



An
Bord
Pleanála

Inspector's Report ABP 311107-21

Development	Demolition of funeral home and construction of 67 no. residential units including pedestrian walkway along bank of River Maine and all associated site works
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/1198
Applicant	LSG Property Development Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Niamh Hanifin
Observers	None
Inspector	Mary Kennelly
Date of site inspection	26 th October 2021

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1.0 Site Location and Description

- 1.1.1. The site is located within the built-up area of Castleisland town, to the south-west of the town centre. Castleisland is located approx. 15km to the east of Tralee, c.20km to the north of Killarney and approx. 20km to the south of Abbeyfeale. The town is quite vibrant and has a good range of facilities and services, comprising of shops, bars, restaurants, a hotel and various community facilities. The site is located within the development boundary for the town on the Killarney Road (N23) and is zoned New/Proposed Residential. It is sited c.500m from the main shopping area on Main Street. Killarney Road crosses a tributary of the River Maine, which flows along the northern boundary of the site, approx. 100m to the east of the site. There are a number of small housing estates located close to the site, one of which (Cahereens West) is located along the Killarney Road to the east of the site (on the opposite bank of the river) and another, Cahereen Heights/The Meadows, which is located to the southeast.
- 1.1.2. The site, which is roughly rectangular in shape, has a stated area of c.2.83 hectares. Access is from the Killarney Road by means of a driveway between two houses, which formerly served the funeral home. The northern boundary is with the banks of the river and the main Wastewater Treatment Plant for Castleisland is located on the opposite bank of the river. The site is partly a brownfield site which accommodates a disused funeral home and large car park, which has been vacant for many years, and partly a greenfield site to the west of the funeral home. The southern and eastern boundaries abut the rear garden walls of established housing along the Killarney Road. The eastern boundary is defined by a dense row of coniferous trees. The western boundary is with a field, which contains an archaeological feature, an Enclosure, which is a Recorded Monument.

2.0 Proposed Development

- 2.1.1. The proposed development, (as revised on 9/06/21) entails the construction of 67 no. dwellings (reduced from 72 units as originally submitted on 9/12/20). There would be one entrance from the N23 to the southeast. The proposed access driveway is approx. 70m long and would incorporate the existing access to the funeral home but is aligned with the eastern boundary of the house to the west of the

access. The proposed development includes a mix of housing units, with the majority of housing units (47no.) being 3-bed semi-detached or terraced, 12 no. 2-bed terraced houses and 8 no. 1-bed apartments. A proposed pedestrian walkway along the riverbank is proposed as part of the open space provision and it is proposed to provide 134 parking spaces.

- 2.1.2. A mix of housing units is proposed, and 7 no. units would be reserved as social housing. It is proposed to provide 2 parking spaces for each unit. All private gardens would be in excess of 60sq.m per unit. The proposed development includes a public lighting scheme. The public open space area represents 21% of the site. It is located alongside the river and incorporates a public walkway. The revised layout also incorporates a 20m buffer around the Recorded Monument to the west of the site and a 10m and 20m buffer from the river.
- 2.1.3. It is proposed to connect to the public water supply and to the public wastewater system. Surface water will be discharged to the river, following attenuation and control via a hydrobrake and passing through a petrol/oil interceptor and silt trap.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission subject to 21 conditions including:

Condition 2: Requirement to pay security bond.

Condition 3: Part V

Condition 4: Development contribution of €100,500.

Condition 5: Section 47 agreement restricting units to first occupation by individual purchasers.

Condition 10: Requirement that no dwelling to be occupied until water, drainage, sewage services installed and functioning. No surface water to enter foul sewer.

Condition 12: Road Safety Audit Stages 1 and 2 to be implemented and Stage 3 to be carried out. Detailed design of entrance to be submitted and agreed.

Condition 13: Site Development Works for Housing Areas.

Condition 14: Public lighting.

Condition 17: Archaeology – management plan for Recorded Monument to be submitted and agreed. 20m buffer zone to be put in place.

Condition 21: Various matters including mitigation measures for Japanese Knotweed, implementation of CEMP and requirement to consult with IFI prior to works alongside River Maine.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first **Area Planner's report (10/02/21)** made reference to the technical reports, referrals and the third-party observations. It was noted that the proposed development would be consistent with the zoning for the site in the Killarney Municipal District LAP (2018-2024), and that planning permission had previously been granted on the site for a smaller housing scheme of 51 units. It was also noted that Irish Water had indicated that connection of the development to public water and wastewater services was feasible. A Preliminary EIA Screening and an Appropriate Assessment Screening was included in this report.

Further information was requested on 10/02/21 in respect of the following: -

Flood risk and surface water disposal – A Site Specific Flood Risk Assessment was required. In addition, it was requested that the design of the attenuation system be in accordance with the SUDS Manual and relevant industry standards, including the provision of petrol/oil interceptors and silt traps. Further details were also required in respect of the Surface Water Drainage system, including full details of capacity design and maintenance issues.

Traffic safety – It was requested that a full Traffic and Transport Assessment and a Road Safety Audit (Stage 1 and 2) be submitted. It was further requested that the junction at the entrance be re-designed to include a cycle lane adjacent to the public footpath. Further details were also required in respect of public lighting.

Design and Layout – A revised site layout plan was requested to address various matters. These included a revised public open space layout, a revised Service Road

Layout, details of signage and road marking, details of proposed finish to riverside walk and of boundary treatments between properties and fronting onto public areas.

Biodiversity – The main issues related to the riverside walkway and to the management of invasive species. It was requested that the open greenway along the river be re-examined in light of the IFI's Planning for Watercourses in the Urban Environment Guidelines in respect of buffer zones, proposed landscaping and specific measures to protect the River Maine during construction (to be included in a Draft CEMP). A Management Plan for the control and treatment of Japanese Knotweed which is present on the site to be submitted.

Archaeology – As the site is located partly within the Zone of Notification of a Recorded Monument, (Ke040 025 Ringfort), an Archaeological Impact Assessment was requested which should include pre-development archaeological testing across the entire site. It should include provision for a 20m buffer zone around the monument.

3.3. **The Response to the FI submitted on 9th and 29th June 2021**

The applicant's responses included revised drawings which reduced the number of units from 72 to 67. The main revision to the layout related to the northern and north-western section of the site as a result of the introduction of buffer zones around the archaeological monument and from the River Maine. In addition, the FI submitted included a revised housing mix, a Flood Risk Assessment, a Traffic and Transport Impact Assessment, a Road Safety Audit (Stage 1 & 2), an Archaeological Impact Assessment, a Public Lighting Scheme, An Engineering Services document (drainage and water), a draft CEMP. The Further Information was advertised on 25th June 2021.

