



An
Coimisiún
Pleanála

Inspector's Report PL-501716-KY-26

Development	Construction of single storey dwelling with connection to the main sewer
Location	Dirtane, Ballyheigue, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2660445
Applicant(s)	David Rice
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	David Rice
Observer(s)	None
Date of Site Inspection	5 th October 2026
Inspector	Irené McCormack

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 EIA Screening.....	9
7.0 The Appeal	9
8.0 Assessment	10
9.0 AA Screening.....	16
10.0 Water Framework Directive	16
11.0 Recommendation	17
12.0 Reasons and Considerations.....	17
13.0 Conditions	17
Appendix 1 - EIA Pre-Screening	22

1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.2, c.1km northeast of Ballyheigue village on the R5541.
- 1.2. The site is located in an open field and rises gently away the public road in a southerly direction. The roadside boundary consists of rural roadside hedgerow across the road frontage and a wedge scrub/overgrowth to the immediate south of the hedgerow.
- 1.3. There is a significant pattern of one-off rural development immediate to the site.

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a single storey dwelling with connection to the main sewer.
- 2.2. The proposed dwelling has a floor area of 188.92sqm with a ridge height of 5.163m.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 14th July 2026, Kerry County Council issued notification of a decision to REFUSE permission for the proposed development for the following reasons:

1. The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-15, Rural Housing Policy of the Kerry County Development Plan 2022-2028, having regard to the location of the application site in an area designated as a Rural Area Under Urban Influence. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would contravene Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028 which 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 or materially detract from views designated in the Development Plan. It is considered that

the proposed development would seriously interfere with the character of the landscape as a consequence of the scale, prominent siting and design of the proposed dwelling house and having regard to the excessive density of residential development in the vicinity. 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 Planning Report notes:

- The area is located in a designated 'Rural Area under Urban Influence' as per the Kerry County Development Plan 2022-2028. The density of residential development is high in the area. The proposal will further extend linear development on this stretch of a Regional Public Road from 7 to 8 houses.
- The applicant is stated to be from Glenderry, over 5 kilometres from the site and not the rural area where the site is located. His connections to the area through education and G.A.A. affiliations are noted.
- The applicant cannot comply with the rural settlement policy KCDP 5-15 of the Kerry County Development Plan 2022-2028 as the applicant is not from the location of the site. The applicant has connections to Glenderry and is not connected to the townland of DIRTANE where the planning application site is located.
- There does not appear to be any significant difference in the current planning application from the previous planning refusal on the site under PRN 25/61123. No additional justification has been provided that would influence a granting of planning permission in this case.
- A refusal of planning permission is recommended.

3.2.2. Other Technical Reports

Roads (10/07/2026)– No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Eireann (3/7/2026) - No objection raised. The submission noted that the applicant has not indicated a requirement for public water and/or wastewater services. However, should a connection(s) be required to service these proposals into the

future, the applicant will be required to enter into a connection agreement with Uisce Éireann.

3.4. Third Party Observations

None

4.0 Planning History

Recent

KCC 25/61123 – Permission refused on 5th February 2026 for permission to build a private single storey dwelling and garage with connection to the main sewer. This permission was refused for 4 no. reasons, in brief:

1. Compliance with Objective KCDP 5-15, Rural Housing Policy of the Kerry County Development Plan 2022-2028.
2. Excessive density and visual prominence.
3. Contravene Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028.
4. Precedent.

KCC 09/935 -Permission granted on 03/09/2029 for a) the construction of a dwelling and domestic shed with connection to the existing public sewer and all ancillary site works (b) retention permission for (i) mobile home (to be used for the period of construction of the dwelling) and outside temporary toilet (ii) small caravan (iii) steel storage container. This expired on 6/10/2014.

5.0 Policy Context

5.1 Development Plan

Kerry County Development Plan 2022-2028

The site is located in an area designated as 'Rural Areas under Urban Influence' under Section 5.5 Rural Housing of the Plan. In this regard, Objective KCDP 5-15 states:

"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."

Other relevant rural housing objectives

- 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

11.6.2 relates to Landscape Sensitivity

The Plan establishes that ‘It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Development in areas outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.’

