



An
Coimisiún
Pleanála

Inspector's Report PL-501487-KY-26

Development	Retention of dwelling with revised boundaries.
Location	Dromatoor , Ballyheigue , Co.Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2660238
Applicant(s)	Ivan O'Brien
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Ivan O'Brien
Observer(s)	None
Date of Site Inspection	3 rd September 2026
Inspector	Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site is located on the north side of the local coast road, approx. 2km west of Ballyheigue in northwest Co. Kerry, and on the opposite side of the road from a pier area on Ballyheigue Bay.
- 1.2. The site is occupied by a single-storey extended cottage and has a stated site area of 0.050ha.
- 1.3. There are a number of existing houses in the area and there is a bend in the road adjacent to the west.

2.0 Proposed Development

- 2.1. The application comprises:
 - Permission to retain existing dwelling within revised boundaries.
- 2.2. The house to be retained as a gross floor area of 151.86sqm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse permission for four reasons as follows:

1. The development to be retained has resulted in the loss of character of the original vernacular cottage on the site. The proposed development would be contrary to the provisions of Objective KCDP 5-26 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development to be retained due to its scale and design cannot be integrated in the landscape and would seriously injure the visual amenities of this open and exposed site. The proposed development would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objectives KCDP 11-77 and KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. In the absence of information in relation to the condition of the existing septic tank system, the Planning Authority is not satisfied, 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 development of the area.
4. In the absence of information in relation to the sightlines available at the new vehicular entrance to the site and measures to control the runoff of surface water from the site on to the public road, the Planning Authority is not satisfied that the proposed development would not create a traffic hazard. Therefore, the proposed development would be contrary to the proper planning and development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's report sets out that the proposal to retain the renovation works to a traditional cottage has changed the structure's appearance resulting in the loss of character and the traditional vernacular of the previous structure. The works contravene Objective KCDP 5-26 and Objective KCDP 5-27 of the Kerry County Development Plan 2022-2028. The proposed works are visually obtrusive and cannot be integrated into a designated Visually Sensitive Area and a designated Views and Prospects as per Kerry County Development Plan 2022-2028. The proposal would contravene Objective KCDP 11-77 and Objective 11-78.
- The report notes that the house is served by an existing septic tank and that the applicant has not submitted any information relating to the capacity of the existing septic tank on the site. It is noted that the Site Layout Map shows the new driveway constructed over the percolation area.
 - Refusal recommended.

3.2.2. Other Technical Reports

Site Assessment Unit: Report received recommending further information requesting certification that the existing onsite wastewater treatment system is fully compliant with the original permission and required standards.

Listowel Municipal Roads Office Report received recommending further information relating to surface water drainage and available sightlines at the entrance.

Environmental Assessment Units – No concerns raised. Neither appropriate assessment (AA) nor environmental impact assessment (EIA) required.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA note that one observation was received. The following matters were raised:

- Previous planning refusal on site from An Bord Pleanála and Kerry County Council.
- The internal staircase leads to a Velux that accesses onto a flat roof with the potential for a roof terrace/outside space, causing loss of privacy overlooking.

4.0 Planning History

ABP 322752-25/KCC 25/60226. Refused permission for permission to retain existing dwelling on site and full planning permission to complete existing single storey dwelling on site and permission to build a private single storey extension at side of dwelling and all associated site works.

Reasons:

1.Objective KCDP 5-26 of the Kerry County Development Plan 2022-2028 promotes the viable re-use of vernacular dwellings without losing their character and supports applications for the sensitive restoration of traditional dwellings as permanent places of residence. On the basis of the information submitted with the application and appeal, the Commission considered that in its current specific design form, including for example in terms of materials, roof pitch and alterations to fenestration at the original core dwelling, the development that has been carried out on site has resulted in the loss of character of the original vernacular cottage. The proposed development and the development for which retention permission has been sought, would be contrary to the provisions of objective KCDP 5-26 of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development and the development for which retention permission is sought, would seriously injure the visual amenities of this open and exposed site, in its current form, with particular reference to the views from the west of the structure and in the absence of clearly detailed and capable landscaping mitigation as part of the application and appeal documentation at this location. The proposed development and the development for which retention permission is sought, would, therefore, be contrary to the proper planning and sustainable development of the area.