- 3.3.1. The **second planning report** dated **26/07/21** following receipt of FI noted that, based on the additional information, the revised proposal and response to the FI request was considered to be acceptable. Reference was made to the reports and referrals received following the receipt of the further information. No further objections were raised, and permission was recommended subject to conditions.
- 3.3.2. A grant of permission subject to conditions was recommended.

3.4. Other Technical Reports

Please note that several reports are missing from Board's file and that as documents were received on a piecemeal basis following requests from the Board, they are not in chronological order on the file

- 3.4.1. **Area Engineer's report (23/06/21)** Note: - This is Second report from SEE (23/06/21) which had no objection subject to conditions. However, the initial report from the SEE has not been provided by the P.A. despite requests for same by the Board.
- 3.4.2. **Flood and Coastal Protection** – Referred in the Area Planner's reports of 10/02/21 and 26/07/21 **but no copies on file**. Board has requested same on several occasions but has not been provided by P.A.
- 3.4.3. **Roads and Transportation (04/02/21)** – A Traffic and Transport Impact Assessment and a Stage 1 and Stage 2 Road Safety Audit required. Junction of entrance and Killarney Road to be redesigned and to incorporate provision for a cycle lane on public road. A public lighting layout and details of same also required. **Note: - A second Roads report** was referred to in the Area Planner's report of 26/07/21 in which it is stated that conditions were recommended, but **no copy** of the report on file. The Board has requested same from the P.A. but not provided.
- 3.4.4. **Environment Report (04/02/21)** - no objection subject to conditions including a construction waste management plan, a site-specific surface water management plan and details of surface water run-off containment measures for the construction phase, as well as noise and dust minimisation plans.
- 3.4.5. **County Archaeologist (11/06/21)** – Noted that development is located partly within the zone of notification of a Recorded Monument Ke040 025, a ringfort. An Archaeological Impact Assessment was requested which should include pre-development archaeological testing across the site and provision for a 20m buffer around the monument, and the report to be submitted prior to determination of application. Following receipt of FI, the **County Archaeologist (17/06/21)** noted that no archaeological features or deposits were recorded across the wider site, but that the extent of the RM within the site was established. No objections were raised subject to conditions including a management plan for the RM, a 20m buffer zone

around the RM and the delineation and planting of the buffer zone following completion of construction.

- 3.4.6. **Biodiversity Officer (05/02/21)** – It was noted that IW had accepted a request for connection and that there was adequate capacity to treat additional loading from the development. The B.O. undertook a site inspection on 4/02/21. Notwithstanding the setback from the river, concern was raised regarding the proposal to install a storm water drain, including an attenuation pond, interceptor and discharge pipe, which will require earthworks to the riverbank. Further information was required regarding the nature of the works and how they would be managed. No objection to landscaping plans but queried pathway alongside the river, which should be in accordance with IFI's Planning for Watercourses in the Urban Environment Guidelines. FI based on the above was requested including a Draft CEMP, the need to consult directly with IFI and a Japanese Knotweed Invasive Species Management Plan.
- 3.4.7. Following receipt of FI, the **Biodiversity Officer (20/07/21)**, noted that the Coastal Flooding Section no longer had any objection and that the Environment Section was satisfied with the FI. The Biodiversity Officer undertook an AA Screening Assessment and screened out the need for AA on the basis of the physical (12km) and hydrological distance (22km) from the nearest SAC (Castlemaine Harbour SAC). The receipt of FI did not change the outcome of this assessment.
- 3.4.8. **Housing Estates Unit (7/01/21 and 24/06/21)** – FI requested regarding various matters including parking, site layout, boundary treatment, layout of services, public lighting and road signage. Concern raised re use of paladin fencing along riverbank and retention of sod and stone. Following receipt of FI no overall objection subject to conditions. These included replacement/additional boundary treatment on boundary with sod and stone fence as well as along riverbank and the omission of the playground.
- 3.4.9. **Fire Officer (7/01/21)** – Fire Safety Certificate and Disability Access Certificate required for the apartments.

3.5. **Prescribed Bodies**

- 3.5.1. **Irish Water** in a letter dated 06/01/21 stated that the developer had engaged with IW and that confirmation of feasibility had been issued. As the applicant proposes to

connect to a public water supply/wastewater network operated by IW, it will be necessary to enter into a connection agreement prior to the commencement of development. It would, however, be subject to the constraints of the IW Capital Investment Programme.

3.5.2. **Inland Fisheries Ireland** in an email dated 20/01/21 stated that IFI had concerns regarding the proposed pedestrian walkway along the riverbank and stated that the integrity of the riverbank must be protected at all times. The following matters to be addressed:

- No interference, culvertation or modification of the watercourse or its immediate riverbank and vegetation. Bank integrity is necessary for the positive functioning of the river process.
- Proposed walkway should not impact the floodable areas where identified.
- No artificial lighting shining into the river, as this can have a negative impact on Sea Trout movement. Any proposed lighting to be discussed with IFI prior to installation.
- Site construction: good management practices should be adopted during site construction to prevent discharge of silt/hydrocarbon contaminated waters to surface waters or storm drainage. For example, through the use of silt traps and/or interceptors, these to be maintained at regular intervals during construction. Monitoring of all outlet points to surface waters should be undertaken on a daily basis.
- It is essential that there is sufficient capacity in the public wastewater treatment facility to accept the biological and volumetric loading from this development, without putting the system at risk of overload. This is required in order to ensure that bacterial loadings to River Maine will not impact Salmonid water quality. There should be no foul overflow connections to surface water drainage from either the foul sewer pipeline or from any pumping station. Certification re correct connections required.
- This section of the river is a spawning and nursery ground for Salmonids. Surface water runoff from hard surfaces should be, therefore, be minimised

through separate dispersion points or use of semi-permeable surface for paths and carparking, to prevent scouring and/or change of river sinuosity.

3.6. Third Party Observations

It is noted that 18 no. third party objections were submitted. The objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeals and observations received and summarised in section 6 below. Many of the issues raised were addressed in the Further Information which included revised plans. The main issues raised may be summaries as follows:

- Conflict with Killarney LAP.
- Scale, mix and density excessive and out of character with area.
- Traffic hazard and inadequate access to site.
- Impact on Residential amenity – noise, light pollution, overlooking, anti-social behaviour.
- Disruption and safety concerns during construction.
- Impact on water quality and amenity of river.
- Flood risk.
- Integrity of riverbank, river channel and water quality must be protected.

The FI was readvertised, and the Area Planner's report indicates that two further third-party submissions were received. However, only one of these is on the file, (Mary & Tom Coffey) and the other one (Michael Kearney) has not been forwarded by the P.A., following requests from the Board.

