



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-312987-22

Strategic Housing Development

228 no. residential units consisting of 76 houses and 152 apartments, creche and all associated site works.

Location

Port Road and St Margaret's Road,
Coollegrean, Inch, Knockreer,
Ardnamweelt, Derreen, Killarney, Co.
Kerry

Planning Authority

Kerry County Council

Applicant

Portal Asset Holdings Limited

Prescribed Bodies

1. Irish Water
2. Department of Housing, Local Government and Heritage
3. Transport Infrastructure Ireland (TII)

Observer(s)

1. June Twomey & Pat Burke
2. Dr. Miriam McCarthy
3. Aidan & Trish Kiely
4. Barbara McCarthy
5. Cllr. Brendan Cronin
6. Brian O'Callaghan
7. Brigid Riordan
8. Cal Hurley
9. Ciara Ahearne
10. Claire O'Sullivan
11. Con & Cathy Humphries
12. Cormac Foley
13. Declan O'Shea
14. Deidre Horgan
15. Denis & Breda Sweeney
16. Dominique O'Callaghan
17. Doreen Brosnan
18. Elizabeth Griffin
19. Gemma O'Callaghan
20. Gerard Brosnan
21. Gerard Cunningham
22. Graine Stack
23. Irene Hartigan
24. Jimmy Browne
25. Claire and Julie Brosnan on behalf
of Johanna Brosnan
26. Johanna O'Neill
27. John Broderick
28. John Fitzgerald
29. John Murphy

30. Patricia Hanley on behalf of the
Killarney Environs Protection Group
31. Margaret Fletcher
32. Marie Moloney
33. Mary Falvey
34. Councillor Maura Healy-Rae
35. Frank Coffey on behalf of Michael
and Mary Colye
36. Michael Stack
37. Mike Casey
38. Nick Marchant – NM Ecology Ltd
39. Nigel and Chloe Enright
40. Oonagh Neilan
41. Pdraig O’Sullivan on behalf of the
Kerry Education & Training Board
42. Raymond Walsh
43. Richard Clancy
44. Fred Logue on behalf of Robert
Patterson and others
45. Rupert O’Sullivan
46. Sarah and David Brooks
47. Sean and Sheila Enright
48. Sean Brosnan
49. Una O’Callaghan
50. William and Triona Neilan

Date of Site Inspection

6th July 2022

Inspector

Paul O’Brien

Contents

1.0 Introduction	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	6
4.0 Planning History.....	9
5.0 Section 5 Pre-Application Consultation.....	9
6.0 Relevant Planning Policy	15
7.0 Third Party Observations	20
8.0 Planning Authority Submission	24
9.0 Prescribed Bodies.....	31
10.0 Oral Hearing Request	33
11.0 Assessment.....	33
12.0 Appropriate Assessment (AA)	76
13.0 Environmental Impact Assessment	90
14.0 Recommendation	94
15.0 Recommended Draft Order	94

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The subject site with a stated area of 6.19 hectares, comprises an irregular shaped area of land located to the eastern side of the Port Road/ N71 to the north west of Killarney town centre, County Kerry. The centre of the site is approximately 650 m to the north west from the top/ northern end of High Street, Killarney. The proposed primary access is from the Port Road. The N71 connects with the N22 and N72 to the north at the Cleeny Roundabout providing connections to north, west and east Kerry. The N71 continues south along the eastern side of Lough Leane, through Killarney National Park and on to south Kerry, west Cork and eventually Cork City.

2.2. The subject development is proposed on a greenfield site, previously used for agriculture, and which is surrounded by existing urban development. The site was very overgrown on the day of the site visit and access through the site was difficult. A number of low voltage powerlines cross the site.

2.3. The section that provides the connection to the Port Road is relatively narrow and most of the western side of the development will be behind a mix of terraced and detached houses, most of which are single-storey though there are a number of two-storey units along this section of the road. A number of these houses have been extensively extended to the rear/ eastern side.

2.4. To the north is Millwood, a residential development of mostly single-storey, semi-detached houses and to the north east is Killarney Community Hospital. To the east is Oakwood Retirement Village, which is a single-storey building along its western side and to the south east is Killarney Nursing Home; these are accessed from the Rock Road. To the south of the site is the playing pitches associated with Killarney Community College and which is located to the north of the New Road. Killarney National Park is located to the west of the subject site.

2.5. The Folly Stream flows along the southern and south western boundaries of the site and this watercourse is a tributary of the River Deenagh, which is located to the west beyond the public road. The site slopes towards the Folly Stream from north to south, though the site is uneven throughout its area, there is a steep climb from the west towards the centre of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the demolition of existing buildings and the provision of 228 residential units in the form of houses and apartment units, a creche, and all associated site works.

3.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Site Area	6.19 hectares gross 5.2 hectares net
No. of Houses	76
No. of Apartments	152
Total	228
Density – Total Site Area	44 units per hectare.
Plot Ratio	0.36
Plot Ratio – Developable Area	0.42
Site Coverage	17.4%
Site Coverage – Developable Area	20.4%
Public Open Space Provision	15% of the site
Car Parking – Total	334
Bicycle Parking - Total	350

Table 2: Breakdown of Apartments

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	Total
Apartments	16	80		96
Duplexes	14	28	14	56
Total units	30	108	14	152
% Of Apartments/ Duplexes	19.7%	71%	9.2%	100%

Table 3: Breakdown of Houses

Bedrooms	2 Bedroom	3 Bedroom	4 Bedroom	Total
Number of Units	8	38	30	76
% of Houses	10.5%	50%	39.5%	100%

The proposed development includes:

- The provision of a childcare facility/ creche with capacity for 46 children and associated open space area.
- Road works/ traffic calming/ improvements to the Port Road.
- Pedestrian connections to the Millwood Estate.
- All associated site works, infrastructure provision and amenity lands.

3.3. The application was accompanied by various technical reports and drawings, including the following:

- Statement of Consistency – HW Planning
- EIA Screening – HW Planning
- Statement on Childcare Rationale – HW Planning
- Statement on School Demand – HW Planning
- Statement on Material Contravention – HW Planning
- Statement in accordance with Article 299B(1)(B)(ii)(II)(C) of the Planning and Development Regulations 2001 – 2021 – HW Planning

- Part V Proposal – HW Planning
- Architectural Design Statement – Deady Gahan Architects
- Statement on Universal Design of Scheme – Deady Gahan Architects
- Housing Quality Assessment – Deady Gahan Architects
- Traffic & Transport Assessment with Travel Plan – MHL Associates
- Road Safety Audit – MHL Associates
- Engineering Design Report – MHL Associates
- Construction Environmental Management Plan – MHL Associates
- Public Lighting Design – MHL Associates
- Flood Risk Assessment – Donal Moynihan Chartered Engineer
- Landscape Masterplan – Brady Shipman Martin
- Landscape Design Report – Brady Shipman Martin
- Tree Survey Report & Tree Protection Measures – Brady Shipman Martin
- Landscape & Amenity Details – Brady Shipman Martin
- Photomontage Booklet – Gnet 3D
- Daylight Reception Report – DK Partnership
- Effects on Daylight Reception Analysis – DK Partnership
- Sunlight Reception Analysis – DK Partnership
- Appropriate Assessment Screening Report – Malachy Walsh & Partners
- Ecological Impact Assessment Report – Malachy Walsh & Partners
- Badger Survey Report – Malachy Walsh & Partners
- Archaeological Impact Assessment Report – John O'Connor Archaeology
- Archaeological Test Excavation Report – John O'Connor Archaeology

4.0 Planning History

Subject site.