The Commission Direction included the following four notes:

Note 1 : The Commission noted and agreed with the inspector on the loss of character of the original vernacular cottage. The Commission did consider that certain alterations to the current building form, such as reconsideration of the roof pitch and of the form of materials, colour and fenestration within the part of the development which encompasses the original cottage, might be capable of resolving inconsistency with policy 5.26 of the development plan. Such an approach would however, require potential materials and design alterations which could not be provided by means of condition and which would require a separate future application for consent to assess whether any such alterations would be consistent with proper planning and sustainable development.

Note 2: The Commission did not share the opinion of the inspector with regard to visual impact (the inspector commented at paragraph 7.4.5 that the house sits quite comfortably in the landscape when viewed from the road to the west). Instead, the Commission determined that the significant scale and length of the extension read as functional and slab like from this view even though it is single storey. Furthermore, the Commission considered that any opportunity to mitigate this visual impact would require detailed and capable (by means of garden curtilage) landscaping and boundary treatment to be provided. Any such change would require a separate consent exercise.

Note 3: The Commission noted agreed with the inspector that it cannot be satisfied from the documentation on file that the effluent from the proposed development and the development for which retention permission is sought, can be satisfactorily treated and disposed of on-site (recommended reason no. 2 of the inspector). In this regard the Commission also noted and agreed with the inspector that the development would

not adversely affect groundwater quality. However, as this constituted a new issue and having regard to the substantive reasons for refusal set out above, the Commission decided not to pursue this issue on the context of the current appeal.

Note 4: The Commission noted and agreed with the inspector that the development description as set out in the statutory notices is misleading by reference to the precise, accurate description of what is proposed for retention and what is proposed and therefore not commenced (recommended reason no.3 of the inspector). However, as this constituted a new issue and having regard to the substantive reasons for refusal set out above, the Commission decided not to pursue this issue on the context of the current appeal.

KCC 97/1229 - Permission granted. Retain existing septic tank.

KCC 94/1382 - Permission granted. Erect a garage, retain existing extension, erect an extension and carry out alterations to dwelling.

5.0 Policy Context

5.1. Kerry County Development Plan (KCDP) 2022-2028

Chapter 5; Section 5.8 of the Kerry County Development Plan 2022-2028 reinforces the importance of vernacular rural structures as part of Kerry's built heritage. The policy aims to preserve and enhance vernacular buildings and promoting the sensitive restoration of such buildings.

Section 5.7 (Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas) of volume 1 (Written Statement) of the Plan is relevant.

The site is located within an area identified as a 'Visually Sensitive Area' on map B of section 4 of volume 4 (Maps) of the Plan.

There are 'Views and Prospects' also identified on this map. At the site location there is a view/prospect in a southerly direction across the bay.

Section 1.20.1 (Building Line in Rural Areas) of volume 6 of the Plan. This outlines the required set back building lines from public roads and cites a minimum of 20 metres for non-national roads. It is stated 'It is desirable that all developments are set back as far as possible from roads to minimise their impact. In certain instances, the building line will be established by reference to the adjacent structures'.

KCDP 5-26 – Promote the viable re-use of vernacular dwellings and buildings without losing their character and to support applications for the sensitive restoration of disused vernacular or traditional dwellings as permanent places of residence.

- KCDP 5-27 – Facilitate the sensitive restoration and conversion to residential use of disused vernacular or traditional buildings as permanent places of residence.

- 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.