4.0 Planning History

4.1.1. On the subject site

P.A. 07/456 – planning permission granted by the P.A. for 51 dwelling houses comprising 12 no. detached (4-bed) units and 34 no. semi-detached (3-bed) units,

and 5 no. 3-bed terraced dwellings together with a riverside walkway along the north-eastern boundary. This permission was never implemented.

5.0 Policy Context

5.1. National Planning Framework (2018)

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order

to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

5.3. **Kerry County Development Plan 2014**

Chapter 3 – Housing – Castleisland is designated in the Settlement Hierarchy as a Regional Town, the function of which is to provide for strong economic growth and are economically vibrant. It sets out the housing policies and objectives including the following:

HS-2 - Facilitate the housing needs of people in their local communities through actively providing/assisting the provision of housing in settlements.

HS-4 - Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the ‘Sustainable Residential Development in Urban Areas’ Guidelines 2009 (DoEHLG).

US-1 – Ensure that future housing in urban areas in the County is located on lands zoned for residential use. In towns and villages residential development shall be located in town/village centres or immediately adjacent to town/village centres, on serviced lands, and in accordance with the Development Guidance of this document.

US-3 – Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual.

US-4 – Promote development which prioritises walking, cycling and public transport use in a sustainable manner, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes.

US-5 – Encourage and stimulate the sustainable re-development and renewal of the town and village cores.

US-6 – Support the sustainable development of derelict sites and infill sites in towns and villages and encourage the use of upper floors or retail premises as residential

accommodation as a means of providing additional housing and revitalising settlements.

US-7 – Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities.

Chapter 13 – Development Management Standards includes the following: -

Infill Sites – Infill development must have regard to the main adjoining existing uses, design features, building lines and heights, as well as the existence of any features such as trees, built and natural heritage and open spaces on the site or on adjoining sites. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without any loss of amenity.

Apartments – must comply with minimum size as set out in Sustainable Urban Housing Design of apartments 2007. Private open space to be provided at 5sq.m per apartment. Public/shared open space to be provided as 10sq.m per bedroom. Adequate space to be provided for communal and bin storage.

Building lines and private open space – A minimum of 22 metres shall generally be provided between directly opposing first floor habitable rooms. This may be reduced subject to good design and the individual design requirements of the site where it can be demonstrated that residential amenity and adequate light is not compromised.

Parking requirement - apartments – one space per bedroom.

Dwelling house – 2 spaces per dwelling plus 0.5 visitor spaces.

5.4. **Killarney Municipal District Local Area Plan 2019**

The strategy for the Municipal District is described (3.1.1) as being dependent on the growth of Killarney and Castleisland as the leading settlements, which can only be achieved through creating employment opportunities and attracting people to live in these settlements, thereby strengthening their urban structures and creating a demand to support local services. Future residential development will only be permitted on R1 (new/proposed residential) or R2 (existing residential), or M2 (Town/Village Centre sites), infill sites and on sites that are contiguous with the town/village centre. Vacant and infill sites within development boundaries will be prioritised for development.

At 3.1.3 it is stated that it is a strategic aim of the LAP to support the sustainable development and growth of Castleisland to meet its population target at a scale, layout and design that reflects the character of the town, so that it can act as adequate service and employment centre for the surrounding hinterland. In accordance with the aims of the NPF, it is stated that it is envisaged that at least 30% of all new housing development in the town will take place on infill and brownfield sites. Relevant policies include: -

KY-RES-04 Ensure that new development schemes shall contribute towards the consolidation of the settlement and development of a sense of place. Development should make effective use of infill, brownfield and backland sites while preventing unnecessary ribbon development.

KC-02 Promote Castleisland as the regional town in the Killarney Municipal District. Facilitate Castleisland to achieve its population target. The provision of an appropriate and sustainable range of social and physical infrastructure, facilities and services, including retail, commercial and enterprise development to serve the inhabitants of the town and its rural hinterlands is a priority.

Further Objectives for residential development are set out at CD-RES-01 to CD-RES-07, which include the above objectives.

5.5. Natural Heritage Designations

Lower River Shannon SAC (site code 002165) is located c.7.5km to the north.

Castlemaine Harbour SAC (site code 000343) and Castlemaine Harbour SPA (site code 004029) are located approx. 11.7km to the southwest.

Ballyseedy Wood SAC (site code 002112) is located c. 12km to the west

Killarney National Park, Macgillicuddy Reeks, Caragh Catchment SAC (Site code 000365) is located approx. 13km to the south-east.

Stacks to Mullaghareirk Mountains West Limerick hills and Mount Eagle SPA (Site code 004161) is located c.4.5km to the north and east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been received from Niamh Hanifin of Cahereens West, Castleisland.

6.1.2. The observations can be summarised as follows:

- **Proposed development out of character with area** – the development of the site at the density and scale proposed would result in a housing estate that would be out of character with the social fabric and mature residential character of the area. The density and mix of units, and in particular the inclusion of 1-bed apartments, would fail to facilitate integration of the development into the area. The revision from 72 units to 67 is merely a token change and has been undertaken in response to the geological findings and not a true effort to reduce density.
- **Design and layout unacceptable** – the proposed design and layout of the development is unacceptable. The siting of the green/play space at the remotest point from the access will give rise to anti-social behaviour. It will also be unlit.
- **Impact on residential amenities** – the proximity to the existing dwellings on Killarney Road is unacceptable and has not been reduced in the revised proposals. The demolition of the funeral home and its replacement with housing on the entire site invades the privacy of the long-standing residents, particularly those adjoining the development which will be overlooked. Excessive levels of light and noise pollution will interfere with residential amenities of the area.
- **Construction traffic** – the use of a single access which is so close to existing residences as the sole access for construction traffic will result in severe disruption to residential amenity, road safety and parking.
- **Traffic impact** – the assumptions underlying the traffic modelling and the date of the surveys are questioned. In particular, the surveys did not coincide with Mart days and traffic flows are not reflective of true situation as surveys

taken during Covid-19 pandemic. Traffic flows on L2040 and at junction with Killarney Road are greater than indicated in surveys. Weekend traffic is also greater than weekday traffic flows. The fact that the site will be accessed by means of one substandard access is totally inadequate.

- **Road safety** – the additional traffic and turning movements, particularly right turns out of and into the development, served by a single access would be very dangerous, especially for the residential properties immediately adjoining the development. This is totally inadequate and would also encroach on the parking spaces currently available to residents at the entrance. The road is not wide enough to cater for the traffic islands/layout required to facilitate safe access and egress from the site. Visibility is also impaired by legal parking to the left. The proposed development will give rise to a traffic hazard and obstruction of road users.
- **Impact on walking routes** - The Killarney Road is a very popular walking route in/out of town. The proposed vehicular access to the development will interfere with pedestrian safety along this route.
- **Wastewater Treatment Plant capacity** – The Castleisland WWTP is operating over capacity at various times of the day leading to foul odours and to the spillage of unclean water into the local waterways.
- **Nature of proposed housing** – it is speculated that a leading National Housing Organisation is 'behind the application'. The site is completely unsuitable as a location for any development proposed by such an organisation.