There are no recent, relevant, valid applications on this site.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place on the 25th of March 2021; Reference ABP-308759-20 refers. Representatives of the prospective applicant, the Planning Authority – Kerry County Council and An Bord Pleanála attended the meeting. The scheme as described was for the development of 200 residential units (68 houses, 28 duplex units and 104 apartments) and all associated site works at Port Road, Killarney, Co. Kerry.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation would require further consideration and amendment to constitute a reasonable basis for an application for a strategic housing development.

An Bord Pleanála considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Design and Layout: Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; connectivity with adjoining lands; hierarchy of open space and provision of quality, usable open space, together with the creation of character areas within a high quality scheme should be given further consideration. Cross-sections, visualisations and CGIs should be submitted, as necessary, in this regard.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted

2. Elevational Treatment/ Finishes: Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and finishes of the proposed development, in particular the apartment/duplex units, having regard to the context of the site within an established area and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, railings, landscaped areas and boundary treatments, having regard to the long term management and maintenance of the proposed development should be submitted. The extensive use of render on apartment and duplex units should be avoided. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2020) should be submitted. Furthermore, particular regard should also be had to proposals for the treatment of the interface between the proposed buildings and public realm/areas of communal open space.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Infrastructural Constraints: Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development, as raised in the Irish Water report to An Bord Pleanála (dated 04/01/2021). The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area. Details should also include interactions with nearby residential development, boundary treatments and public realm.
2. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation area for the development should be submitted.
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Details relating to the materiality of the proposed entrance should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.
4. Additional details in relation to surface water management for the site. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
5. A detailed phasing plan for the proposed development
6. Ecological Surveys
7. Waste management details

8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access

9. School Demand Report

10. Universal Access Plan

11. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Transport Infrastructure Ireland (TII)
3. Minister for Housing, Local Government and Heritage
4. An Taisce-the National Trust for Ireland
5. Heritage Council
6. Failte Ireland
7. An Comhairle Ealaíonn
8. Inland Fisheries Ireland
9. Kerry County Childcare Committee

5.4. **Applicant's Statement**

5.4.1. Included with the Planning Statement, prepared by HW Planning, is Section 2 – 'Pre-Application Consultation Opinion' and provides a response to the An Bord Pleanála Consultation Opinion as issued.

The following information was provided in response to the opinion:

1. Design and Layout: The applicant has appointed Deady Gahan Architects to review the design and layout of the proposed development having full regard to national guidelines. The layout/ development has been in response to the comments raised at the pre-application consultation meeting. Revisions include increased accessibility and a reduction in the number of cul-de-sacs that are proposed. The orientation of proposed houses has been revised to address level distances and are focused around the larger open space areas. A clearer street hierarchy has been proposed having regard to DMURS. Open space and landscaping areas have been revised. Good quality trees on site are retained and frame views of St Mary's Church and the Managerton Mountains. The hierarchy of spaces and streets has been much more clearly defined in the revised design.

2. Elevational Treatment/ Finishes: The revision of the site layout includes the development of a number of character areas, defined by design, density and material finishes. Housing units have been revised in terms of elevational treatment and the use of durable materials. A design statement has been provided and is supported with a Building Lifecycle Report. A variety of materials will be provided throughout the site/ among the unit types.

3. Infrastructural Constraints: There are known capacity issues in the existing foul/ combined sewer network and as part of the proposed development, a section of the surface water loading will be removed from the combined sewer along St. Margaret's Road. This section of road will be assigned to a separate storm water network, and this has been discussed and agreed with the Kerry County Council Area Engineer. Full details are provided in the documentation prepared by MHL Consulting Engineers and a letter of consent has been obtained from Kerry County Council and Irish Water have reported no objection to this element of the proposed development.

Other Specific Details:

- 1. Visual Impact Assessment/ Interaction with existing environment:** In addition to the submitted Design Statement, detailed cross-sections and CGIs have been prepared and submitted which clearly indicate the relationship of the proposed development to the existing environment.
- 2. Daylight/ Sunlight Analysis:** A daylight/ sunlight analysis has been prepared by DK Partnership. The analysis confirms that the future occupants will receive

adequate residential amenity and that private/ shared open spaces will also receive adequate daylight. The proposed development will have no significant impact on neighbouring properties in terms of daylight and shadowing.

3. **Landscaping Details:** A detailed landscaping plan for the site has been proposed and this is supported with other documentation.
4. **Surface water drainage:** Full details on surface water drainage are provided in the Engineering Design Report prepared by MHL Consulting Engineers. A Site-Specific Flood Risk Assessment has been prepared; however, the site is not susceptible to flooding.
5. **Phasing:** MHL Consulting have prepared a phasing plan for the proposed development and further details are included in Section 3 of the submitted Construction Environmental Management Plan (CEMP).
6. **Ecological Details:** A number of ecological surveys have been undertaken by Malachy Walsh and Partners. These have identified protected habitats and species and have also considered the impact on these species/ habitats. An active Badger sett was identified on site. Overall, the impact on biodiversity is not considered to be significant subject to the use of best practice methodologies and mitigation measures.
7. **Waste Management Details:** A Construction Environmental Management Plan (CEMP) has been prepared and is submitted with the application. Final details can be agreed with Kerry County Council.
8. **Taking in Charge Details:** Deady Gahan Architects have prepared Drawing no. 21085/P/016 indicating the areas to be taken in charge.
9. **School Demand Report:** HW Planning have prepared a School Place Demand Report. This indicates that there will be a fall in primary and secondary school enrolments in the coming years. The proposed development may generate a demand for 38 primary-school places and 43 secondary-school places, and these can be accommodated in the existing school system in the area.
10. **Universal Access Plan:** A Universal Design Statement has been prepared by Deady Gahan Architects and this demonstrates compliance with all relevant requirements including Technical Guidance Documents Part M.

11. Housing Quality Assessment: The Architectural Design Statement prepared by Deady Gahan Architects includes a Quality Housing Assessment and which demonstrates compliance with the Apartment Guidelines.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled 'People, Homes and Communities' and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.
- National Policy 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'.
- National Policy Objective 35 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include

- Design Manual for Urban Roads and Streets (2013).
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy for the Southern Region

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (The Six Munster Counties plus Wexford, Carlow, and Kilkenny) including the Kerry County area, and supports the implementation of the National Development Plan (NDP). Killarney is listed as one of the Key Towns in the region providing for a ‘Significant sub regional role, key national tourism town’. The town is located on the national road and rail networks and is within 18 km of Kerry International Airport.

RPO18 includes the following:

- ‘a. To sustainably strengthen the role of Killarney as a strategically located urban centre of significant influence in a sub-regional context, a centre of excellence in tourism, recreation and amenity sectors, to promote its role as a leader in these sectors, in particular training and education, and strengthen its overall multi-sectoral dynamic as a key settlement in the Kerry Hub Knowledge Triangle accessible to regional airport, port, rail and road assets;
- b. To seek investment to sustainably support its compact growth and regeneration, attributes and infrastructure, including key inter-regional connectivity (transport networks and digital) on the strategic road network between Cork and Limerick Shannon Metropolitan Areas, the Atlantic Economic Corridor and the Kerry Hub Knowledge Triangle, subject to the outcome of the planning process and environmental assessments;

- c. To strengthen 'steady state' investment in existing rail infrastructure and seek investment for improved infrastructure and services to ensure its continued renewal and maintenance to a high level in order to provide quality levels of safety, service, accessibility and connectivity;
- d. To support infrastructure investment and the regeneration of opportunity sites including the Sara Lee, Aras Phadraig and St Finians;
- e. To seek investment in infrastructure that provides for both the resident population and extensive influx of visitors;
- f. To support investment in infrastructure and the development of lands to the north of the existing by-pass in accordance with proper planning and sustainable development objectives including the appropriate master plans in consultation with statutory stakeholders;
- g. Future growth of the town should be planned for on a phased basis in consultation with the local authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and that further growth avoids negative impacts on the downstream freshwater ecosystem in the National Park (River Deenagh, Lough Leane)'.