5.2. Listowel Municipal District Local Area Plan (LAP) 2020-2026.

The site is also within this LAP area

5.3. Natural Heritage Designations

The nearest designated area of natural heritage is Kerry Head special protection area (SPA) (site code 004189) immediately adjacent to the northwest/west of the site. The nearest special area of conservation (SAC) is Akeragh, Banna and Barrow Harbour SAC (site code 000332) approx. 2.5km to the southeast. This is also a proposed natural heritage area (pNHA) and Tralee Bay Complex SPA (site code 004188) is also at this location

5.4. 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 & Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The main issues raised in the first party grounds of appeal can be summarised as follows:

Loss of original character

- The applicant contends that the original 1930's cottage required upgrading and renewal and the design approach adopted appropriately responds to the character of the area.
- The works have been carried out in compliance with modern building regulations at significant expense and is consistent with newer construction in the locality.
- It is argued that the principal structure of the older cottage was retained and the size and shape of the existing cottage windows openings were not altered.

Landscape Integration

- The applicant contends that the dwelling existed on the site in both size and overall form and while the external treatment was updated to achieve a more modern appearance , the scale of the dwelling was not increased.
- The existing cottage already comprised three bedrooms and occupied the site as it stands.

Septic tank

- The appeal argues that the applicant was not requested to undertake testing in relation to the existing septic tank at any stage.
- The number of bedrooms has not increased,
- It is set out that this matter should have been clarified thorough a request for further information and no reference was made to the septic tank under previous application 25/60266.

Sightlines

- At no stage was there any request for further information in relation to existing entrances.
- It is set out that the entrance has not been relocated and no additional information was submitted on the basis that this is an existing entrance and not a newly created access. It is set out that sightlines of approx. 120m to 160m in both directions are available.

6.1.2. The appeal offers the following comments with respect to ACP refusal 322752-25

- It is set out that neither the roof pitch nor the overall height was altered. The ridge was lowered to address the neighbours view an arrangement accepted by all relevant parties. It is further set out that the cottage was plastered for weatherproofing purposes, which was an appropriate intervention having regard to the age and condition of the cottage.
- It is set out that the impact on visual amenities has now been addressed through the provision of detailed landscaping proposals.
- Regarding Note 1, it is set out design is appropriate to the surrounding areas and reflect a modern approach while retaining the shell of the original cottage.
- Regarding Note 2, it is states that the applicant is satisfied that an appropriate garden curtilage and landscaping arrangement has been achieved.
- Regarding Note 3, the applicant sets out that it was anticipated that this matter would be addressed by further information but no such request was made.
- Regarding Note 4, the response sets out that the applicant would welcome guidance on this issue, however it appears that the PA has adopted a refusals position without engaging with the applicant.

6.1.3. The appeal concluded by stating that there is no access from the Velux roof light onto the flat roof and refers to the neighbours placing a container across the road obstructing view form the appeal site.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

7.0 **Assessment**

7.1. Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- The Planning Authority's First Reason for Refusal
- The Planning Authority's Second Reason for Refusal

- The Planning Authority's Third Reason for Refusal
- The Planning Authority's Fourth Reason for Refusal
- Other Matters

7.2. The Planning Authority's First Reason for Refusal

- 7.2.1. The PA in refusal reason no. 1 set out that the development to be retained has resulted in the loss of character of the original vernacular cottage on the site and the proposed development would be contrary to the provisions of Objective KCDP 5-26 of the Kerry County Development Plan 2022-2028.
- 7.2.2. Objective KCDP 5-26 seeks to 'Promote the viable re-use of vernacular dwellings and buildings without losing their character and to support applications for the sensitive restoration of disused vernacular or traditional dwellings as permanent places of residence.'
- 7.2.3. The appellant contends that the original 1930's cottage required upgrading and renewal and the design approach adopted appropriately responds to the character of the area and is consistent with newer construction in the locality. It is further argued that the principal structure of the older cottage was retained and the size and shape of the existing cottage windows openings were not altered. This is not supported by any evidence or documentation accompanying the planning application. No original plans, section or elevation drawings of the original cottage accompanied the application.
- 7.2.4. While the cottage may have required modernisation the works carried out have substantially altered the original character of the cottage beyond recognition including the loss of the original roof profile and gable end chimneys and the original three bay primary cottage profile with central doorway and raised rendered decorative bands. The introduction of contemporary flat roof forward and side extensions and the alterations to the original side annex and contemporary glazing all combine to reflect a contemporary modern structure.
- 7.2.5. In my opinion, no part of the dwelling as completed on site reflects the character of the original cottage and as such the development is contrary to Objective KCDP 5-26. No justification has been provided by the appellant for the extensive works carried out whereby such works could be justified in accordance with Objective KCDP 5-26. While

