



An  
Coimisiún  
Pleanála

**Commission Order  
PL-500508-KY-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2560345**

**Appeal** by Niall and Gaye Casey and by others against the decision made on the 27<sup>th</sup> day of November, 2025 by Kerry County Council to grant subject to conditions a permission to Colm and Maura Galvin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new two-storey dwelling with a new vehicular entrance and all associated site works and site services, at Hawthorn Avenue, Woodlawn, Killarney, County Kerry, Hawthorn Avenue, Woodlawn, Killarney Co. Kerry.

## **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.**

## **Reasons and Considerations**

Having regard to the provisions of the Kerry County Development Plan 2022-2028 including the R2 Residential land use zoning of the site, to the pattern of development in the area, to the infill nature and size of the site and the separation distance from existing dwellings, and to the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and biodiversity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in the appropriate assessment screening as set out in the Inspectors Report, the Commission concluded that the proposed development individually or in combination with other plans or projects would not be likely to have significant effects on any European Site, namely, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) in view of the site's conservation objectives, and is, therefore, excluded from further consideration. A stage 2 Appropriate Assessment (submission of a Natura impact statement) is not, therefore, required.

This determination is based on:

- (a) The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site,
- (b) distance from and weak indirect connections to the European sites, and
- (c) taking into account screening determination by the local authority.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 31<sup>st</sup> day of October, 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

3. (a) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a revised landscaping plan providing for the retention of tree number 4 *Tila x europae* located to the extreme southwest of the site.
- (b) Within one year of the completion of the development, the developer shall submit a certificate of compliance prepared by a suitably qualified person stating that all landscaping conditions and requirements pertaining to the grant of planning permission have been complied with.
- (c) Landscaping and drainage arrangements shall be maintained in accordance with the plans and particulars received by the planning authority on the 31<sup>st</sup> day of October, 2025, unless otherwise agreed in writing with the planning authority in accordance with point (a) above and condition number 3.

**Reason:** In the interests of clarity and of the proper planning and sustainable development of the area.

4. The use of external lighting within the site shall be minimised and where required this lighting shall be targeted downwards and shall be fitted and maintained with 'warm white spectrum' bulb type lighting with 2700K or lower.

**Reason:** In the interests of clarity, biodiversity protection and the proper planning and sustainable development of the area.

5. 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/or wastewater collection network.

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

6. Proposals for a naming/numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** In the interest of urban legibility.

7. 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.

8. 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:** To safeguard the amenity of property in the vicinity.

9. The construction of the proposed 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 provide details of intended construction practice for the proposed development, including noise and dust management measures, waste management and recycling of materials, environmental protection measures, pest control and traffic management arrangements.

**Reason:** In the interests of public safety, environmental protection, and residential amenity.

10. 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.

*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

Dated this *02* day of *July* 2026