6.3. Local/ County Policy

Kerry County Development Plan 2015 - 2021

6.3.1. The Kerry County Development Plan 2015 - 2021 is the current statutory plan for the Kerry County area. Chapter 2 sets out the Core Strategy for the development of County Kerry. Killarney is designated as a Hub and is connected with Tralee, which is also a Hub town. The population in the Killarney area was 38,040 in 2011 and this was expected to grow by 2,525 by 2021.

The Settlement Strategy for County Kerry is set in Chapter 3, Chapter 7 includes 'Transport & Infrastructure' and Chapter 13 includes 'Development Management – Standards & Guidelines' and under 'Density' the following is stated:

'County Kerry is a rural county and it is felt that imposing high densities more appropriate to large cities is not in keeping with the large urban areas. Therefore a general standard of 10 – 12 dwellings per hectare is usually acceptable. However

each application will be looked on its own merits and higher density levels may be applicable to certain urban areas’.

Note: It is proposed that the new Kerry County Development Plan 2022 – 2028 will come into force on the 6th of October 2022, following the adoption of the plan by the Council on the 25th of August 2022. These dates may change due to the timing of meetings etc.

Killarney Municipal District Local Area Plan 2018 – 2024:

6.3.2. The introduction to this plan states the following:

‘A Local Area Plan has been prepared for the Killarney Municipal District in accordance with the requirements and provisions of the Planning and Development Act 2000, as amended. The purpose of the plan is to set out a comprehensive local planning framework with clear policies and objectives including land use zonings in the interests of the common good for the towns and villages of the Municipal District, except for Killarney Town. The Killarney Town Development Plan 2009-2015 as extended will continue to apply to the area formerly administrated by Killarney Town Council. That plan will remain in force as the relevant development plan for the former town council area until the next Kerry County Development Plan is adopted in 2021. All planning applications received within Killarney town will be assessed against policies, objectives and development standards of the current Killarney Town Development Plan 2009-2015’. This plan therefore applies to a number of towns and settlement within the Killarney Municipal area but not Killarney itself. The Killarney Town Development Plan 2009 – 2015 was extended and remains in place until a new plan is prepared/ adopted following the adoption of the new County Development in late 2022.

Killarney Town Local Area Plan 2009 – 2015 (varied and extended)

6.3.3. The subject lands are located on lands within the ‘Settlement Boundary’ of Killarney. The site is zoned R1 – ‘New/ proposed Residential Phase 1’.

6.3.4. The following policies are noted:

Policy HSG-02 – ‘It is policy of the Council: a. To implement a development strategy based on the neighbourhood concept in areas of new residential development’.

Policy HSG-03 – ‘It is a policy of the Council: a. To preserve the residential distinctiveness and character of established residential communities by the designation of Housing Protection Areas. c. To ensure that residential densities reflect the density of appropriate adjoining developments. Higher densities will be considered in the town centre or within close proximity (sic) to the town centre’.

Policy SI-07 – ‘It is a policy of the Council: To ensure that the design of future developments within the urban fabric of the town are of exceptional architectural merit and defined by the concept of public realm, incorporating a definable space in the promotion of a more socially inclusive society...’.

Policy SI-13 – ‘It is a policy of the Council: a. To ensure that open space is provided to enhance the character of residential areas. b. To require that one appropriate indigenous deciduous tree be planted in each private garden in all new residential developments (See Development Management Standards chapter...’.

6.3.5. Chapter 8 refers to Infrastructure, Chapter 9 refers to Natural Heritage, Biodiversity & Conservation and Chapter 12 refers to Land Use Zoning Objectives and Development Management Standards’.

7.0 Third Party Observations

7.1. A total of 50 submissions were received.

A submission was made by the Killarney Environs Protection Group, Councillor B. Cronin, Councillor Maura Healy-Rae, by NM Ecology Ltd who were engaged by Dolores O’Callaghan, Jerry Daly, Maureen O’Donoghue and Paul Burke, Padraig O’Sullivan on behalf of Kerry Education and Training Board, FP Logue Solicitors on behalf of R. Patterson and Others, and other submissions were from individual members of the public.

The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.1.1. Proposed Development:

- The scale of development is not suitable for Killarney in terms of the number of units, the type of development and the height of the apartment units.

- Concern about the opening of an access between the development site and the existing Millwood housing development.
- There is an adequate connection between Millwood and the Port Road.
- Negative impact on Millwood from those using the proposed creche.
- Concern about the impact of three storey units on tourism in the area.
- There has been a lack of consultation in relation to the proposed development.
- There is a need to protect green spaces such as this.
- The proposed development materially contravenes the Kerry County Development Plan and insufficient justification for increased building heights are provided.

7.1.2. Traffic/ Car Parking:

- The existing road infrastructure in the area is not suitable for the scale/ type of development that is proposed.
- The area is congested due to the number of schools in the area and the fact that the Port Road is a major tourist route.
- Concern that there is only one vehicular access proposed.
- Safety issue over the lack of cycle track along the Port Road.
- Connection to the ETB lands to the south is a concern as no consent for this has been provided to date.
- The traffic survey was undertaken in 2017 – pre-covid, and at peak times only. Survey is not adequate to determine traffic in the area.

7.1.3. Sustainable Transport Issues:

- There is a lack of suitable, existing cycle infrastructure in the immediate area.
- Any improvement to the Port Road for cycling/ walking would give rise to increased traffic issues on this road.

- The Kerry ETB objects to the inclusion of the proposed future pedestrian connections, and requests the Board, were it minded to grant permission for the proposed development, not to attach a condition for their inclusion, on the basis that such a condition would be unreasonable, if not ultra vires, having regard to the provisions of the Development Management Guidelines – Guidelines for Planning Authorities, June 2007.

7.1.4. Density, Design and Height:

- The development would have a negative impact on existing Victorian type cottages in the area.
- The proposed building heights and the density of development are out of character with the area.

7.1.5. Drainage/ Flooding:

- There is a concern that the proposed development may give rise to damage/ capacity issues to the existing water and foul drainage networks.
- Report by Declan O'Shea consulting engineer on behalf of J. Hartigan – concern about the submitted Flood Risk Assessment and potential for a greater volume of stormwater.

7.1.6. Impact on Biodiversity:

- Negative impact on badger setts on the site.
- Impact on other flora and fauna, reference to black bees.
- A number of inaccuracies have been identified in the ecological survey, particular reference to impact on badger setts on the site.
- Connection between the site and the nearby lakes by way of the folly stream is not referenced in the submitted documents.
- Impact on trees on site would negatively affect bird nests on site.
- The proposed development could impact on the water table in the area and in turn impact on tree growth.
- Failure to consider impact on protected bird species in the SPA.

- There is a lack of clarity regarding the proposed mitigation measures.
- The proposed landscaping plan is considered to be good.

7.1.7. Impact on Residential Amenity:

- Concern about loss of light and privacy in relation to existing houses on adjoining sites.
- Impact from noise during and after the construction phases of development.
- Specific requests to reduce the height of the two-storey houses behind the Port Road by at least 3 m and that a boundary be at least 2.5 m in height.
- Concern about anti-social behaviour associated with the opening of an access between the site and Millwood.
- Concern that this access too Millwood could be converted to vehicular access in the future.
- Lack of consultation with the local community about the proposed development.
- Negative impact on existing residents from the noise from electricity substations.
- Potential impact from rodents during the construction phase of the development.
- The height of the proposed development is excessive.
- The elevated nature of the site increases the negative impact from the proposed buildings on existing residences adjoining the site.
- Loss of green space and vegetation to facilitate the proposed development will have a negative impact.
- Undergrounding of powerlines will require an additional electricity pole in Millwood.