I note the report relating to storm damage and the associated need to replace the roof structure and the comments that the revised roof profile was agreed in consultation with the neighbours and that the eastern annex extension was constructed to stabilise this section of the building and to take advantage of views. No evidence on any storm damage has been submitted nor does this justify the continuing of construction works and the completion of the development, ultimately the works resulted in material amendments to the original cottage and as such required planning permission. The fact that the applicant maintains that the contemporary design is consistent with other developments the area contradicts the argument the applicant is making that the original characteristics of the cottage have been maintained.

7.2.6. The matter of compliance with Objective KCDP 5-26 was raised under the previous application ABP 322752-25 (KCC 25/60226). In this regard the Commission noted that ‘certain alterations to the current building form, such as reconsideration of the roof pitch and of the form of materials, colour and fenestration within the part of the development which encompasses the original cottage, might be capable of resolving inconsistency with policy 5.26 of the development plan’.

7.2.7. However, since the previous application was determined by ACP there has been no material change to the dwelling on site (the only change being revised site boundaries) and the proposal as part of the appeal to replace two of the front windows with two triple sash windows and dash finish this section of the house does not restore the traditional cottage appearance. In the absence of any justification for the works in accordance with Objective KCDP 5-26 and/or detailed drawings of the elements of the original cottage that have been retained, if applicable, consistent with the recommendation of the Commission under ABP 322752-25, I recommend planning permission be refused on the basis of the information submitted with the application and appeal, the development that has been carried out on site has resulted in the loss of character of the original vernacular cottage. The development for which retention permission has been sought, would be contrary to the provisions of objective KCDP 5-26 of the Kerry County Development Plan 2022-2028.

7.3. The Planning Authority’s Second Reason for Refusal

7.3.1. The PA in refusal reason no. 2 set out that the proposed development to be retained due to its scale and design cannot be integrated in the landscape and would seriously

injure the visual amenities of this open and exposed site. The proposed development would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objectives KCDP 11-77 and KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 7.3.2. As regards reference by KCC to objectives KCDP 11-77 or 11-78, I would agree with the previous Inspector's contention that while the site is located within an area identified as 'Visually Sensitive Area' on map B of section 4 of volume 4 (Maps) of the KCDP 2022-2028. The 'Visually Sensitive Area' also includes the existing houses to the north and east which are of varying architectural design. There are 'Views and Prospects' also identified on this map. At the site location there is a view/prospect in a southerly direction across the bay, so it is directed away from the group of houses of which the subject house forms part. I do not consider the development has any negative visual impact on these views. However, KCDP 11-78 does seek to 'Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.' Therefore, the integration of the development into this rural landscape is a relevant consideration.
- 7.3.3. The Commission will note that ABP 322752-25 was refused for reason on visual amenity including the absence of clearly detailed and capable landscaping mitigation as part of the application and appeal documentation at this location.
- 7.3.4. The original cottage was modest in form with the eastern gable and chimney exposed from the western approach, the rear annex extension to the west was flat roofed and linked to a low rise pitched outbuilding with concrete barge and metal roof sheeting. The combined effect reducing the visual impact and reflecting traditional rural character. The dwelling to be retained provides for a contemporary flat roof extension forward of the original front building line of the cottage occupying almost the entire length of the western boundary (14.245m) reflecting an extend linear building mass on approach from the west. No landscaping plan accompanied the planning application rather the applicant argues that the dwelling existed on the site in both size and overall form and while the external treatment was updated to achieve a more modern

appearance, the scale of the dwelling was not increased. I do not agree and it is clearly evident that the original dwelling was significantly visually altered including an increase scale, bulk and floor area.