6.2. **Applicant Response to Grounds of Appeal**

The applicant has not responded to the grounds of appeal.

6.3. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

6.4. **Observations**

None received.

7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

- Principle of Development
- Layout and design of scheme
- Residential amenity
- Traffic and road safety
- Flood risk
- Environmental Impact Assessment
- Appropriate Assessment

7.1. **Principle of Development**

- 7.1.1. Castleisland is designated as a 'Regional Town' with the stated number of housing units required during the lifetime of the current Killarney Municipal District Local Area Plan (2019) as 91 dwelling units. The strategy for development is to strengthen the existing urban settlement in order to make it a more attractive place to live and work and to focus on brownfield, infill and backland sites which are contiguous to the built-up area and within the development boundaries. Residential development is directed to either new or existing residential zones (Z1 and Z2). Policy objectives CD-RES - 01 and 02 seek to facilitate such development and CD-RES-07 seeks to ensure that at least 30% of all new residential development takes place on brownfield or infill sites.
- 7.1.2. The site is located within the development boundary of the town in an established residential area. It is zoned for new development (Z1) and is contiguous with the built-up area. It is a backland site which is partially brownfield and partially greenfield and could be described as infill. The site is serviced and within close walking distance of the town centre's Main Street. Objectives CD-RES-05 and 06 require that all new residential development is at an appropriate density and includes a mix of

house types to meet and adapt to changing demographic trends. The density at 24 dwellings/ha is in accordance with the guidance for centrally located development in the Sustainable Residential Development in Urban Areas Guidelines. As the site is within 500m of the main shopping street, this is considered to be appropriate in principle. The mix of units included semi-detached and terraced houses as well as 1-bed apartments, which provides for a reasonable mix of units. The design and layout will be discussed in more detail below. However, I am satisfied that the layout is generally reflective of the design and layout of the existing housing developments within the overall area.

7.1.3. The appellant claims that the Castleisland WWTP is at capacity. However, the site is zoned for residential development and the applicant has provided details of pre-connection discussions with Irish Water, which did not indicate the presence of any such constraints. It was stated that the development could be facilitated provided that certain upgrades are carried out to the pipes and infrastructure that lies within the site. The water infrastructure was considered to be adequate.

7.1.4. In conclusion, it is considered that the proposed development is generally in compliance with the overall policy framework for the area and would deliver much needed housing development within the urban area of this Regional Town. It is considered that the location of the site within the development boundary and close to the town centre makes it a suitable location for sustainable residential development. The site is located within 500m of the shopping area with a footpath connecting it to the range of services and community facilities within the town. The brownfield and infill nature of the site are characteristics that are highlighted in the LAP as being particularly suitable for this form of development. It is considered, therefore, that the proposed development is acceptable in principle.

7.2. Layout, Design and Density of development

7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. It is considered that the location of the site at the edge of the built-up area, but within close walking distance of a range of services and facilities in

the town centre, the proposed net density of 31dw/ha (as revised and reduced from 33dw/ha) on this site is appropriate in principle.

- 7.2.2. The national and local guidance indicates that the development should reinforce the existing character of the surrounding area, in that the existing density, character and grain of the built environment should be respected. The established pattern of development in the immediate surroundings is mixed with bungalows and 2-storey houses fronting Killarney Road and small housing estates in the lands to the rear of the frontage development. The urban grain becomes increasingly more dense and compact as the town centre is approached. There is a row of single storey bungalows immediately to the south of the site, which are at a very low density, with individual designs and set within mature landscaped sites. However, these houses were constructed many decades ago and this density would not represent a sustainable form of development in this urban location today.
- 7.2.3. The proposed design and layout (as revised) is quite compact and intensive. It seems to have been heavily influenced by the desire to provide a greenway/public open space alongside the river, to take advantage of the natural amenity that this feature provides, and the requirement to provide buffer zones around the Recorded Monument and from the river. It also seems to have been influenced by the presence of an easement alongside the northern boundaries of the residential properties fronting Killarney Road to the south, and by the irregular shape and backland nature of the site. I note from the P.A. website that the layout of the previously approved scheme (07/456) had proposed a simpler layout around a centrally located triangular piece of open space, (in addition to the greenspace along the riverbank). However, that scheme had included a cul-de-sac separating the POS from the housing with hammerheads intruding into the greenspace at either end.
- 7.2.4. The proposed layout provides for the main estate road to run alongside the rear boundaries of the established houses to the south, comprising a row of 16 houses fronting the road with an almost continuous row of parking spaces opening onto it. This results in a relationship with the established housing adjoining the site which is not ideal. However, it is acknowledged that the site constraints, (including the easement and buffer zones) may not allow for any significant revision, which would necessitate a significantly different layout. The overall site area is 2.83ha but the developable area is just 2.17ha, which restricts the options available. The provision

of circulation and parking along the easement provides for an efficient use of space and the concentration of the majority of the open space along the riverbank enhances the amenity value of both this natural feature and of the housing development.

- 7.2.5. It is further acknowledged that the houses to the south are set within large plots with long back gardens and that the common boundary with the site comprises some out-buildings and a sod and stone fence with mature vegetation, which will be retained. It is further proposed to enhance the landscape screening along this boundary with a mixed species native hedgerow and a wildflower meadow, with some trees at intervals along the boundary. It is considered that the screen planting along this boundary could be further enhanced with trees planted at closer intervals. This could be addressed by means of a condition attached to any planning permission, should the Board be minded to grant permission.
- 7.2.6. A main element of the landscaping plan for the site is to include an open space area which provides a riverside walkway as a public amenity, which is also overlooked by the majority of houses within the proposed development. The green space will also incorporate the required play area. This layout also facilitates the incorporation of the required buffer zones from the watercourse. It is considered that these facilities and amenities would provide for permeability and connectivity through the estate. It would also enhance the residential amenity of both the future occupants of the estate and of the town and would help to foster a community spirit in accordance with national and local policy objectives for the creation of sustainable and walkable neighbourhoods.
- 7.2.7. On balance, it is considered that the proposed development would not detract from the character of the town or lands in the vicinity, would not adversely affect the residential amenities of the surrounding area, is responsive to the conditions on site and is respectful of the existing built fabric and heights with an appropriate density whilst providing for adequate amenity for prospective occupants. The layout would also facilitate good levels of connectivity with the town and for good levels of passive surveillance over the communal areas, in accordance with good urban design practice for the creation of sustainable communities. It is considered, therefore, that the proposed design responds well to the character of the existing houses within the

surrounding lands and of development in the overall town. The scale and density of the development are, therefore, considered to be appropriate in this context.

