans, though the photographs in the document indicate that

the trial hole was located to the south of the existing building. The trial hole was not open on the day of my site visit. From my own site observations, ground conditions were soft underfoot and vegetation consisting of rushes, heather, gorse and grass were present in the proposed location of the WWTS and infiltration area. From review of the photographs submitted of the excavated trial hole, some mottling of the soil is evident which may indicate that the water table is closer to the surface than recorded in the Site Characterisation Form, though this cannot be verified based on the submitted photos. Having regard to section 5.4.2 Trial Hole Assessment of the EPA Code of Practice 2021, the trial hole depth should be at least 3.1m as the site is underlain by a regionally important aquifer, in order to verify groundwater vulnerability. The trial hole was not therefore carried out in accordance with the EPA Code of Practice 2021 and cannot be relied upon for site characterisation. █

- 8.3.7. Separation distances to key features comply with Table 6.2 of EPA CoP 2021. The proposed treatment system to serve 5 people is a Tertiary Treatment System and Infiltration Area with discharge to ground water. The proposed infiltration area is 37.50sqm, however for the maximum occupancy indicated of five persons, an infiltration area of at least 75sqm is required (15sqm or greater per person according to Table 10.1 of the CoP and based on a pumped system and percolation value of $21 < PV \leq 40$). The proposed infiltration area is non-compliant with the EPA CoP 2021 in this regard.
- 8.3.8. Having regard to the documentation available to me, including the Site Characterisation Form, Drawings and Photographic Record as well as my own site observations, I consider that it has not been adequately demonstrated that wastewater generated by the proposed development may be appropriately disposed of on this site and I cannot conclude on the basis of the information before me that the development may be provided without risk to public health or to the environment. This is due to the trial hole depth and infiltration size not meeting the requirements of the relevant EPA Code of Practice 2021. The proposed development would therefore be contrary to KCDP 13-19, which requires that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021'. A refusal is recommended on this basis. █

8.4. Other issues

Unauthorised development

- 8.4.1. The Planning Authority's fourth reason for refusal stated that the proposed change of use related to part of an unauthorised building for which retention permission has not been sought. The Planner's Report identifies that, when the plans submitted under PRR 19/1297 are compared with the plans for the current application, that an extension has taken place to the building on site without the benefit of planning permission. In reference to plans submitted with an earlier application, PRR 96/1654 which was invalid, the Planner's Report identifies an earlier increase in the floor area of the structure which they state does not have the benefit of planning permission.
- 8.4.2. The appellant's grounds of appeal do not respond to this reason for refusal.
- 8.4.3. On review of the planning history file for PRR 19/1297, the submitted plans show that the existing building on site, labelled 'boathouse/mussel building' had a floor area of 234sqm. A floor area of 228sqm is stated on the corresponding application form. The building at that time was 'L-shaped. In the northeast corner there was an open deck which has since been infilled to form the kitchen/living room of the existing residential unit for retention. Site photographs included in the Planner's Report for PRR 19/1297, reproduced in the Planner's Report for the current application, confirm that a smaller structure was present on site at the time of that application. PRR 19/1297 was refused permission by the Planning Authority and no subsequent application has been submitted until the current application. Having regard to the planning history of the site and to my own site observations, part of the building for which retention of change of use is sought does not have the benefit of planning permission. A refusal of permission is recommended on this basis.
- 8.4.4. In relation to the proposed retention of the roller shutter doors on the southern elevation of the existing structure, I note that the Planner's Report did not raise any objection to this element of the proposal. I consider that this element of the proposal would be acceptable visually, however, given that there is no record of planning permission granted for the original mussel processing structure, I do not consider that a split decision, granting this element, would be appropriate in this case.