7.1.8. Other Comments:

- Consent to connect the development to adjoining lands has not been received in all cases.
- Potential for increased litter in the area.
- Negative impact on services in the area such as electricity.
- A number of the observers recognised that there is a need for housing.

Supporting information has been provided in the form of plans, photographs, photomontages, etc.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 10th of May 2022. The report states the nature of the proposed development, background details including preplanning, site description, planning history, details of submissions/ observations, the Chief Executive's views on the proposed development, a Chief Executive's recommendation and an appendix that includes the reports from internal departments of Kerry County Council.

8.2. The Chief Executive's report includes a summary of the views of the elected members of the Killarney Municipal District Meeting held on the 4th of May 2022, and these are outlined as follows:

- Concern about the opening of an access route between the proposed development and the Millwood housing estate to the north of the site. The development of such a connection would result in people parking in Millwood and dropping their children off to attend the proposed creche.
- The applicants do not own the green space in Millwood that is proposed to be developed to provide for a pedestrian and cycle access.
- It was noted that a letter of consent had been provided by Kerry County Council to enable the inclusion of this area of land into the application. A check with the Land Registry Office found this land not to be in the charge of Kerry County Council and the application should be deemed to be invalid.
- Not in favour of ETB lands being connected to the proposed development.
- A number of the councillors were on the ETB board and expressed the view that the ETB were not in support of access through their lands.
- Concern about the impact of the development on badgers.
- Concern that the proposed development would give rise to increased traffic in the area.

- The concerns raised by TII were noted and concern was raised that the submitted application considered that the impact on traffic would be reasonable.
- The reports of the applicant are noted but the schools in the area are already at capacity.
- As the developer cannot access the ETB lands, they do not own the lands required for pedestrian access to the town centre.
- The opening up of pedestrian accesses would set a precedent for other such developments in the area.
- Concern that the scale of development would have a negative impact on the Lake and the River Deenagh.
- There was no consultation with residents and the proposed development would have a negative impact on their amenity.
- While not opposed to the development of houses, there was concern about the scale, height, number of units, traffic impacts and the proposed access into Millwood as well as overlooking issues.
- It was noted that the Department of Housing, Local Government and Heritage recommended that an AA/ NIS be undertaken. The department had raised concerns about the impact of the development on water quality and on the Lesser Horseshoe Bat.
- Concern about the height of the proposed development and the consequent potential for issues of overshadowing of existing properties.
- Concern about the impact on the quality of the Folly Stream and also concern about the impact on the water quality of the lake.
- The proposed development was considered to be too dense and not suitable for this part of Killarney.
- Issue raised over the taking of charge process.
- Query over Part 5 and Housing and was it now 20% of the proposed housing development as the application only proposed to provide for 10% as Part 5 housing. It was reported that there was a transitional period in place in relation to the provision of Part 5 housing.

- The proposed development would have a negative impact on the adjacent Community Hospital, Cheshire Home, and Holy Cross Gardens. The residents of these facilities are unable to make a submission on how the development will impact on them.
- The proposed development may not be occupied by people working in Killarney and therefore there may be one to three cars per unit.
- A separate application for 12 apartments has been proposed at the entrance to the site.
- Recognised that there was a need for more houses in Killarney and a number of councillors suggested that bungalows would be more suitable for this site.

8.3. A list of submission/ observation points is provided in the submitted CE report and responses have been made to specific issues by the Planning Authority. I have summarised them as follows:

- TII concern regarding traffic on a National Route and concern about the submitted Traffic and Transport Assessment (TTA): Planning Authority have responded that the Board may seek further information from TII, note that the Port Road is within the Killarney Urban Area within a 50 kmh speed limit area and that any upgrades may be addressed by special contribution by condition.
- Department of Housing, Local Government and Heritage submission reports concern about water quality and the need for an AA and NIS having regard to the location of the site: The Planning Authority consider the impact on biodiversity to be acceptable. The location of the site within the urban area and separated from the National Park by the N71 National Road is noted.
- Irish Water have requested a number of upgrades to combined sewers or storm water provision and additional conditions are recommended: The Planning Authority note the report and the Board to condition as appropriate.
- Killarney Environs Protection Group have noted that there is already overdevelopment in the area, traffic/ transport issues and a loss of privacy through overlooking: The Planning Authority report that the site is suitably zoned

for residential development with appropriate services adjacent. Detailed traffic assessments have been prepared with appropriate sustainable transport connections proposed.

- Kerry Education and Training Board have indicated that there is no consent provided for the proposed walkways through their lands: The Planning Authority note this and whilst the development includes walkways up to the boundary with the ETB lands, opening hours will require agreement.
- A number of observations have been received (I have summarised these already in this report) and the Planning Authority have addressed the main issues. The following are noted: The development will result in a reduction in the elevation of the site and building heights will be similar to adjacent developments, adequate separation distances are proposed, measures are proposed to reduce car dependency, there will be no loss of existing amenity lands, impact on biodiversity is considered to be minimal, the proposal provides for a suitable infill development towards the centre of Killarney, this is no loss of tourist amenity, the site is within flood zone C, standard conditions will address issues of noise/ construction hours etc,

8.4. The key items identified in the CE report are summarised under the following headings:

- **Zoning and Council Policy:**

The site is zoned R1 – New/ Proposed Residential and is therefore suitable for development as proposed including a childcare facility.

- **Residential Density:**

The density is 43 units per hectare, and which is considered to be acceptable having regard to the Sustainable Residential Development Guidelines and the site location.

- **Building Height:**

Heights range from two storeys for the houses, three storeys for the duplex units and four storeys for the apartment blocks. The layout provides for units to be suitably located adjacent to existing units of similar height and has regard to the topography

of the site. The proposed buildings heights are considered to be acceptable to the Planning Authority.

- **Unit Mix:**

The mix of units is provided (76 houses, 152 apartments/ duplexes) and a condition in relation to the 'Regulation of Commercial Institutional Investment in Housing' be provided by the Board if required.

- **School Provision:**

The applicant has provided a school place report, and which indicates that there will be a decrease in school going numbers in the future. The Planning Authority reports that there are available lands for school expansion in the Killarney area, as indicated in the current county development plan.

- **Layout and Design:**

The Planning Authority describe the proposed layout of the development – noting in particular the residential units being provided around centrally located open space areas. The layout includes the appropriate location of units in relation to the adjoining residential units. The layout also provides suitable measures for active travel. The concerns regarding the use of the ETB lands to the south are noted, but it is considered that access could be controlled according to the requirements of the educational providers.

The proposed designs of the houses and apartments/ duplexes are considered to be acceptable.

- **Residential amenity:**

All units meet the required internal space and storage standards. 54% of Apartments in Blocks J, K and L are dual aspect and 100% are dual aspect in Blocks 1 to 4. 31%/ 1.653 hectares of the site is proposed for use as open space.

Adequate separation distances between the proposed and existing adjoining residential units are provided for. The submitted daylight/ sunlight report does not give rise to any concerns. The proposed childcare facility can accommodate 46 children, and this is adequate to serve this development.

- **Part V:**

A total of 22 units are proposed to meet the Part V of this development and this is acceptable.

- **Parking and Access:**

The Municipal District Area Engineer recommends that all the recommendations in the Road Safety Audit be implemented in full and suitable conditions are provided. A total of 333 car parking spaces are provided and this is acceptable. Similarly, 350 bicycle parking spaces are provided, and this is adequate.

- **Phasing Plan:**

The proposed development will be carried out in three phases and no objection has been made to this.

- **Construction & Demolition Waste Management Plan:**

Suitable details have been provided.

- **Water, Drainage and Flooding:**

The Kerry County Council Environmental Services Department have provided a detailed report in relation to surface water drainage. The proximity of the site to watercourses is reported and also it is reported that Lough Leane is classified as having a good water quality. Ross Bay is classified as having only a moderate water quality status. The Board are requested to carefully consider the management of surface water and wastewater from the proposed development and its potential for impact on Lough Leane. Suitable conditions are provided in relation to noise, waste, and other environmental matters.