- 7.3.5. In any case the appellant has made no effort to address the previous reason for refusal and no mitigation or comprehensive landscaping strategy has been proposed and while new planting has been indicated along the western boundary wall no details have been submitted. There has been no material change in the application to warrant a reversal of the previous reason for refusal in this instance as determined under ABP 322752-25.

7.4. The Planning Authority's Third Reason for Refusal

- 7.4.1. The PA in refusal reason no. 3 set out that in the absence of information in relation to the condition of the existing septic tank system, the Planning Authority is not satisfied, 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.
- 7.4.2. In response the appellant argues that applicant was not requested to undertake testing in relation to the existing septic tank at any stage, the number of bedrooms has not increased and that this matter should have been clarified through a request for further information and no reference was made to the septic tank under previous application 25/60266.
- 7.4.3. The application is deliberately vague on a number of matters, in my opinion, including design details/specification for effluent disposal and the argument that the PA did not request further information with respect to this matter does not hold water. This matter was addressed in detail in the Inspector's report under ABP 322752-25. The Commission noted and agreed with the Inspector's concerns as regards the vacuum of information in the application in relation to wastewater treatment. However, as this constituted a new issue and having regard to the other substantive reasons for refusal under ABP 322752-25, the Commission decided not to pursue this issue on the context of the current appeal. Notwithstanding it was clearly evident that the issue of wastewater disposal was a matter of concern.
- 7.4.4. It would appear KCC were of the same opinion in relation to this application and further information was not requested on the basis of the substantive planning issues and

that fact that the planning history on the site which clearly detailed concerns as regards wastewater disposal on site.

- 7.4.5. In the absence of any detailed information in relation to the septic tank and percolation area serving the house including tank size, percolation area, separation distances etc. and having regard to the planning history on the site and the fact that part of the new side extension appears to occupy the area indicatively indicated as forming the percolation area, I consider it reasonable in this instance to include a reason for refusal on the basis that it has not been satisfactorily demonstrated that wastewater treatment can be adequately carried out on site and that the development would not be prejudicial to public health. While there may be satisfactory responses to the concerns I consider it important that they are addressed prior to any grant of permission.

7.5. The Planning Authority's fourth Reason for Refusal

- 7.5.1. The PA in refusal reason no. 4 set out that in the absence of information in relation to the sightlines available at the new vehicular entrance to the site and measures to control the runoff of surface water from the site on to the public road, the Planning Authority is not satisfied that the proposed development would not create a traffic hazard.
- 7.5.2. Again, the appellant argues that the PA did not request the matter of sightlines be addressed by way of further information. It is further set out that that the entrance has not been relocated and no additional information was submitted on the basis that this is an existing entrance and not a newly created access. It is set out that sightlines of approx. 120m to 160m in both directions are available.
- 7.5.3. Sight inspection determined that the vehicular access is generally in the same location as original although given the alignment of the road including proximity to a bend in the road to the west the 120m minimum sightlines at 2.4m back identified as available by the appellant do not appear likely. Furthermore, having regard to the additional build area and hard surface areas on the site measures to control surface water runoff are a consideration in this instance.
- 7.5.4. Having regard to the planning history and the appellants failure to have regard to the contents of the previous planning assessments including the Notes attached to ABP 322752-25 by the Commission and in order to ensure measures, as required, to

appropriately address any issues that may arise, consistent with the PA, I recommend planning permission be refused for this reason.