7.3. Residential amenity

- 7.3.1. The main concerns of the appellant and of the third-party observations on the planning application (as submitted to the P.A.), relate to the proximity of the proposed dwellings to the existing dwelling houses/rear gardens and the potential for overlooking and loss of privacy. Additional concerns relate to noise and light pollution.
- 7.3.2. The submitted layout plans indicate that the distances between the existing and proposed dwellings is in excess of 40 metres and the distances between the proposed units and the rear boundaries of the adjoining properties is over 15 metres. These distances do not suggest that the proposed development would result in any significant degree of overlooking. The proposed retention of the existing boundary treatment and additional planting proposals will also provide for screening which will reduce any potential for overlooking. However, as discussed in the previous section, the provision of additional trees along this boundary would further improve the visual relationship between the proposed and established developments, which can be addressed by means of appropriate condition(s) in the event of a grant.
- 7.3.3. As the existing site comprises an agricultural field and a disused funeral home, which has lain vacant for some time, it is inevitable that the proposed development will introduce some degree of additional noise and light nuisance to the adjoining established residential properties. However, this must be balanced against the fact that the site is zoned for residential development, is within the development boundary for the town and is in close walking distance of the town centre. It is considered that the potential for nuisance from noise and light associated with the use of the development can be mitigated by appropriate public lighting and by landscape screening as discussed above. These matters have been addressed by the P.A. as conditions and it is suggested that should the Board be minded to grant permission for the development, similar conditions should be attached to any such permission to ensure that any such nuisance is minimised.

- 7.3.4. Concern was also raised in respect of the construction phase given the use of a single access to the site and the presence of an existing driveway entrance onto the shared access. The draft CEMP submitted with the FI response of the 9th of June 2021 provides details of intended construction practice, including details of the proposed access and location of the construction compound, which are shown on Drawing No. 6077-1200 in Appendix A. The proposed construction access road will incorporate the existing access to the site and the compound will be placed at the north-eastern end of the site, at the furthest remove from the existing houses.
- 7.3.5. It is stated (5.4) that the access road construction will be undertaken at the same time as the earthworks and that as the plant required for these works will remain on site until completion of the works, the proposed access is considered adequate to cater for the construction works. Mitigation measures will be put in place to contain noise and dust and to prevent mud and other debris from being carried onto the public road. Further mitigation measures during construction include control of hours of operation, installation of silt fencing, retention of existing landscape screening, dust minimisation and use of 'Best Practicable Means' to reduce noise to achieve compliance with BS 5228.
- 7.3.6. It is considered that the implementation of the measures proposed will ensure that the level of nuisance to the established residential properties nearby will be controlled. It is also acknowledged that the construction period will be temporary and will be subject to conditions of any planning permission, which will minimise the disruption and nuisance to existing residents in the area.

7.4. Traffic and road safety

- 7.4.1. The planning authority requested further information in the form of a Traffic and Transport Impact Assessment and a Road Safety Audit (Stages 1 & 2). The FI request also sought revisions to the junction of the proposed entrance with the Killarney Road and additional measures in respect of public lighting. The TTIA and the RSA were undertaken by MHL & Associates Consulting Engineers. These items were submitted on the 9th of June 2021 and were readvertised.
- 7.4.2. The appellant criticised the TTIA on the basis that the assumptions underlying the traffic modelling and questioned the date of the surveys as being the most relevant

days and times of the week in terms of excluding matters such as Mart days, weekend traffic flows and surveys taken during the pandemic. I note that the traffic surveys were carried out on Tuesday 13th April 2021 at two junctions, firstly at the entrance to the site and secondly at the junction of Killarney Road (L2040) and Cahernard Road. The Castleisland Livestock Mart website indicates that marts are held on two days of the week throughout the year, i.e., Mondays and Wednesdays, and seasonally on Fridays (November to May). Thus, as the counts were taken on Tuesdays, mart-days were not included, although it is noted that the surveys were carried out throughout the day.

- 7.4.3. However, I note (section 9.2 of the TTIA) that it had been acknowledged that the traffic counts had been taken during Level 5 Covid -19 lockdown, and as such, a 'covid factor' was applied to the figures to obtain a more representative sample. The AADT traffic flows over the previous 4 years on National Roads in close proximity to the development site were compared with the traffic counts. It was found that the average daily April monthly traffic figures was 52% of the traffic figures in 2019 (Fig. 9.6), and as such a 'Covid Factor' of 1.92 was applied to the raw data to adjust for the absence of traffic during the lockdown. As the AADT figures represent annual average daily flows, these would include mart traffic. The modelling was also based on the peak hour traffic counts which is the most appropriate period in terms of a residential development. As such it is considered that the traffic surveys on which the modelling was based are adequate.
- 7.4.4. The traffic modelling used the TRICS database and Picady software to assess the impact of the proposed development for the base year (2021), the opening year (2023) and the opening year plus 5 years (2028) and plus 10 years (2038). Growth factors were applied in accordance with the TII Guidelines in respect of adjustment for predicted traffic growth on the network and based on the day of the week and month of the year that the counts were taken. Thus, the predicted junction figures are based on the traffic growth on the existing network plus the additional traffic generated by the proposed development. It is considered that the modelling and data/assumptions underlying it are robust and in accordance with best practice.
- 7.4.5. The modelling shows that the various junctions will operate without any capacity issues or delays for all modelled scenarios (with and without development). No remedial improvements have been identified including a right-turn lane, from a

capacity point of view. The RFC level at the proposed junction will remain well below 85% saturation at 55 in the morning peak and 4% in the evening peak. No allowance was made for modal shift, which also provided a worst-case scenario, notwithstanding the fact that there is a regular bus service to Tralee, Killarney and Limerick, as well as to Farranfore Airport and Farranfore Railway Station. Thus, the impact on the local road network arising from the proposed development would be minimal.