- **Ecology:**

The site is located on residentially zoned lands within Killarney town, and which were subject to SEA and AA. The Kerry County Council Biodiversity Officer has raised a number of issues and the Board may consider a further information request to address these matters. The Planning Authority have reported that they consider the 'impact on Biodiversity is likely to be acceptable and is not one likely to be significant'. The location of the site, separated from the National Park by the N71 and the nature of development indicates its suitability. The future residents of this development are likely to use the National Park and such use would be focused on

areas that are allocated for intensive use – Zone C. It is not expected that the biodiversity value of the national park would be adversely affected.

- **Archaeology:**

The site contains Recorded Monument Ke066 066 – ‘Barrow’. An Archaeological Impact Assessment (AIA) has been provided in support of the application and although evidence for agricultural activity was uncovered, there were no dateable artefacts found on site. The proposed development would be acceptable subject to appropriate conditions.

Chief Executive Recommendation:

- The site is suitably zoned and located for residential development and the proposed layout provides for active travel with development appropriately designed having regard to adjacent development. The proposed development is in accordance with relevant national guidance and provides for a suitable mix of residential units which are supported by a suitable sized childcare facility.
- It is recommended that permission be granted for the proposed development and a list of suitable conditions are provided in Appendix 1 of the CE report in the event that permission is granted for the development.

Internal Reports:

Environment Department: Water and waste management need to be fully considered. Conditions are provided in the event that permission is to be granted for the development.

Environmental Assessment Unit (Biodiversity Officer): The conclusions of the AA Screening report and the Ecological Impact Assessment are noted. The report of the Department of Housing, Local Government and Heritage is also noted.

Concerns regarding impact on water quality and on the Lesser Horseshow Bat are noted.

Foul drainage can be provided for, and the method of surface/ storm water drainage has also been commented on. In conclusion it is considered that an Appropriate Assessment should be undertaken, and a NIS submitted. Further consideration is

required in relation to badgers and impact to the National Park from the proposed development.

County Archaeologist: Archaeological testing or a buffer zone around an identified barrow should be provided.

Killarney Municipal District Engineer: Conditions provided in the event that permission is granted for the proposed development.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Transport Infrastructure Ireland (TII)
- Minister for Housing, Local Government and Heritage
- An Taisce-the National Trust for Ireland
- Heritage Council
- Failte Ireland
- An Comhairle Ealaíonn
- Inland Fisheries Ireland
- Kerry County Childcare Committee

Submissions were received from Irish Water, the Department of Housing, Local Government and Heritage, and Transport Infrastructure Ireland (TII).

9.2. The following is a brief summary of the issues raised.

9.2.1. Irish Water:

Wastewater: In order to accommodate the proposed connection at the subject site, upgrade works are required in order to increase the capacity of the public wastewater network. It is necessary to upsize approximately 1.2 km of 450 mm diameter combined sewer or alternatively, storm water separation from the existing 450 mm diameter combined sewer for an area of 0.2 ha is necessary to accommodate the proposed connection at the subject site. As Irish Water do not

have any plans to carry out the works required to provide the necessary upgrade and capacity, the applicant would be required to provide a contribution of a relevant portion of the costs for the proposed works.

Design Acceptance: The applicant is responsible for the design of the infrastructure works within the development site,

Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- 'The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement'.
- 'Irish Water does not permit any build over of its assets and the separation distances as per Irish Waters Standards Codes and Practices must be achieved.
(a) Any proposals by the applicant to build over or divert existing water or wastewater subsequently occurs the applicant submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement'.
- 'All development is be carried out in compliance with Irish Water Standards Codes and Practices'.

9.2.2. Department of Housing, Local Government and Heritage (DAU):

Refusal recommended. The development may impact on the lesser horseshoe bat, on water quality in Ross Bay (part of Lough Leane), may adversely affect a badger habitat, and also negatively impact Killarney National Park. The Department report that the proposed development requires full appropriate assessment, and a Natura Impact Statement (NIS).

Accordingly, the Department recommends that An Bord Pleanála refuses to grant permission for the proposed development.

9.2.3. Transport Infrastructure Ireland (TII):

The proposed development is at variance with official policy in relation to the control of development on/ affecting national roads due to the development accessing a

national road, adverse impact to a junction (Ballydowney Roundabout Junction) and the submitted Traffic and Transport Assessment (TTA) is considered to be inadequate.

10.0 Oral Hearing Request

No requests were made.

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority, and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density and Scale of Development
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic, Parking and Access
- Infrastructure and Flood Risk
- Archaeology
- Ecological Impact Assessment
- Childcare
- Part V Social Housing Provision
- Comment on Submissions/ Observations of the Killarney Municipal District
- Other Matters
- Material Contravention
- Appropriate Assessment (AA)

- Environmental Impact Assessment (EIA)

11.2. Principle of Development

11.2.1. Having regard to the nature and scale of proposed development which is in the form of 228 residential units, consisting of 40 apartments and 72 houses on lands within the 'Development Boundary' of Killarney, on lands zone for residential development, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.2. The subject site is located in Killarney town centre and is located within the Kerry County Council administrative area. The subject site is subject to the requirements as set out in the Killarney Town Local Area Plan 2009 – 2015 (varied and extended). The site is zoned R1 – 'New/ proposed Residential Phase 1' and is located within the Settlement Boundary of Killarney.

Note: Kerry County Council are currently preparing a new County Development Plan, which is due to be adopted in late August 2022 and comes into effect in early October 2022.

11.3. Density and Scale of Development

11.3.1. The gross site area is given as 6.19 hectares and the net site area is 5.2 hectares. The net area is got by omitting areas of land that include upgrades to footpaths, especially along the Port Road, that are within the public domain and the omission of the section of the road along St. Margaret's Road that is required for surface water drainage upgrade works. The proposal for 228 residential units therefore provides for a net density of 44 (43.8) units per hectare.

11.3.2. The applicant's Planning Report explains that an additional 28 units have been provided since the pre-consultation stage. The introduction of townhouses and revisions to proposed apartments/ duplexes has allowed for this increase in residential numbers from 200 to 228 units.

11.3.3. **CE Report comments:** The Planning Authority considered that the proposed density is acceptable having regard to the 'infill nature of the site within

Killarney Town' and also the proximity of the development to existing services including educational facilities provides for a suitable location for a development of the density proposed.

11.3.4. **Assessment:** Having regard to the location of the subject site within the settlement boundary of Killarney on lands zoned for residential development and which is located within walking distance of the town centre, it is considered that the proposed development of residential units is acceptable in this location.

11.3.5. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities', 2009, encourages densities in the range of 35 – 50 units per hectare in Outer Suburban/ Greenfield sites. 44 units provides for a suitable density on these lands.

11.3.6. I note the comments made in the third-party observations regarding the scale and density of development. Concern is expressed about the impact of 228 units on this part of Killarney; impact on residential amenity and traffic will be considered in greater detail later on in this report. I accept that this is a large development, however national and regional policy seeks to provide for compact/ consolidated forms of development and to make maximum efficient use of available lands. This site is within walking distance of the town centre and benefits from existing pedestrian connections to the town centre. This development is not reliant on public transport due to its location and accessibility to the town centre.

11.3.7. The provision of lower density development such as bungalows as suggested in the received observations would not provide for an efficient use of available land. The consolidation of development and making maximum/ efficient use of available land would be to the benefit of the existing community. The development of such housing further out from the town centre would, in the absence of suitable public transport, result in increased traffic to and from the town centre, which in turn would provide for a reduced standard of amenity for those who live on/ near the main roads in/ out of Killarney town centre.