7.6. Overall Conclusion

- 7.6.1. While I note that the application seeks retention of the dwelling, the appellant argues that the principal structure of the older cottage was retained and the size and shape of the existing cottage windows openings were not altered. This is not supported by any evidence accompanying the application. In the absence of detailed drawings determining the elements of the original cottage that have been retained the conclusion that the works represent compliance with Objective KCDP 5-26 cannot be determined. Nor do the proposed changes to the design as suggested by the appellant restore the lost character of the cottage, in my opinion.
- 7.6.2. In the absence of a comprehensive landscaping scheme, I am not satisfied that the visual impact of the development in particular, the western approach can be satisfactorily integrated into this rural landscape.
- 7.6.3. In the absence of any documentation in relation to the disposal of effluent on the site, I am not satisfied, that the effluent arising from the proposed development can be adequately disposed of onsite and that that proposed development would not be prejudicial to public health.
- 7.6.4. In the interest of traffic and road safety including ensuring any surface water generated on the site does not result in overflow on the public road. I agree with the PA that in the absence of information in relation to the sightlines and measures to control the runoff of surface water from the site on to the public road, I am not satisfied that the proposed development would not create a traffic hazard.

8.0 AA Screening

- 8.1. AA screening was carried out in appendix 2 to this report. In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Kerry Head SPA or any other European site, in view of the

conservation objectives of those sites, and AA (and submission of a NIS) is not therefore required.

8.2. This determination is based on:

- the nature, scale, and location of the development.
- the habitat of the subject site i.e. a small residential site, is not particularly suitable ex-situ nesting or foraging habitat for the SPA SCI species.
- the absence of any possibility of noise or nuisance disturbance to SPA SCIs during construction or operation.

9.0 Water Framework Directive

9.1. I refer the Commission to appendix 3 of this report.

9.2. The site is occupied by a single storey three bedroom house. The site is on the north side of a local road with Ballyheigue Bay on the opposite side of the road.

9.3. No water deterioration concerns were raised in the planning appeal.

9.4. I have assessed the development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.5. Having considered the nature, scale, and location of the project, and having regard to the provisions of sub section 7.4, I am not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, and the development could therefore adversely affect groundwater quality.

10.0 Recommendation

I recommend that permission for retention and permission be refused

11.0 Reasons and Considerations

1. Objective KCDP 5-26 (Renovation and Restoration of Buildings) of the Kerry County Development Plan 2022-2028 promotes the viable re-use of vernacular dwellings without losing their character and supports applications for the sensitive restoration of traditional dwellings as permanent places of residence. On the basis of the information submitted with the application and appeal, the Commission

considered that in its current specific design form, including for example in terms of materials, roof pitch and alterations to fenestration at the original core dwelling, the development that has been carried out on site has resulted in the loss of character of the original vernacular cottage. The proposed development and the development for which retention permission has been sought, would be contrary to the provisions of objective KCDP 5-26 of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development and the development for which retention permission is sought, would seriously injure the visual amenities of this open and exposed site, in its current form, with particular reference to the views from the west of the structure and in the absence of clearly detailed and capable landscaping mitigation as part of the application and appeal documentation at this location. The proposed development and the development for which retention permission is sought, would, therefore, be contrary to the proper planning and sustainable development of the area.
3. In the absence of information in relation to the disposal of effluent on the site , the Commission is not satisfied, 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 development of the area.
4. In the absence of information in relation to the sightlines available at the vehicular entrance and measures to control the runoff of surface water from the site on to the public road, the Commission is not satisfied that the proposed development would not create a traffic hazard. Therefore, the proposed development would be contrary to the proper planning and 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.

Irené McCormack
Senior Planning Inspector
7th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501487-KY-26
Proposed Development Summary	Retention of dwelling with revised boundaries
Development Address	Dromatoor , Ballyheigue , 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	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2: Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501487-KY-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of dwelling with revised boundaries
Brief description of development site characteristics and potential impact mechanisms	There is a single-storey house on site. The site is on the north side of a local road with Ballyheigue Bay on the opposite side of the road. There is no watercourse on site. Surface water is discharged to a soakpit and foul effluent is to an existing septic tank. The nearest European site is Kerry Head SPA effectively adjacent to the west/northwest of the site. The nearest SAC is Akeragh, Banna and Barrow Harbour SAC approx. 2.5km to the southeast.
Screening report	N
Natura Impact Statement	N
Relevant submissions	None
The KCC Planning Report considered that AA was not required having regard to the nature of the development and the distance of the site from any SAC or SPA. A report was prepared by the KCC Environmental Assessment Unit which concluded that in the	

context of works undertaken without the benefit of a planning permission, AA would not have been required