- 7.4.6. In terms of road safety, the appellant raised concerns regarding the reliance on a single entrance/exit point, the right turning traffic movements into and out of the development, the inadequate width of Killarney Road at this point and the inadequacy of the visibility sightlines available at the entrance. As stated above, the TTIA had established that from a junction capacity point of view, the proposed entrance would operate well within the capacity without the need for any improvements, including a right turning lane. The Road Safety Audit (May 2021) identified 5 problems with associated recommendations. The RSA Feedback Form includes the developer's response to the proposed solutions to the problems identified in the Stage 1 & 2 Audit.
- 7.4.7. The first problem related to obstructed sightlines at the entrance, whereby the required sight distance is 65m at a point 2.4m back from the public road. It was recommended that the visibility envelope be kept clear of all obstructions such as walls, hedges, fences, signs etc. and vegetation over 600mm in height. In response, the developer pointed out that the hedging on the northern side of the entrance protrudes over the public footpath and can therefore be trimmed to ensure compliance. Alternatively, the footpath could be widened locally which would move the setback further forward, thereby obviating the need for trimming the hedge. It was further pointed out that the sightlines have been further amended to incorporate the future cycle lane as requested by the P.A. and it was confirmed that the carriageway is wide enough to accommodate these matters.
- 7.4.8. Other problems included lack of road drainage proposals, lack of signing and lining at the entrance and the absence of a public lighting design (Problems 2, 3 and 4 respectively). The recommendations were to provide adequate road drainage, road markings, signage and public lighting and the developer has agreed to each of these requests. Revised drawings/additional details have been provided as part of the RFI.

The final problem related to a section of Killarney Road which had been recently resurfaced and the wearing course or road markings had not been completed. Failure to provide such road markings could lead to driver confusion. The recommendation to provide the appropriate surface course and road markings was responded to by the developer with the statement that the works are ongoing, and the Kerry Co. Co. has confirmed that they will be completed in due course.

- 7.4.9. Killarney Road is a straight and relatively wide urban street which is within the 60kph. The revised drawings of the entrance (Drg. No. 6077-0021B) show that the entrance will include a new footpath on each side of the access route which will reduce the junction radius and provide for a safer and continuous pedestrian connection between the development site and the public footpath, which does not currently exist. The proposed junction design also facilitates the provision of a cycle lane in the future. Sightlines will be achievable at 2.4m from the road edge. Thus, the proposed road junction which is to be improved is considered to be acceptable in terms of road safety. It is noted that there is a car parked on the street immediately to the east of the entrance, which would restrict sightlines. However, this could be addressed by means of double yellow lines adjacent to the entrance.
- 7.4.10. In conclusion, it is considered that the proposal to rely on the existing entrance, subject to implementation of the proposed improvements, would not give rise to a traffic hazard. It is further noted that the proposed internal road layout incorporates speed reduction measures such as table junctions and other measures in accordance with the Design Manual for Urban Roads and Streets. It is considered that the proposed development would have a minimal impact on the capacity of the road network in the vicinity of the site and would be appropriate in terms of road safety and convenience.

7.5. Flood Risk Assessment

- 7.5.1. The planning authority requested additional information in the form a Site Specific Flood Risk Assessment, which was submitted as RFI on 9/06/21. It is considered that the FRA represents a comprehensive and detailed site-specific assessment of the potential flood risk, which was carried out in accordance with the Flood Risk Management guidelines. It included identification of the potential sources of flooding and the undertaking of a detailed hydrological analysis followed by a detailed

hydraulic analysis of the identified sources of potential flood risk. The identification of flood risk included a review of various sources including the OPW Preliminary Flood Risk Analysis and the OPW Flood Maps, as well as the OSi 6inch and 25-inch historic maps. Although the National Flood Hazard Mapping (www.floodmaps.ie) does not show any records of historic flooding at the site of the proposed development, it does show instances of flooding in Castleisland town. This has mainly occurred to the north-west of the town and to the east of the town. The CFRAMS flood extent maps, however, indicate that the residential element of the proposed scheme is located within Flood Zone C, but that a small section of the site at the north-west corner adjacent to the river is within Flood Zone B (fluvial risk).

- 7.5.2. The primary risk of flooding to the proposed development was identified as fluvial in the form of an extreme fluvial event in the river Maine which is located to the east of the site. No groundwater or pluvial risks were identified. The initial flood risk assessment was that there is a low flood risk to the site with the majority of the site lying within flood Zone C (less than 0.1% probability) and a small section in the northwest corner and along the stretch of the river adjoining the proposed open space area falling within Zone B (between 0.1% and 1% probability, or 1:1000 years to 1:100 years). The design of the proposed development gives a freeboard of 2.76m above the 1% AEP and 2.52m above the 0.1% AEP. This is well in excess of the minimum freeboard of 500m recommended in the guidelines.
- 7.5.3. A Justification Test was not deemed necessary as no residential development was proposed within Zone B. There was no requirement to undertake a detailed flood risk assessment of the proposed development. It was concluded that the development was appropriate from a flood risk perspective. However, it was recommended that the development should incorporate an appropriate stormwater management system that shall limit stormwater runoff from the development site to existing greenfield runoff rates and volumes. A number of SUDs measures will be employed as part of the surface water drainage proposals including attenuation of runoff to greenfield runoff rates. Should extreme pluvial flooding occur, in excess of 1%AEP, overland flow routes directed towards open space areas are provided in order to protect the proposed development.
- 7.5.4. I would agree on the basis of the information provided that the proposed development does not represent a potential flood risk, as all of the proposed housing

and access areas fall within Flood Zone C, with only a small section at the north-western end of the open space area falling within Flood Zone B. The proposed development is not likely to increase the fluvial flood risk elsewhere. The layout of the scheme is such that the only part of the site that would potentially be affected during an extreme pluvial event is laid out as open space. A detailed surface water drainage scheme has been designed for the site which includes an attenuation tank and discharge to the river at current green-field run-off rates. The planning authority was satisfied that the flood risk potential associated with the proposed development had been adequately addressed. I would agree with this conclusion and am satisfied that sufficient detail has been provided in the application documents to support the assertion that the proposed development would not be at risk or give rise to flooding.

7.6. Other matters

Wastewater treatment capacity

Reference was made in the grounds of appeal to the lack of capacity of the Castleisland Wastewater Treatment Plant. This issue was also raised in the observation by Inland Fisheries Ireland (20/01/21). The planning authority was satisfied that there is adequate capacity available at the plant as Irish Water had issued a pre-connection agreement. A copy of the Irish Water response to the pre-connection query has been provided, which states that connection to the wastewater treatment plant is feasible. Although there are IW pipes which run through the site, the Infrastructure Report states that diversion of infrastructure will not be required.

The Annual Environmental Report (2020) by the EPA of the Wastewater Discharge Licence issued to Irish Water (Licence no. D0180-01) states that the capacity of the plant is adequate and is not likely to be exceeded in the next three years.

Nature of proposed housing

Reference is made to speculation that a leading 'National Housing Organisation' is involved in the application. It is not clear what is meant by this observation. The only information before the Board is that the applicant, LSG Property Development Limited, is a wholly owned subsidiary of and is controlled by Kenmare Plant Hire Ltd. (letter from Ronan Daly Jermyn dated 07/12/20) which is on the file.

The proposed development is for a housing estate of 67 units of which seven are to be transferred to the local authority under Part V of the Planning and Development Act 2000 (as amended), for social and affordable housing.

7.7. Environmental Impact Assessment

- 7.7.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 2.83ha to provide 67 no. dwelling units. Accordingly, it does not attract the need for a mandatory EIA.
- 7.7.2. The site is located within the built-up area of an existing town and is approx. 12km distant from any European sites or other sites of conservation interest. Having regard to the nature and scale of the proposed development and to its location within the development boundary of Castleisland town, on serviced and zoned lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.8. Construction impacts

- 7.8.1. The planning authority has identified potential environmental impacts during construction including potential pollution events, noise and disturbance and dust and dirt on the roads and footpaths. I would agree with these concerns and consider that the residential amenities of both the established residents and of those who would occupy the earlier completions could be adversely affected by the phasing of the development in the absence of an appropriate CEMP.
- 7.8.2. The applicant has provided a Draft CEMP and has agreed to provide a detailed construction management plan, which will also address the detailed phasing of the development. Should the Board be minded to grant permission, it is considered that the submission of a construction management plan, including a traffic management plan and mitigation measures to control environmental emissions, for the approval of the planning authority, prior to the commencement of works on the site should be required as a condition of any planning permission.
- 7.8.3.

7.9. Appropriate Assessment

- 7.9.1. The site is located approx. 10-12km away from five European sites.

Lower River Shannon SAC (site code 002165) is located c.7.5km to the north.

Castlemaine Harbour SAC (site code 000343) and Castlemaine Harbour SPA (site code 004029) are located approx. 11.7km to the southwest.

Ballyseedy Wood SAC (site code 002112) is located c. 12km to the west

Killarney National Park, Macgillicuddy Reeks, Caragh Catchment SAC (Site code 000365) is located approx. 13km to the south-east.

Stacks to Mullaghareirk Mountains West Limerick hills and Mount Eagle SPA (Site code 004161) is located c.4.5km to the north and east.

- 7.9.2. The only site that has a hydrological connection to the development site is Castlemaine Harbour SAC. The Planning Authority screened out Appropriate Assessment on the basis of geographic and hydrological distance from the development site.

Lower River Shannon SAC (Site Code 002165) – The site is situated to the north-east with the closest part being approx. 7.5km distant. It is a very large site stretching along the Shannon valley from Killaloe in co. Clare to Loop Head/Kerry Head. It is designated for a range of coastal habitats as well as several fish species. However, the site is not hydrologically connected with the development site.

Qualifying interests include Floating River Vegetation, Molinia Meadows and Alluvial Forests and for several fish species (Atlantic Salmon, River Lamprey, Brook Lamprey, Sea Lamprey) as well as Freshwater Pearl Mussel and Otter.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Ballyseedy woods SAC (Site Code 002112) Site lies to the south of the River Lee, approx. 2km from Tralee and 12km from the development site. It is mostly situated in the flood plain of the River Lee. There is no hydrological connection to the development site.

Qualifying interests include Alluvial Forests.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Slieve Mish SPA (Site code 002185) This site stretches westwards along the centre of the Dingle Peninsula.

Qualifying interests include Wet Heath, Dry Heath, Alpine and Subalpine Heaths, Blanket Bogs, Siliceous Scree, Calcareous Rocky Slopes. Siliceous Rocky slopes and Killarney Fern. The site is not hydrologically connected with the development site and is situated approx. 12km distant.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Stacks to Mullaghareirk Mountains, West Limerick hills and Mount Eagle SPA

(Site Code 004161) – The site is largely mountainous area centred between the borders of Kerry Limerick and Cork. The site comprised upland habitats with forests and several rivers rising. It is designated for Hen Harrier as it provides optimum habitats for this species. It is located approx. 4-5km to the north and east. There is not functional or hydrological connection with the development site, which does not contain any suitable foraging habitat.

Qualifying interests include – Hen Harrier.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Killarney National Park, Macgillicuddy Reeks, Caragh Catchment SAC (Site Code 000365) – The site is a very large site which encompasses mountains lakes and rivers of the Iveragh peninsula. It is located approx. 13km at its closest point from the development site to the south. It is not hydrologically connected with the development site.

Qualifying interests include – Oligotrophic waters, watercourses of plain to montane levels of Ranunculion fluitantis and Callitriche- Batrachion vegetation, various heath habitats, Calaminarian grasslands, Molinia Meadows, Blanket bogs, Old Sessile oak

woods, Alluvial forests, Freshwater Pearl Mussel, Various fish species including Atlantic Salmon.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Castlemaine Harbour SAC (Site Code 000343) – The site is a very large site which is located on the south-east corner of the Dingle Peninsula and includes the River Maine almost to Castlemaine. It is designated for a range of coastal habitats as well as Alluvial Forests and for Salmon, Sea Lamprey, River Lamprey and Otter. It is located approx. 11km at its closest point from the development site to the south. It is hydrologically connected with the development site via the River Maine, but the distance hydrologically is estimated to be c.22km.

Qualifying interests include – Atlantic Salmon, River Lamprey, Sea Lamprey, Otter, Estuaries, Alluvial forests, Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Perennial vegetation of stony banks, Vegetated Sea cliffs of the Atlantic and Baltic coasts, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Embryonic shifting dunes, Shifting dunes along shoreline, Fixed coastal dunes, dunes with *Salix repens*, Humid dune slacks, and Petalworth.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

7.9.3. **Assessment of Likely Effects**

The project is not directly connected with or necessary to the management of a European site. As the project site is not within a designated site, no direct impacts will arise.

The site is located within the development boundary for Castleisland on lands which are zoned residential and are serviced. The proposed development will be connected to the public mains for foul water and water supply. Stormwater will be discharged to the River Maine which provides a hydrological connection with the Castlemaine Harbour SAC, albeit at a considerable distance. There is no hydrological link or any other source-pathway receptors between the site and the

remaining four European sites, which are located c.4-13 km to the south, west, northeast and east, respectively. As a consequence, there is no potential for indirect effects from emissions during the construction phase in respect of these sites, as discussed above. I would concur with the conclusions of the planning authority's screening report that no indirect impacts are envisaged.

In terms of Castlemaine Harbour SAC, there is potential for indirect effects on water quality arising from the construction stage and from surface water discharge to the river during the operational stage. The proposed development will involve earthworks and construction activity in close proximity to the river. In the absence of mitigation, water quality could potentially be affected as a result of activities during construction such as earthworks, accidental spillage of cement, hydrocarbons and silt.