Visual impact - new issue

- 8.4.5. The Planning Authority's decision did not raise visual impact as a reason for refusal of the application. The Planner's Report states that the extensions that have been added to the original shellfish purification building since 1996, though unauthorised, were not considered to have a significant visual impact. █
- 8.4.6. The subject site is located within a landscape area which is classified as 'Visually Sensitive Area' by the Development Plan, which are described in section 11.6.3.1 of the Plan as the outstanding landscapes of the County which are sensitive to alteration. Policy Objectives KCDP 5-19 and 5-22, seek to ensure that the design of housing in rural areas complies with the Building a House in Rural Kerry Guidelines 2009 and does not affect the landscape of the county. █
- 8.4.7. Based on the information on file, including the Planner's Report, there was a smaller structure on site in use as a mussel processing building prior to 1996, though as noted above, there is no record of planning permission for same. That structure was subsequently extended to the north. Under this application, retention permission for change of use of the northern portion of the structure is sought. As noted above, there is no record of planning permission for the extensions that have been carried out to the building since 1996.
- 8.4.8. The site is located adjacent to the foreshore within an area designated in the Development Plan as visually sensitive. The existing building is unscreened in views from the north and west. In relation to rural housing in coastal locations, the Building a House in Rural Kerry Guidelines 2009 advise that development in coastal locations is best achieved through locating development adjacent to existing settlements and through the use of vernacular architecture or contemporary interpretation of same. The existing structure proposed for retention of change of use to residential, due to its flat roofed form, horizontal emphasis window design and lack of articulation is not, in my view, consistent with the principles set out in the Building a House in Rural Kerry Guidelines 2009.
- 8.4.9. Overall, having regard to the exposed position of the site within a visually sensitive coastal area and to the unsympathetic design of the existing structure proposed to be retained for use as a dwelling, I consider that the proposed development would not be in accordance with the Guidelines. The proposed development

would, therefore, be contrary to Policy Objectives KCDP 5-19 and KCDP 5-22 KCDP of the Kerry County Development Plan 2022-2028. A refusal of permission is recommended on this basis.

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Castlemaine Harbour SAC (site code: 000343) and Castlemaine Harbour SPA (site code: 004029) in view of the sites' conservation objectives.

9.2. Appropriate Assessment is required. This determination is based on:

- the location of the application site directly adjacent to Castlemaine Harbour SAC (site code: 000343) and Castlemaine Harbour SPA (site code: 004029);
- the undersized polishing filter proposed as part of the new wastewater treatment system to be installed on site;
- the presence of a direct hydrological link between the site and the Castlemaine Harbour SAC and SPA in the form of an open drain; and
- the location of the site within an area at risk of coastal flooding.

10.0 Water Framework Directive

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. The WFD Screening Determination is attached at Appendix 3 below.

10.2. Having considered the nature, scale and location of the project, I consider that it cannot be eliminated from further assessment because there is conceivable risk to the Castlemaine Harbour IE_SW_230_0200 Transitional Waterbody and the Laune Muckcross IE_SW_G_048 Ground Waterbody.

10.3. The reason for this conclusion is as follows:

- the nature of the proposed works, which include installation as part of a new wastewater treatment system of a polishing filter which is undersized relative to the site conditions and development proposed;
- the proximity of the Castlemaine Harbour IE_SW_230_0200 Transitional Waterbody to the site and the presence of an open drain on site which drains north towards the Harbour;
- the location of the site above the Laune Muckcross IE_SW_G_048 Ground Waterbody and the potential for untreated effluent to result in contamination of that waterbody.
- Potential contamination of groundwater due to undersized polishing filter proposed. Site Characterisation Assessment has not properly verified groundwater vulnerability.