11.3.8. I have no reason to recommend a refusal of permission to the Board due to the proposed scale and density of development.

11.4. Design and Layout:

11.4.1. The proposed development is restricted by the topography of the site and more critically by the shape of the site. The access point to the Port Road is by way of a relatively narrow section of land and the proposed development is located behind existing development with no street frontage onto the Port Road. The proposed development is further restricted by having to provide for suitable separation distances between the rear of the proposed units and existing residential units on adjoining sites.

11.4.2. The layout provides for three distinct character areas as follows:

- Character Area 1: Northern area of land and the access point from the development to the Port Road. Includes a childcare facility and a mix of terraced and semi-detached houses.
- Character Area 2: Middle section of the site and provides for a mix of duplex/ apartment units.
- Character Area 3: Located to the south east of the site and provides for three apartment blocks. The provision of 96 units in this section of the site results in the densest part of the proposed development.

The character areas are further emphasised by the use of different materials, such as brick/ render in each section. The submitted 'Landscape Design Report' by Brady Shipman Martin, incorporates separate 'Landscape Character Areas' details, however the submitted details support the overall character area strategy.

11.4.3. The proposed houses are located in Character Area 1 to the north of the site, and this provides for a good integration with the existing houses to the north in Millwood and the houses along the Port Road. The provision of houses adjacent to existing houses allows for appropriate separation distances between houses. The apartment blocks to the south east consist of four storeys over basement level car parks. These units adjoin playing pitches associated with the ETB lands and a school to the south, and nursing/ retirement homes to the east.

11.4.4. The proposed development includes a pedestrian connection to Millwood to the north and other potential connections are identified to the north, south east and east of the site. The connection to Millwood is adjacent to the

proposed creche and this link would allow for residents of adjoining areas to use this facility in addition to the future residents of the proposed development.

11.4.5. The development is focuses on a central area of open space which incorporates a play area. Additional open space is provided to the southern eastern area of the site and to the south west in the vicinity of the Barrow, recorded monument.

11.4.6. **CE Report comments:** The Planning Authority noted the layout of the development centred on the public open space areas and the open space should be useable throughout the year. The layout of the site also promotes good pedestrian and cycle permeability within the site area and to/ from adjacent lands.

11.4.7. The concerns regarding access to/ from the site and through the ETB lands were noted, however the Planning Authority consider that the education providers can control the time of access to these routes. The provision of such connections will reduce reliance on car use.

11.4.8. **Conclusion on Section 11.3:** The proposed layout is considered to be acceptable, and the proposed development would allow for a suitable consolidation of this part of Killarney. The internal layout allows for good accessibility to play and open space areas. The layout of the residential units also allows for good surveillance of the open space and amenity lands provided as part of the development. The proposed neighbourhood areas demonstrate distinct character areas, and the proposed phasing is also acceptable.

11.4.9. I note the comments raised in relation to potential impact on existing residential amenity from the opening of accesses to adjoining lands. Such connections over third-party lands would require the consent of the landowner to carry out such development. I have no objection to the provision of such connections as indicated by the applicant and whilst I note concerns about the potential impact of these links, I consider the concerns regarding safety to be overstated. Such connections would also provide for a good alternative to having to use a car to access the town centre. Although it is located on the edge of the town centre, Millwood does not appear to be easily accessible through the layout and car orientated nature of its design.

11.4.10. It is to be hoped that the majority of the users of the creche will walk/ cycle to this facility as I would be concerned that its location may give rise to traffic congestion close to the only vehicular access to the site. It is located adjacent to the houses, and these are likely to be the primary source of demand for this facility and are well within walking distance.

11.4.11. The layout is considered to be of a high quality and provides for a good quality residential development in this part of Killarney. I have no reason to recommend a refusal of permission due to the proposed layout of this development.

11.5. Visual Impact

11.5.1. The proposed houses, duplexes and apartments will present a contemporary design and whilst there is a mix in the design/ material finishes, the overall scheme provides for an integrated approach. The submitted Architectural Design Statement provides detail on the unit design and how they will integrate with their respective neighbourhood areas and adjoining lands.

11.5.2. In addition to the Architectural Design Statement, the submitted photomontages provide some indication as to how the development will visually integrate with its surroundings. These focus on the western, northern, and southern sides of the site. No photomontages are provided along the eastern boundary, however the nature of the site, as already described, is such that it is not easily visible from public locations.

11.5.3. Although the development will have an impact on the immediate character of the area, this is considered to be acceptable having regard to the location of the site, within the settlement boundary of Killarney. As already reported, national guidance/ policy seeks to consolidate development in urban areas and the subject site is a prime example of where increased density should be encouraged. The development design has been carefully considered to ensure that the taller four storey apartment blocks do not dominate the setting of the area.

11.5.4. The submitted 'Landscape Design Report' and the supporting Landscape Plan demonstrates that the proposed site landscaping is of a good quality and will support the overall quality of the development. The design incorporates/ provides for a vista to the south towards St Mary's Church steeple and

the Managerton Mountains in the distance. The viewing point is from the centrally located public open space area and this would provide for a very positive feature on this site.

11.5.5. The submitted landscape strategy provides for bioswales and the protection of an existing wet meadow area, incorporating the Folly Stream. These features which primarily have a surface water drainage function, also serve to provide for high quality visual amenity/ areas of visual interest throughout the subject site.

11.5.6. I note that comment was made in the received submissions that the proposed development would be out of character with the existing form of development in the area. Comment was also made about the negative impact of the building design with particular reference to the proposed apartments.

11.5.7. **CE Report Comments:** The Planning Authority have reported no objection to the proposed building heights having full regard to the differences in levels throughout the site. The Planning Authority also reported that the proposed design of the residential units is generally considered to be acceptable.

11.5.8. **Assessment of Section 11.5 – Visual Impact:** In general, I consider that the proposed development is visually acceptable. The applicant has provided for a range of residential unit types and this relatively large development of 228 units demonstrates a suitable density and consolidation of development within the defined ‘Settlement Boundary’ of Killarney. The comprehensive development of this greenfield site will result in a change from the existing visual character of the area; however, this is considered to be appropriate having regard to the site zoning and location of the site.

11.5.9. I have referred to the third-party observations and their concerns that the development would have a negative impact on the established character of the area. The subject site provides for a suitable density and scale of development on this greenfield/ infill site, and I also refer to the fact that the site is primarily located within an area surrounded by existing development. Any such development would have to take full account of the potential for negative impacts on the existing residential amenity of the area; these issues are assessed further in this report.

11.5.10. The applicant has provided a number of supporting documents including a Design Statement, Landscape Design Report and Photomontages, that demonstrate how the development will integrate into its surroundings whilst having full regard to the existing character and residential amenity of the area.

11.5.11. In conclusion, I have no reason to recommend to the board that the development be refused permission due to impact on visual impact.

11.6. Residential Amenity – Future Occupants

11.6.1. **Unit Mix:** A total of 228 residential units in the form of houses, duplexes, and apartments is proposed and is summarised in the table below:

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Total
Number of Apartments	16	80			96
Number of Duplexes	14	28	14		56
Number of Houses		8	38	30	76
Total	30	116	52	30	228

As can be seen from the above table, there is a good mix of unit types, and a good mix within the apartment/ duplex and the house types.

11.6.2. **Quality of Units – Floor Area:** A Housing Quality Assessment has been prepared by Deady Gahan Architects and is submitted with the application. This provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas, and the majority of the apartment/ duplex units providing for over 110% of the required minimum floor area. The proposed apartments/ duplexes are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

11.6.3. The proposed houses also exceed the required minimum standards as set out in the ‘Quality Housing for Sustainable Communities, 2007’ in terms of room sizes and the overall floor area provision.