It is noted that the river provides habitat for mobile freshwater species such as Otter, Salmon and Lamprey, which are Qualifying Interests of the SAC, and which are dependent on water quality. However, the stretch of river adjacent to the site is approx. 22km hydrologically distant from the SAC. Although stretches of the River Maine are designated as Salmonid waters, the EPA Maps indicate that the salmonid designation on the River Maine does not stretch as far as Castleisland. The closest salmonid stretch is at the confluence with the Brown Flesk, which is approx. 11km to the southwest (hydrologically). That is not to say that Salmon and Lamprey may not be present in the adjoining stretch of the river. In terms of Otter, the habitats in the vicinity of the site are unlikely to be suitable given the urban nature of the riverbank and the public walkway adjacent.

It is considered, therefore, that notwithstanding the ecological connection, the distance hydrologically of 22km to the SAC, together with the dilution factor provided by several contributory streams along the linkage, would not be likely to result in significant effects, in view of the conservation objectives for the SAC. I note that the P.A.'s Biodiversity Officer has carried out a site inspection and provided a comprehensive AA Screening report, in which it was concluded that Appropriate Assessment can be screened out. I would agree therefore that the construction phase of the project is unlikely to have a significant effect on the European site, in view of its Conservation Objectives.

In terms of the operational phase, the development would connect to existing services in Castleisland. The planning authority is satisfied that there is adequate capacity in the wastewater and stormwater systems. Irish Water has indicated that connection to the public water and foul water systems will be permissible. These matters have been addressed, as discussed previously, and are considered to be satisfactory. The storm sewer is by gravity to an attenuation tank which will discharge via flow control to the River Maine. The attenuation tank has adequate capacity, and the proposed surface water system is designed to attenuate to green field runoff together with a petrol interceptor, a silt trap and silt fencing.

In conclusion, the proposed development will be connected to the public system by Irish Water, and it will be necessary to sign an agreement with Irish Water to this effect prior to commencement of development. Given the nature and scale of the proposed development, the availability of public infrastructural services within the town, and the remote distance from the European sites, there is no potential for indirect effects during the operational phase.

7.9.4. Screening Statement and Conclusions

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Castlemaine Harbour SAC (000343), Lower River Shannon SAC (002165), Ballyseedy Wood SAC (002112), Killarney National Park, Macgillicuddy Reeks, Caragh Catchment SAC (000365) or Stacks to Mullaghareirk Mountains West Limerick Hills and Mount Eagle SPA (004161) or any other European Site, in view of the Conservation Objectives for these sites. It is considered, therefore, that a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

This determination is based on the following:

Distance of the proposed development from these European sites and a lack of any meaningful ecological connections to those sites.

In making this screening determination, no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above-described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary for Castleisland and to the specific objective as set out in the Killarney Municipal District Local Area Plan 2019 to encourage the development of up to support the sustainable development and growth of the town to meet its population target and to make effective use of infill, brownfield and backland sites on zoned lands that are contiguous with the town centre, it is considered that, subject to compliance with the conditions set out below, the proposed development would facilitate the achievement of these objectives, would not seriously injure the visual or residential amenities of the area, would not adversely impact on the established character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted to the planning authority on the 9th day of June 2021 and the 29th day of June 2021, 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 developer shall comply with the following requirements: -
 - (a) Prior to the commencement of development, the Developer shall consult with Inland Fisheries Ireland regarding the construction methodology to be employed adjacent to the River Maine.
 - (b) The construction works close to the River Maine shall be carried out in accordance with the draft CEMP submitted to the planning authority on the 9th day of June 2021 and Planning for Watercourses in the Urban Environment Guidelines published by Inland Fisheries Ireland.
 - (c) The mitigation measures to control Japanese Knotweed on the site shall be implemented in full in accordance with the Management Plan for Japanese Knotweed submitted to the planning authority on the 9th day of June 2021.

Reason: In the interest of biodiversity and pollution prevention.

3. A buffer zone of 20 metres shall be established within the development site from archaeological monument Ke040-025, (Ringfort) prior to the commencement of development by a suitably qualified archaeologist. Details of the delineation, layout, fencing and signage of the buffer zone shall be submitted for agreement in writing to the planning authority prior to the establishment of the buffer zone. No construction works, stockpiling of materials, topsoil etc, or any development or landscaping shall take place within the buffer zone. No trees or plants shall be removed from the buffer zone. Following the completion of development, the buffer zone shall remain in place until the completion of the development on the site.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4. (a) The development shall be carried out on a phased basis. The first phase shall consist of not more than 37 dwelling units, together with their associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.
- (b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of occupants of the proposed dwellings.

5. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, 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 order to prevent overdevelopment of the site in the interest of residential amenity and traffic safety and convenience.

6. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No stormwater shall be discharged to the public foul sewer.

Reason: In the interest of public health.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

10.
 - (a) The Recommendations of the Stage 1 and 2 Road Safety Audit shall be implemented in full.
 - (b) A Stage 3 Road Safety Audit shall be carried out at the completion of the proposed development and the recommendations therein shall be acted upon.
 - (c) A detailed design and layout for the proposed entrance to the site from the public roadway shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Sightlines and road markings shall be carried out in accordance with detailed standards of the planning authority for such works prior to the occupation of any dwelling. No vegetation or structure shall exceed 1 metre in height within the sight distance triangle.
 - (d) Prior to the making available for occupation of any house, the internal road network within the overall development shall be constructed at least to base wearing course.

Reason: In the interest of road and public safety and visual amenity.

11. A minimum of two parking spaces shall be provided and maintained within the curtilage of each dwelling unit or in close proximity to the dwelling unit to be served.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

12. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of sustainable transportation.

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

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 interest of visual and residential amenity.

15. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on the 9th of June 2021.
- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

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

16. Proposals for an estate/street name, housing 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 numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage

relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

17. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 9th day of December 2020, as amended by the layout plan submitted on 9th day of June 2021. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

18. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works in Housing Areas issued by the Department of 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.

19. 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 provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not

reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

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 within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of 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. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

22. 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 provide details of intended construction practice for the development, including

- Location of site/materials compounds including areas for the storage of construction refuse.
- Location of areas for construction site offices/staff facilities.
- Details of site security fencing and hoardings
- Details of on-site car parking facilities for site workers during the course of construction.
- Measures to obviate the need for queuing of construction traffic on the local road network.
- Details of appropriate mitigation measures for noise, dust and vibration and for monitoring of such levels.
- Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spills are fully contained. Such bunds shall be roofed and exclude rainwater.
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil. No burning or burial of waste shall be permitted on the site.
- Means to ensure that surface water is controlled such that no silt or other pollutants enter any watercourses, local surface water sewers or drains.

Reason: In the interests of public safety and residential amenity.

23. Prior to the commencement of any dwelling house in 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), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation and/or affordable housing, including cost rental housing.

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.

24. 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 Bord Pleanála for determination.

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

25. 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 Bord 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 Kennelly
Senior Planning Inspector

17th December, 2021