11.0 Recommendation

11.1. I recommend that retention permission is refused.

12.0 Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Commission that the proposed development relates to a structure which has been extended without the benefit of planning permission and is therefore unauthorised and that the proposed development would facilitate the consolidation of unauthorised development on this site. Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of a retention permission for the proposed development in such circumstances.
2. Having regard to:
 - i) the location of the site in an area which is at risk of flooding, designated as Flood Zone A according to the OPW floodmaps;

ii) the classification of residential development as 'highly vulnerable' to flooding according to the 'Planning System and Flood Risk Management Guidelines 2009'; and

iii) the lack of justification submitted demonstrating that the development is necessary on grounds of wider sustainability through the Justification Test outlined in section 3.9 of the Guidelines,

it is considered that the proposed development would be contrary to the “The Planning System and Flood Risk Management, Guidelines for Local Authorities”, and to Policy Objectives KCDP 11-65 and KCDP 11-66 of the County Development Plan 2022-2028, would set an undesirable future precedent for similar types of development, would be prejudicial to public health, and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site within a Rural Area Under Urban Influence as identified in the Kerry County Development Plan 2022-2028, where housing is restricted to persons demonstrating local need in accordance with Objective KCDP 5-15, it is considered that an exceptional rural generated housing need has not been demonstrated by the applicant for the proposed development at this location. The proposed development, in the absence of any identified locally based need, 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.
4. Having regard to the inadequate depth of trial hole excavated, given that the site is underlain by a regionally important aquifer, and to the undersized polishing filter area proposed, given the site conditions recorded and occupancy of the unit, it is considered that the proposed wastewater treatment system would not be in accordance with the EPA Code of Practice 2021. Consequently, it has not been adequately demonstrated that wastewater generated by the proposed development can be appropriately disposed of on

this site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be contrary to KCDP 13-19, which requires that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and would be prejudicial to public health.

5. Having regard to the non-compliance of the proposed wastewater treatment system with the EPA Code of Practice 2021 and to the proximity of, and the presence of a hydrological link in the form of an open drain between, the site and Castlemaine Harbour Special Protection Area (Site Code 004029) and Castlemaine Harbour Special Area of Conservation (Site Code: 000343), the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse effects on the integrity of those European Sites, in view of Conservation Objectives of those sites. In such circumstances the Commission is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).
6. Having regard to the non-compliance of the proposed wastewater treatment system with the EPA Code of Practice 2021, and to the location of the site adjacent to the Castlemaine Harbour IE_SW_230_0200 Transitional Waterbody which is designated a "moderate" status waterbody and underlain by the Laune Muckross IE_SW_G_048 Ground Waterbody, which is designated as a "good" status water body under the Water Framework Directive, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water body. The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

7. The site is located in an exposed coastal area, designated in the Kerry County Development Plan 2022-2028 as a 'Visually Sensitive Area' by reason of its landscape quality. Policy Objectives 5-19 and 5-22 of the Development Plan see to ensure that the provision of rural housing will not affect the landscape of the county and that their design will comply with the Building a House in Rural Kerry Design Guidelines 2009. The proposed dwelling, due to its exposed location and design, particularly its flat roof form and horizontal emphasis windows, would not be in accordance with the Guidelines. The proposed development would, therefore, be contrary to Policy Objectives KCDP 5-19 and KCDP 5-22 KCDP 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.

Suzanne White
Planning Inspector

21st August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501331-KY-26
Proposed Development Summary	(1) retention permission to retain the change of use of part of the existing storage building to residential accommodation, roller doors to the existing storage area at the southern side, and (2) planning permission to decommission the existing septic tank and install a mechanical wastewater treatment system and raised polishing filter.
Development Address	Dooaghs, Glenbeigh, Co. Kerry
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ 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)	
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: 21/08/2026