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
Kerry Head SPA (004189)	Fulmar [A009] Chough [A346]	Adjacent to the west / northwest of the subject site	Proximity	No

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

In am satisfied that the development would not have any potential direct or indirect impact on the SCIs of Kerry Head SPA, or on any other European site. Notwithstanding the proximity of the subject site to the SPA, the limited nature and extent of the residential development, during the construction and operational phases, would have no likely significant effect on the SCI species of the SPA. There was an original house on site and there are a number of other houses in the vicinity.

The SPA is designated for two SCI species, fulmar and chough. The development would have no effect on the attributes, measures, and targets as outlined for these species in the Conservation Objectives Series document for the SPA published by the National Parks & Wildlife Service on 28th March 2025. The construction and operational phases would have had / would have no likely significant impact on the SCIs given their preferred

nesting sites and foraging areas. Disturbance is not likely given the small scale of the development outside of the SPA boundary.

The site is a small residential site and is not likely to be an ex-situ site of any importance. The development is limited in scale. There are no planning permissions for development of note in close vicinity of the subject site which could act in combination to have a likely significant effect on this, or any other, European site. Having regard to the foregoing, I do not consider that there is any possibility that the proposed development could have a likely significant effect on Kerry Head SPA, or on any other European site, alone or in combination.

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on any European site. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Kerry Head SPA or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- the nature, scale, and location of the development.
- the habitat of the subject site i.e. a small residential site, is not particularly suitable ex-situ nesting or foraging habitat for the SPA SCI species
- the absence of any possibility of noise or nuisance disturbance to SPA SCIs during construction or operation.

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

Appendix 3 – Water Framework Directive (WFD)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501487-KY26	Townland, address	Retention of dwelling with revised boundaries
Description of project		Dromatoor , Ballyheigue , Co. Kerry	
Brief site description, relevant to WFD Screening,		The site is on the north side of a local road with Ballyheigue Bay on the opposite side of the road. There is no watercourse on site. The soil is mapped as 'Brown Podzolic: Well drained acid mineral soil' by the EPA	
Proposed surface water details		Soak pit.	
Proposed water supply source & available capacity		Water supply is an existing supply from the public main.	
Proposed wastewater treatment system & available capacity, other issues		Foul water is to an existing septic tank.	

Others?			No.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g., surface run-off, drainage, groundwater)
River	approx. 40 metres to the west.	Doonamonta ne_010 (IE_SH_23D160380)	Moderate	Review	None identified	No pathway linkage exists.
Coastal	Approx. 50 metres to the south	Outer Tralee Bay (IE_SH_040_0000)	Good	Review	None identified	No pathway linkage exists.

Groundwater waterbody		Underlying Site	Kerry Head (IE_SH_G_118)	Good	Not At risk	n/a	Discharge to ground proposed.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Construction Works	Doonamontane_010 (IE_SH_23D1 60380) Outer	No pathway exists	Deterioration of surface water quality from pollution of	None. The development area is approx. 40 metres from a	No	Screened out

		Tralee Bay (IE_SH_040_000)		surface water run-off	surface water body		
2.	Ground	Kerry Head (IE_SH_G_118)	Drainage	Reduction in groundwater quality from pollution of surface water run-off	standard Construction Measures / Condition	No	Screened out
OPERATIONAL PHASE							
3.	Surface water run- off	Doonamontane_010 (IE_SH_23D160380) Outer Tralee Bay (IE_SH_040_000)	None	None	None	No	Screened out
4.	Discharges to ground	Kerry Head (IE_SH_G_118)	Drainage to ground	Deterioration of groundwater quality	None	Unknown. I refer the Commission to section	It has not been demonstrated that effluent from the development can

						7.4 of this report and my concerns as regards the disposal of effluent on site	be satisfactorily treated and disposed of on site. There are potential WFD implications from this.
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA