



An  
Coimisiún  
Pleanála

**Direction**  
**CD-021786-26**  
**ACP-323813-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 20/01/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

Emer Maughan

**Date:** 28/01/2026

**DRAFT WORDING FOR ORDER**

**1.1. Proposed Development:**

The proposed development will consist of a largescale residential development (LRD), comprising of 134no. residential dwellings as follows: 65no. houses consisting of 10no. 4-bed dwellings and 55no 3-bed dwellings; 51no. townhouses consisting of 32no. 3-bed units and 19no. 2-bed units; and 18no. apartments consisting of 12no. 2-bed units and 6no. 1-bed units. The proposed development also includes a crèche with capacity to accommodate 102no. children. The proposed development will include the demolition of existing agricultural sheds; provision for car parking, including EV charging points and bicycle parking. The proposed

development will also include the provision of private, communal, and public open spaces; internal roads and pathways; pedestrian and cyclist routes; hard and soft landscaping and boundary treatments; waste storage; plant; signage; a new vehicular and pedestrian access with raised table and pedestrian crossing onto the Ross Road to serve the development; connection to the existing vehicular access serving the dwelling Blossom Gate to provide vehicular access to proposed unit G fronting onto the Ross Road; public lighting; 2no. substations; all associated site development works; and all drainage and foul sewer infrastructure and network works including connections to the existing networks and nature-based SuDS measures.

## 1.2. **Decision**

GRANT permission for the above proposed development, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

## 1.3. **Reasons and Considerations:**

The Commission performed its functions in relation to the making of its decision in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long-term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard including the following:

In coming to its decision, the Commission had regard to the following

- a) the location of the site within the development boundary of Killarney, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Kerry County Development Plan 2022-2028.
- b) the residential zoning for the site and the policies and objectives for the area as set out in the Kerry County Development Plan 2022-2028.
- c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- d) the provisions of Project Ireland 2040 - National Planning Framework, First Revision (April 2025).
- e) the provisions of the Regional Spatial and Economic Strategy for the Southern Region 2020 - 2032, which promotes the regeneration of cities, towns and villages by making better use of under-used land and buildings within the existing urban framework.
- f) the provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- h) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.
- i) the Climate Action Plan 2025 prepared by the Government of Ireland.
- j) Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) 2023-2030
- k) Childcare Facilities – Guidelines for Planning Authorities
- l) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009.

- m) the infill nature of the site and the existing pattern of residential development in the area.
- n) the nature, scale and design of the proposed development.
- o) the proximity of the site to the urban centre of Killarney and the availability of a wide range of physical, social and community infrastructure and services in the area.
- p) the infrastructure upgrade works that will be delivered / supported by the proposed development and that will improve the sites accessibility and connectively.
- q) the submissions received.
- r) the reports from the Planning Authority.
- s) the report of the Planning Inspector

#### 1.4. **Appropriate Assessment (AA): Stage 1**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the documents submitted with the planning application and appeal including the Appropriate Assessment Screening Report, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or Killarney National Park SPA (Site Code: 004038), in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement was, therefore, required.

#### 1.5. **Appropriate Assessment (AA): Stage 2**

The Commission considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the file and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA, in view of the sites' Conservation Objectives. The

Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. The Commission concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC or Killarney National Park SPA in view of the sites' Conservation Objectives and qualifying interests. This conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, the outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

#### **1.6. Environmental Impact Assessment Screening:**

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- a) The criteria set out in Schedule 7, in particular:
  - a. the nature and scale of the proposed housing development, in an established residential area served by public infrastructure.
  - b. the absence of any significant environmental sensitivity at the site.
  - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
- b) The results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the Strategic Environmental

Assessment of the Kerry County Development Plan 2022-2028 under the SEA Directive.

- c) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Appropriate Assessment Screening Report and Natura Impact Assessment, Drainage Impact Assessment, Operational Waste Management Plan, Site Specific Flood Risk Assessment, and Archaeological Impact Assessment.

It considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required.

#### 1.7. **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Kerry County Development Plan 2022-2028, as varied, save for (i) the quantitative standard for public open space provision (Vol. 6 Section 1.5.4.4) and (ii) the Flood Risk Objectives KA 89 (Vol. 2, Section 2.12) and KCDP SP-20 (Variation No., Section 1.4.2) on the basis that the proposal includes highly vulnerable development on residential zoned lands identified as being at risk of flooding (Flood Zone B).

Nevertheless, however, having regard to the overall design quality of the proposed residential scheme and the quality the public open space proposed in terms of its design, layout and location it is considered that the proposed scheme would deliver a

high standard of residential amenity to future occupants that would be further supported by a variety of open space, amenity and recreational facilities available in Killarney.

Furthermore, having regard to the residential zoning of the lands in the Kerry County Development Plan 2022-2028, the location of the development and the prevailing pattern of residential development in the area and, the design of the proposed scheme which incorporates flood resilient / resident construction design methodologies sufficient to that the identified flood risk to the site can be managed to an acceptable level without adverse impacts, it is considered that the development of this underutilised site as proposed would be acceptable from a flood risk perspective.

Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

## **2.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6<sup>th</sup> day of August 2025 and 28<sup>th</sup> day of August 2025, 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 particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. Revised drawings, showing inter alia window opening sections, rainwater goods (including downpipes, gutters, hoppers etc), eaves, fascias and plinths, if applicable, showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) Revised fenestration arrangements and dimensions to front elevations of Unit types A2, A2(m), E1 and side elevations (facing public realm) of Unit types A2, A2(m) B3, B4, D3 to address mismatched window ope sizes, increase light and to improve proportion, balance and symmetry in the solid to void ratio of the design of the principal facades addressing the public realm.
- (b) Revised fenestration arrangement and dimensions to front elevation of Unit types C1, C1(m) and C2 to increase light, improve balance, symmetry and proportion. Porch over front door to be revised to extend to / or be incorporated into the flat roofed kitchen projection. Reconfiguration of the ground floor to relocate the downstairs WC from the front façade to improve internal spatial arrangement and façade.
- (c) Revised design and layout for townhouse bin and bike stores to improve appearance and durability of the structures to address the public realm.
- (d) Apartment bike store areas to be separated from bin storage areas to improve the accessibility and usability of the bike stores.

**Reason:** In the interests of visual and residential amenity to ensure an appropriate high standard of development.

4. Notwithstanding the provisions of Article 10 (4) of the Planning and Development Regulations 2001, no room in the proposed houses shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and traffic safety and convenience

5. The development shall be carried out on a phased basis, in accordance with phasing scheme drawing No. 24096/P/008. The first phase shall consist of not more than 74 dwelling units, the construction of the childcare facility, works to the public footpath and the areas of open space at the entrance, north park, central park and west park made available for occupation / use together with all associated site works. Work on any subsequent phase shall not commence without prior the written agreement of the planning authority.

**Reason:** To ensure the timely provision of services and childcare facilities for the benefit of the occupants of the proposed dwellings in the interest of residential amenity.

6. All roads, footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to facilitate future access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of permeability and proper planning and sustainable development.

7. The mitigation measures contained in the submitted Ecological Impact Assessment (EclA), shall be implemented.

**Reason:** To protect the environment.

8. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeology Assessment prepared by IAC Archaeology included in application documents shall be implemented in full

(b) The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Archaeology Assessment prepared by IAC Archaeology. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

**Reason:** To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest

9. Details of the materials, colours and textures of all the external finishes, including roof tiles/slates/ ridge tiles, brick, window and door finishes and render finishes to the proposed dwellings and creche shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development

10. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in

accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas

11. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water and wastewater facilities

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing, of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management

13. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

15. 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

16. (a) All the recommendations of the Road Safety Audit for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the planning authority for their approval.

(b) A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations therein acted upon.

**Reason:** In the interests of orderly development and traffic and pedestrian safety.

17. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

18. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include all environmental and ecological measures arising from conditions of this permission and from the environmental assessments submitted with the application. In addition, the CEMP shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety and environmental protection

19. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Proposals for landscaping and boundary treatment as illustrated on the application drawings L100, L002, L103 -L104 submitted to the planning authority on the 6th day of August 2025 shall be implemented. Planting shall be carried out within the first planting season following substantial completion of external construction works.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

22. (a) The open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

23. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

25. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or triplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual

purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the planned Active Travel Facility along

Ross Road which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme, and which will benefit the proposed development.

28. 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.

**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.