Appendix 2: Standard AA Screening Determination Template

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL.501331-KY-26	
Step 1: Description of the project and local site characteristics The proposed development seeks retention permission for change of use from storage to residential use and installation of two roller doors as well as the proposed decommissioning of an existing septic tank and installation of a mechanical wastewater treatment system. The site is located directly adjacent to, south of, the foreshore which is part of the Castlemaine Harbour SPA (004029) and Castlemaine Harbour SAC (000343). The northern part of the site is located within Flood Zone A.	
Brief description of project	The proposal relates to change of use of 120sqm of an existing storage unit to form a residential dwelling. The remainder of the structure would be retained for storage use. A new mechanical wastewater treatment system and polishing filter is proposed to be installed to the south of the structure and an existing septic tank, located to the north of the structure, is to be decommissioned. The dwelling is proposed to be connected to the public water supply. No details of proposed management of surface water drainage are included in the application. Please refer to Section 2 of the Inspector's Report for a more detailed description.
Brief description of development site characteristics and potential impact mechanisms	The appeal site of 0.895 ha, is located in a rural coastal area at Dooaghs, Glenbeigh, Co. Kerry. The site is bounded to the north by Castlemaine Harbour. The application site boundary is shown to follow the line of existing rock armour, beyond which is the foreshore.

	The site is currently occupied by a single storey flat roofed building with a stated area of 303.5sqm. A vehicular gate and pedestrian gate provide access to the northern yard, while a further vehicular gate provides access to the southern yard. An existing drain on the site runs northwards parallel to the local road before turning eastwards to the south of the existing building and then running parallel to the foreshore. Though not clear from the application drawings, this drain may discharge to Castlemaine Harbour, noting that site levels fall from south to north. The eastern part of the site is covered in forestry, while the western part is characterised by the open drain and vegetation including rushes and gorse. The site is low-lying and ground levels are relatively flat. The site is located directly adjacent to Castlemaine Harbour SPA (004029) and Castlemaine Harbour SAC (000343). Other designated sites in the vicinity are: • Lough Yganavan and Lough Nambrackdarrig SAC (000370) c. 1.2km to the southeast • Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) c. 3.23km to the south • Slieve Mish Mountains SAC (002185) c. 6.47km to the northeast • Dingle Peninsula SPA (004153) c. 6.54km to the north • Iveragh Peninsula SPA (004154) c. 6.81km to the southwest • Mount Brandon SAC (000375) c. 13.17km to the north
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	• Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070) c. 13.71km to the northeast • Tralee Bay Complex SPA (004188) c. 14.97km to the northeast.			
Screening report	N			
Natura Impact Statement	N			
Relevant submissions	The Observer in this case raises concern at potential for indirect environmental impacts arising from the proposal.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Castlemaine Harbour SAC (000343)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	Adjacent to north.	Yes, the site is adjacent to the SAC and an existing open drain runs through the site in proximity to the proposed WWTS infiltration area and the existing structure and routes along the	Y

	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190]		north of the site in proximity to the SAC and may discharge to the SAC.	
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	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]			
Castlemaine Harbour SPA (004029)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Mallard (<i>Anas platyrhynchos</i>) [A053] Pintail (<i>Anas acuta</i>) [A054]	Adjacent to north.	Yes, the site is adjacent to the SPA and an existing open drain runs through the site in proximity to the proposed WWTS infiltration area and the existing structure and routes along the north of the site in	Y

	Scaup (<i>Aythya marila</i>) [A062] Common Scoter (<i>Melanitta nigra</i>) [A065] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Sanderling (<i>Calidris alba</i>) [A144] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Turnstone (<i>Arenaria interpres</i>) [A169] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346] Wigeon (<i>Mareca penelope</i>) [A855] Wetland and Waterbirds [A999] Site specific cons obj		proximity to the SPA and may discharge to the SPA.	
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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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Castlemaine Harbour SAC (000343) QI list Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the	The project is not directly connected with or necessary to the management of a European Site. Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect Potential impacts arising from pollutants entering the SAC via contaminated surface water and effluent from the undersized polishing filter.	Risk of surface and ground water borne pollutants and particulate matter reaching the SAC resulting in changes to habitat quality arising from deterioration in water quality.

Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with Salix repens ssp. argentea		Degradation to water quality and subsequent habitat impacts may undermine conservation objectives associated with the qualifying impacts for the site.
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(Salicion arenariae) [2170] Humid dune slacks [2190] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Petromyzon marinus (Sea Lamprey) [1095] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Petalophyllum ralfsii (Petalwort) [1395]		
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

	Impacts	Effects
Site 2: Castlemaine Harbour SPA (004029) QI list Red-throated Diver (Gavia stellata) [A001] Cormorant (Phalacrocorax carbo) [A017] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Common Scoter (Melanitta nigra) [A065] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137]	The project is not directly connected with or necessary to the management of a European Site. Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: potential impacts arising from pollutants entering the SPA via contaminated surface water and effluent from the undersized polishing filter.	Risk of surface and ground water borne pollutants and particulate matter reaching the SPA resulting in changes to habitat quality arising from deterioration in water quality. Degradation to water quality and subsequent habitat impacts may undermine conservation objectives associated with the qualifying impacts for the site.

Sanderling (Calidris alba) [A144] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Turnstone (Arenaria interpres) [A169] Chough (Pyrrhocorax pyrrhocorax) [A346] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		

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

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Castlemaine Harbour SAC (site code: 000343) and Castlemaine Harbour SPA (site code: 004029) from effects associated with surface and groundwater contamination.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Castlemaine Harbour SAC (site code: 000343) and Castlemaine Harbour SPA (site code: 004029) in view of the sites' conservation objectives.

Appropriate Assessment is required.

This determination is based on:

- the location of the application site directly adjacent to Castlemaine Harbour SAC (site code: 000343) and Castlemaine Harbour SPA (site code: 004029);
- the undersized polishing filter proposed as part of the new wastewater treatment system to be installed on site;

- the presence of a direct hydrological link between the site and the Castlemaine Harbour SAC and SPA in the form of an open drain; and
- the location of the site within an area at risk of coastal flooding.

Appendix 3: WFD Impact Assessment Scoping Table

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
Coimisiún Pleanála ref. no.	PL.501331	Townland, address	Dooaghs, Glenbeigh, Co. Kerry
Description of project		(1) retention permission to retain the change of use of part of the existing storage building to residential accommodation, retention of roller doors to the existing storage area at the southern side, and (2) planning permission to decommission the existing septic tank and install a mechanical wastewater treatment system and raised polishing filter.	
Brief site description, relevant to WFD Screening,		The appeal site, which is roughly rectangular in shape with a stated area of 0.895 ha, is located in a rural coastal area at Dooaghs, Glenbeigh, Co. Kerry. The site contains an existing single storey structure of c. 303sqm. The site is bounded to the north by Castlemaine Harbour. An existing drain on the site runs parallel to the local road before routing eastwards parallel to the foreshore. The site is low-lying and ground levels are relatively flat. An existing septic tank is indicated to be located to the	

	northeast of the existing structure. The northern part of the site is located within Flood Zone A. The eastern part of the site is covered in forestry.
Proposed surface water details	No details of proposed management of surface water drainage are included in the application.
Proposed water supply source & available capacity	The dwelling is proposed to be connected to the public water supply.
Proposed wastewater treatment system & available capacity, other issues	A new mechanical wastewater treatment system and polishing filter is proposed to be installed to the south of the structure and an existing septic tank, located to the north of the structure, is to be decommissioned.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?

					(Consider all phases)		
Transitional waterbody	Castlemaine Harbour IE_SW_230_0200	Moderate	At risk	Agriculture (Nutrients)	Hydrological link via open drain on site. Potential contamination of groundwater due to undersized polishing filter proposed. Site Characterisation Assessment has not properly verified groundwater vulnerability.	None.	A revised Site Characterisation Assessment and polishing filter design are required. These matters cannot be resolved by condition.
Ground waterbody	Laune Muckcross IE_SW_G_048	Good	At risk	Agriculture (Chemical Quality Diminution For SW, Nutrients)	Direct via infiltration from proposed WWTS.	None	A revised Site Characterisation Assessment and polishing filter design are required. These matters cannot be resolved by condition.