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

Objective KCDP 11-78: Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted

Section 11.6.3 relates to development in designated landscapes.

- The site is not located within a designated Visually Sensitive Area

Section 11.6.3.2 Rural General

- Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

5.1. Relevant National or Regional Policy / Ministerial Guidelines

5.1.1. National Planning Framework (First Revision) April 2025

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

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

5.1.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

- These guidelines differentiate between urban generated housing and rural generated housing and directs urban generated housing to town and cities and lands zoned for such development.
- 3.2.3 Rural Generated Housing

Development plans in defining persons considered as constituting those with rural generated housing needs, should avoid being so prescriptive as to end up with a very rigid development control system.

Includes a broad framework of categories, including Persons who are an intrinsic part of the rural community.

- Appendix 4 sets out that these Guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant,
- The degree to which the proposal might be considered infill development, and
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

Planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.

5.1.3. Climate Action Plan (2025) and National Biodiversity Action Plan (NBAP) 2023-2030.

5.1.4. Our Rural Future Rural Development Policy 2021-2025.

5.4 Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Tralee Bay Complex SPA (004188) located c.1.53km to the south of the site and Kerry Head SPA (004189) located 1.6km to the west of the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The first party appeal sets out the following:

Rural Housing Need

- The first party states that he has lived in Ballyheigue/Glenderry all his life and attended local primary and secondary school and is now employed in Kerry.

- The planning report notes same but focuses on the fact that the application site is within the townland of Dirtane rather than Glenderry.
- It is submitted that Objective KCDP 5-15 should not be interpreted so narrowly as to require a person to be born or resident within the exact townland.
- The first party also outlined his exceptional needs to live locally and refers to supporting confirmation.
- The absence of available site in Glenderry is sets out and Dirtane represented the nearest available site and realistic site option. The proposed site is 6.6kms from the appellants family home where he currently resides.

Landscape Impact and Residential Density

- It is set out that the PA refer to a 31.50sqm garage in their assessment. Yet no garage formed part of the application.
- It is further stated that the application is different from the previous application in terms of revised design, removal of the garage, expanded housing need justification.
- The proposals is for a modest single storey dwelling and the application included landscaping proposals. The dwelling is lower than at least one neighbouring dwelling despite this the PA concluded the dwelling would be visually prominent.
- It is argued that the site isa located in an area where residential development already exists. The site is a single dwelling adjoining an established pattern of development.
- No environmental or traffic constraints exits.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the

local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this case to be considered are as follows:

- Principle of Development
- Design Strategy and Visual Impact/Impact on Rural Character

8.2. Principle of Development

Proposed Development

- 8.2.1. Permission is sought for a single storey dwelling with a floor area of 188.92sqm and with a ridge height of 5.163m on site of 0.2 hectares, together connection to the public water supply and public sewer.

Housing Need

- 8.2.2. The site is located in an area designated as 'Rural Areas under Urban Influence' under Section 5.5 Rural Housing of the Plan. Refusal reason no. 1 by the PA states that '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 Housing Policy of the Kerry County Development Plan 2022-2028, having regard to the location of the application site in an area designated as a Rural Area Under Urban Influence.'
- 8.2.3. In this instance the applicant is purchasing the site, his family home is located to the west of Ballyheigue in the townland of Glenderry c. 6km from the subject site. The applicant states that there are no family lands and no sites available to purchase in the townland he is from and this was the nearest alternative available to him in the local area. The application was accompanied by supporting documentation demonstrating the applicant's connection to the local area both Glenderry including the wider Ballyheigue area and a specific need to live close to his family home.
- 8.2.4. Objective KCDP 5-15 states "*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*" including

“ 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.”.