11.6.4. Blocks J, K and L are three standalone, four storey apartment blocks located to the south east corner of the site. Each block provides for 32 units and the layout of these blocks is generally similar. Each block is provided with a central lift core and stairwell from the basement car park level to all four floors. Eight units per floor are served by the lift and stairwell.

11.6.5. The provision of a lift to serve the upper floors in each apartment block demonstrates compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. SPPR 6 sets out that a maximum of 12 units per floor per core be provided and the proposed development provides for 8 units per floor per core. All apartments are provided with adequate storage space, and which is easily accessible for future occupants of these units.

11.6.6. The duplex units consist of a ground floor apartment with duplex unit over. The apartment has direct front door access and the duplex units over are accessed from either a front door at ground floor level, providing access to the unit by stairs or else a direct stair to first floor level.

11.6.7. **CE Report comments:** No issues of concern were raised in relation to the proposed development in terms of the residential amenity for the future occupants.

11.6.8. **Conclusion on Section 11.6:** The proposed development provides for an adequate mix of unit types and this mix provides for a range of housing types that may meet some of the housing needs of those wishing to live in Killarney. The internal layout of these units is acceptable and complies with recommended requirements.

11.6.9. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

11.6.10. **Quality of Units – Amenity Space:** The duplex and apartment block units are provided with adequate private amenity space in the form of balconies for the upper floor units/ patio areas for the ground floor units. This private open space is accessed from living room areas from the two-bedroom units and can be used without impacting on adjoining bedrooms; this is an appropriate design that ensures the protection of residential amenity. The one-bedroom units are provided with

private amenity space from the Living room, but which can also be accessed from the bedroom, this is considered to be acceptable.

11.6.11. The proposed duplex units are also provided with adequate and suitably accessible private amenity space, that ensures the protection of residential amenity.

11.6.12. The proposed apartment blocks and duplex units are provided with accessible communal open space in addition to having access to the public open space areas provided throughout the site. The Landscape Design Report provides details on the location of the communal open space. A total of 1,820 sq m of communal open space is provided and this exceeds the requirements of the Kerry County Council Development Plan and the Killarney Town Development Plan.

11.6.13. The proposed houses are provided with adequate private amenity space; details are set out in the Housing Quality Assessment. Three- and four-bedroom units are provided with in excess of 60 sq m and a number of units are very generously provided for in terms of open space – House no. 25 is provided with 114.2 sq m of private amenity space and no. 26 is provided with 109.7 sq m of private amenity space. House no. 47 is allocated with 177 sqm of open space. It should be noted that although these units have large areas of open space, this may be as a function of ensuring that adequate separation distances are provided for.

11.6.14. A number of the two-bedroom/ four person townhouses are provided with less than 60 sq m of open space but more than 48 sq m. These are considered to be acceptable.

11.6.15. As already reported, the site is provided with extensive and high-quality areas of public open space, and which includes play areas throughout the site. The open space is accessible to residents and benefits from good passive surveillance.

11.6.16. **CE Report comments:** Room sizes, storage and the general standard of the proposed accommodation are considered to be acceptable to the Planning Authority.

11.6.17. No issues of concern were raised in relation to the proposed development in terms of the provision of suitable private and communal open space to serve the future residents. The Planning Authority report that a total of 1.653 hectares or 31% of the site provides for open space and of this total, 15% or 0.8

hectares is considered to be useable open space, and which is accessible to the Planning Authority.

11.6.18. **Assessment of Section 11.6:** The proposed development provides for adequate room sizes, storage areas, and suitable private and communal open space areas. Overall, the development will provide for a good standard of residential amenity.

11.6.19. **Unit Aspect:** 100% of the duplex units are dual aspect and 54% of the apartments in Blocks J, K and L are dual aspect. The Planning Authority have raised no objection to this, and I similarly have no issues of concern in this regard.

11.6.20. **Daylight and Sunlight:**

11.6.21. The Kerry County Development Plan 2015 - 2021 does not specifically refer to any requirements in relation to daylight and sunlight and the potential for impact on residential amenity.

11.6.22. The applicant has engaged the services of DK Partnership and who have prepared a 'Daylight Reception Report', an 'Effects on Daylight Reception Analysis' and a 'Sunlight Reception Analysis'. The first and third reports are relevant to the proposed development in terms of demonstrating that the proposed units will be provided with adequate sunlight/ daylight and similarly that their associated amenity spaces are acceptable. The impact on neighbouring properties is considered under Section 11.7 of this report.

11.6.23. **Daylight Reception Report:** This report provides information on the level of achieved daylight received in habitable rooms within the proposed development and compares them for compliance with recommendations of relevant guidance and standards. Full regard has been had to CIBSE lighting guide 10, BS EN17037/EN17037 and the BRE 'Site layout planning for daylight and sun light'.

11.6.24. The BRE report recommends as a methodology for assessing sufficient daylight reception in a habitable room, that the calculated average daylight factor (ADF) of a habitable room to be in excess of the BRE bench marks of:

- Kitchen at 2%,
- Living room at 1.5%,
- Bedroom at 1%

- Combined living room/bedroom at 1.5%.

11.6.25. The applicant assessed the apartment blocks (J, K and L), the duplex blocks (1 to 4) and the town houses. Image 5.1 indicates the locations of the apartment rooms chosen for assessment, Image 5.2 does the same for the duplex/apartment units and Image 5.3 indicates the rooms in the town houses chosen for assessment. Supporting tables are provided in the report and which give details of the achieved results. Assessments are for ground floor units only as upper floors would be expected to achieve a higher result.

11.6.26. The assessment found that all units achieved an Average Daylight Factor (ADF) in excess of the recommended guidelines. The report considers that the proposed units demonstrate compliance with the BRE guidelines, and no mitigation measures are necessary.

11.6.27. **Sunlight Reception Analysis:** This report provides information on the effects of the proposed development on shadow/ sunlight in existing neighbouring amenity spaces and also the new amenity spaces within the proposed development. Full regard has been had to CIBSE lighting guide 10, BS EN17037/EN17037 and the BRE 'Site layout planning for daylight and sun light'.

11.6.28. Image 5.1 indicates the location of the proposed amenity spaces throughout the site that are to be assessed. BRE guidance is that at least 50% of an amenity space should receive at least two hours of sunlight on the 21st March and any loss of sunlight should not be greater than 0.8 times its former size.

11.6.29. Section 5.3 – 'Proposed amenity space calculation results' provides a detailed breakdown of the amenity spaces, and all achieved in excess of 2 hours sunlight on the test day of the 21st of March. Area 8 achieved the minimum of 2 hours for 50% of the area, but this is noted to be a Green Infrastructure supporting area and its amenity function is therefore different to the larger areas of amenity space. The communal open space (areas 1 to 3) and useable open space areas (4 to 7) achieved a range between 4 hours and 9 hours on the test date. The submitted results indicated that the open space areas to serve the proposed development will be provided with good sunlight in accordance with the BRE guidance.

11.6.30. **CE Report Comments:** Notes that the assessments submitted by the applicant meet or exceed the recommended levels.

11.6.31. **Assessment:** The applicant's report indicates that all units will receive adequate daylight and that the associated amenity spaces will be acceptable in terms of demonstrating compliance with the available guidance.

11.6.32. Overall, I am satisfied that the receipt of daylight and sunlight will be of a high quality, for all proposed houses, duplexes and apartments and their associated amenity spaces. I therefore have no reason to recommend a refusal of permission to the Board on the basis of impact on received daylight and sunlight.

11.6.33. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this part of Killarney, which is within walking distance of the town centre. Room sizes, layout, and proposed amenity spaces, in terms of area, are of a good standard. Open space is adequately provided for and will be useable and accessible to the proposed residential units.

11.7. Residential Amenity – Existing/ Adjacent Residents

11.7.1. **Existing Site:** The development of a greenfield site within an area that contains existing residential development will give rise to a level of nuisance and disturbance to existing residents, especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site.