- 8.2.5. The applicant argues and I would agree that the planning report focuses on the fact that the application site is within the townland of Dirtane rather than Glenderry and that Objective KCDP 5-15 should not be interpreted so narrowly as to require a person to be born or resident within the exact townland.
- 8.2.6. The Sustainable Rural Housing Guidelines for Planning Authorities at section 3.2.3 *Rural Generated Housing* state that Development plans in defining persons considered as constituting those with rural generated housing needs, should avoid being so prescriptive as to end up with a very rigid development control system. The guidelines include a broad framework of categories, including Persons who are an intrinsic part of the rural community and state that ‘such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should be also be accommodated.’
- 8.2.7. The Development Pan nor the Guidelines define any parameters for a ‘local rural area’ and are not so perceptive so as to limit this to specific townlands were perspective applicants were born/ reared. Both townlands are located within the parish of Ballyheigue and having regard to the supporting documentation submitted by the applicant, I am satisfied that the applicant satisfies housing needs in accordance with Objective KCDP 5-15 of the KCCDP.
- 8.2.8. Vehicular access is via a new splayed entrance. In order to achieve 160m sightlines, the roadside boundary will be required to be removed and set back in line with the development to the east of the site. The Roads section of KCC raised no concerns in

this regard. I further note that there is a footpath located on the opposite side of the public road connecting the area/site to Ballyheigue village to the south and the RC Church to the east of the site.

- 8.2.9. It is proposed to connect to the public water supply and public wastewater network. Uisce Eireann raised no concerns in this regard subject to conditions.

Conclusion

- 8.2.10. I am satisfied that the principle of development is acceptable subject to detailed consideration below. In addition, I am satisfied that this approach is consistent with National Policy Objective 28 to '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'.

8.3. Design Strategy and Visual Impact/Impact on Rural Character

- 8.3.1. The PA in refusal reason no. 2 state that that 'the proposed development would contravene Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028 which 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 or materially detract from views designated in the Development Plan. It is considered that the proposed development would seriously interfere with the character of the landscape as a consequence of the scale, prominent siting and design of the proposed dwelling house and having regard to the excessive density of residential development in the vicinity.'
- 8.3.2. Objective KCDP 11-77 seeks to 'protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives' and Objective KCDP 11-78 seeks to 'protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted'.
- 8.3.3. The PA argue that there does not appear to be any significant difference in the current planning application from the previous planning refusal on the site under PRN

25/61123 and no additional justification has been provided that would influence a granting of planning permission in this case. In response the applicant states that the PA refer to a proposed garage, however unlike the previous application the current application does not include a garage. In addition, I note the site falls from north to south and the current application has provided for a building line set back of 25.42m, the previous application was set back 20.2m and revised location is at a slightly lower FFL than the previous. The application also includes two cross-section drawings establishing that the proposed ridge line is lower than the existing dwelling to the east of the site.

8.3.4. *The site is not located within a designated Visually Sensitive Area and is designed Rural General.* Section 11.6.3.2 *Rural General* of the KCCDP states that ‘rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes.’ It goes on to say that notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designed to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development and proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area.

8.3.5. The Commission will note that the general area in the vicinity of the site is characterised by single storey dwellings of various character and form. As regards the proposed design contrary to the PA opinion, in my opinion, the scale and mass of the dwelling has been broken down into four distinctive forms which reflect a traditional type cluster of buildings not too dissimilar to the adjoining farm complex and this serves to reduce the scale and bulk on the house which is not significantly high a 5.163m in height. Combined with the fact the at site falls away from the public road and subject to a more comprehensive landscaping scheme being submitted which can be included as a condition in the event the Commission is minded to grant planning permission, I am satisfied that the proposed design can satisfactorily assimilate into the landscape at this location. There will be limited intervisibility of the proposed development on approach from the southwest as the site will be screened by the already established roadside boundaries. Overall, I am satisfied that the proposed development is acceptable and in accordance with Objective KCDP 5-22 to 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 and Objectives KCDP 11-77, KCDP 11-78 of the Kerry County Development Plan 2022-2028

8.3.6. Regarding reference in the PA reason for refusal that the proposed development would seriously interfere with the character of the landscape as a consequence of the scale, prominent siting and design of the proposed dwelling house and having regard to the excessive density of residential development in the vicinity. I draw the Commission's attention to Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities, the guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. In this case the excessive density of residential development as referred to by the PA. However, the guidelines go on to state 'whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant,
- The degree to which the proposal might be considered infill development, and
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development'

And that 'planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.'

8.3.7. The approach roads in and around the settlement of Ballyheigue consist of numerous pockets of linear type one-off development consistent with ribbon development patterns. To the east of the appeal site there are 7 no. existing dwellings, to the west a large agricultural field. The location of the site to the west of this row of 7 houses buffered from the large agricultural field by a land drain and hedgerow provide a defined natural boundary. In my opinion, the addition of a single house would not exacerbate the already established pattern of ribbon development at this location but would rather consolidate the pattern of development. In this regard I am also mindful of the fact that the site is a serviced site with access to both public water and public wastewater. This opinion is based on the specific local circumstances at this location.

Conclusion

- 8.3.8. In summary, I am satisfied that the proposed design is acceptable and in accordance with the Kerry County Development Plan 2022-2028, the Kerry County Council Rural Design Guidelines and the Sustainable Rural Housing Guidelines for Planning Authorities (2005)

9.0 AA Screening

- 9.1. I have considered the appeal in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The closest Natura 2000 sites is the Tralee Bay Complex SPA (004188) located c.1.53km to the south of the site and Kerry Head SPA (004189) located 1.6km to the west of the site.
- 9.2. Having considered the nature, scale and location of the proposed development including connection to public services, I am satisfied that it can be eliminated from further assessment as it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature and extent of the proposed development.
 - The distance to the nearest European Site.
- 9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.4. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development including connection to public water and wastewater infrastructure, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of

established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to Objective KCDP 5-15 '*Rural Areas under Urban Influence*' and development standards of the Kerry County Development Plan 2022-2028, specifically to KCDP 5-22 to 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 and Section 11.6.3.2 *Rural General* and Objectives KCDP 11-77 and KCDP 11-78, 11.6.3 *Visually Sensitive Area* as they relate to the nature, scale and design of proposed development relative to landscape context, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed
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	<p>particulars.</p> <p>Reason: In the interest of clarity</p>
2	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:250 showing –</p> <p>(i) The recessed roadside boundary shall be reinstated with a double row of native hedgerow common to the locality. The proposed entrance shall be limited to two no. piers at the entrance gate only. The entrance splay shall be planted with a double row of native hedgerow consistent with the recessed roadside boundary. The existing roadside verge shall remain unobstructed by vegetation.</p> <p>(ii) Proposals to enhance the southern site boundary with additional hedgerow and native tree screening. Details of screen planting which shall not include cupressocyparis x leylandii shall be submitted.</p> <p>(iii) The location and identification of trees to be retinted to the front of the site.</p> <p>(iv) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species.</p> <p>(b) A timescale for implementation</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

3	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Eireann to provide for a service connection to the public water supply and wastewater collection network.</p> <p>Reason: in the interest of public health and to ensure adequate water/wastewater facilities.</p>
4	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>(c) The positioning of all soakaways shall comply with the 2021 EPA Code of Practice entitled. All soakaways shall be designed in accordance with BRE DG 365:2016. All hard stand areas contiguous with the dwelling shall have separate drainage pathways.</p> <p>Full design details, including drainage along the public road shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
7	<p>Details of the materials, colours and textures of all the external finishes, including a sample, if required, of the proposed timber cladding, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
8	<p>All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p>Reason: In the interest of amenity</p>

9	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity</p>
10	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
11	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written</p>

	<p>agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area</p>
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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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector
12th October 2026

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-501716-KY-26
Proposed Development Summary	Construction of single storey dwelling with connection to the main sewer
Development Address	Dirtane , 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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, no further action required.
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.	
☐ 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	

<p>☒ Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (i) >500 dwellings</p>
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<p>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)?</p>	
<p>Yes ☐</p>	
<p>No ☒</p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Form 2 - EIA Preliminary Examination

Case Reference	PL-501716-KY-26
Proposed Development Summary	Construction of single storey dwelling with connection to the main sewer
Development Address	Dirtane , Ballyheigue , Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential cluster environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster. The increased height and scale are not considered to result in significant environmental effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved	The site is not located within a designated Visually Sensitive Area and is designed Rural General. The development would form part of an already established pattern of ribbon development on approach to Ballyheigue. There would be no

<p>land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g., wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There is no real likelihood of significant effects on the environment arising from the proposed development.</p> <p>There is no real likelihood of significant cumulative effects having regard to existing or permitted projects</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>