11.7.2. **Effects on Daylight Reception Analysis:** This report prepared by DK Partnership on behalf of the applicant provides information on the level of achieved daylight received in habitable rooms, in existing neighbouring buildings, before and after the completion of the proposed development. Full regard has been had to CIBSE lighting guide 10, BS EN17037/EN17037 and the BRE 'Site layout planning for daylight and sun light'.

11.7.3. Section 2.5 'Daylight reception in neighbouring habitable rooms/ building conclusion' provides full details on the requirements/ acceptable levels of reduced daylight reception. The BRE recommends that the effects of a new development on received daylight should not affect any existing Vertical Sky

Component (VSC) by more than 20% or have a maximum change factor in excess of 0.8.

11.7.4. Image 5.1 of the submitted report indicates the location of the neighbouring receptors that are included in this assessment. These are located to east, north and west of the site and further details are provided in Table 5.3 of the applicant's report, including the address of the assessed building, its function and what the function of the tested window/ receptor is.

11.7.5. In summary the applicant's assessment has found that none of the VSCs of the relevant rooms/ windows are impacted by more than 20% or have a maximum change factor in excess of 0.8. Full details are provided in 5.4 VSC calculation results. The western receptors, houses on the Port Road, are assessed and found to have a change factor of 0.96 to 0.98 and which are therefore well within the guidelines. The northern receptors include houses, an office (MS Ireland Regional Office) and Killarney Community Hospital, and again are well within the guidelines with a change factor of 0.89 to 0.91. The Eastern Receptors include nursing/ care homes and with a change factor of 0.89 to 0.91, they are well within the guideline requirements. As all units meet the guidelines requirements, no concern was raised about the impact of the proposed development on neighbouring properties.

11.7.6. **Sunlight Reception Analysis:** The submitted report considers the impact of the proposed development on the amenity spaces of adjoining landowners/ residents. Section 6.1 – 'Selected existing amenity spaces' of the submitted DKP report indicates amenity locations on adjoining lands that could potentially be impacted by the proposed development, Image 6.1 clearly indicates their location in relation to the proposed development and the supporting table details their location and function. The assessment under Section 6.2 and 6.3 of the applicant's report provides the existing hourly sunlight rate and the corresponding table provides the rate etc. post completion of the proposed development.

11.7.7. The assessment has found that post construction, the achieved sun hours will be in the range of 0.82 to 1.00 of the existing achieved sun hours. All tested locations will continue to receive between 8 and 10 hours of sunlight per day for at least 50% of the amenity space area.

11.7.8. **CE Report Comments:** Notes that the assessments submitted by the applicant meet or exceed the recommended levels.

11.7.9. **Assessment:** The reports submitted by the applicant indicate that the proposed development will have minimal impact on existing units and on their associated amenity spaces. This is to be expected having regard to the location of the development, the scale of development and the generous separation distances between the proposed development and existing adjoining development.

11.7.10. I have no reason to be concerned about the potential impact of the development on the received daylight/ sunlight of adjoining properties and their associated amenity spaces. I therefore have no reason to recommend a refusal of permission to the Board on the basis of impact of the proposed development on received daylight and sunlight.

11.7.11. Overall, I am content that daylight, sunlight, and overshadowing impact from the proposed development upon existing properties will not be noticeable due to the topography of the site, layout and separation distances. I have applied the guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and I am satisfied that existing residential amenity will not be impacted upon.

11.7.12. **Potential overlooking:** Concern was raised in the third-party observations in relation to potential overlooking and a consequent loss of privacy. The proposed development provides for adequate separation distances between the rear of existing and proposed units. The overall layout has been carefully considered to ensure that such issues of overlooking do not arise. I accept that there may be a concern about perceived overlooking, but that is harder to quantify than actual overlooking. As already reported, the site is located within the urban area of Killarney and is suitably zoned for residential development, and it would have to be expected that the existing residents would find additional housing in the area in time.

11.7.13. From the site visit it was evident that the immediate area is characterised by a mix of building types with mostly single-storey houses to the west and north and larger buildings serving educational and social services to the south and east. The introduction of two, three and four storey units requires careful consideration, and I am satisfied that the applicant's proposed layout achieves this.

11.7.14. The four storey apartments are located to the south east corner and are 32 m from the units to the north and between 19 and 22 m to the buildings to the east. It has to be said that the applicant is proposing the majority of this separation distance as the existing building to the east are only three metres from their western boundary. The apartments are over 84 m from the nearest buildings to the south and this is considered to be acceptable.

11.7.15. **Proposed pedestrian accesses:** I note that a significant number of the observations referred to the potential impact from opening up pedestrian accessed to/ from the site and adjoining lands. I note the comments made by the ETB regarding the lack of consent to open up an access and I note the concerns raised by residents in Millwood about the potential for nuisance and loss of an area of open space.

11.7.16. National policy is to promote permeability, and this is emphasised in the National Transport Authority – ‘Permeability Best Practice Guide’ and through DMURS. The proposed development does not open up such accesses but makes allowance for them in the future. There are many advantages to such routes such as allowing for access to the proposed creche and to the educational facilities to the south on the New Road. I therefore consider it appropriate that such links be provided for at this stage.

11.7.17. **CE Report comment on residential amenity:** I note again the comments in the CE report, and they report that the proposed development provides for adequate separation distance from neighbouring development, and which mitigates the potential of overlooking. Killarney is overly car dominated and considering its relatively small size, it should be possible to reduce this car dependency subject to the provision of suitable alternatives. The proposed development has been designed to encourage a greater use of walking and cycling to and from the development and local services and this is considered to be appropriate.

11.7.18. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the existing residential amenity of the area.

11.8. Transportation, Traffic, Parking and Access

11.8.1. **Traffic and Access:** A number of documents have been submitted in support of the application in relation to traffic and transportation as follows:

- Road Safety Audit – Stage 1 – M.H.L. & Associates Ltd. Consulting Engineers
- DMURS Statement of Consistency – M.H.L. & Associates Ltd. Consulting Engineers
- Internal DMURS Road Safety Audit – M.H.L. & Associates Ltd. Consulting Engineers
- Engineering Services Assessment Report - M.H.L. & Associates Ltd. Consulting Engineers
- Traffic & Transport Assessment - M.H.L. & Associates Ltd. Consulting Engineers

Full regard has been had to these documents.

11.8.2. The Road Safety Audit identifies a number of issues with the design and the recommendations allowed for revisions to the proposed layout/ supporting documentation as follows:

- Visibility splays at main entrance onto the Port Road are not indicated, insufficient sightlines may result in side impact collisions.

Recommendation: Ensure that sightlines to current requirements are provided at all relevant locations.

- No tactile paving/ drop kerbs are indicated, and this may result in collisions involving pedestrians and visually impaired users.

Recommendation: Ensure that tactile paving/ drop kerbs to current requirements are provided at all relevant locations.

- No public lighting details have been provided for the junction with the N71 and within the development site. A lack of suitable lighting may give rise to safety hazards.

Recommendation: Provide for a suitable public lighting scheme and which incorporates the existing lighting on the N71/ Port Road.

- Signing and lining details for the junction with the N71 have not been provided and a lack of such details may give rise to side impact collisions.

Recommendation: Provide for adequate signing and lining at all junctions in accordance with relevant standards.

- Footpath width along the eastern side of the Port Road varies between 1.2 m and 1.7 m which may result in pedestrians been forced onto the traffic carriageway.

Recommendation: The development should consider in conjunction with TII And Kerry County Council to upgrade the existing footpath so as to provide for a shared pedestrian and cycle route.

- There is a lack of a pedestrian crossing between the proposed development and the National Park to the west of the site. The nearest suitable crossing is over 450 m away.

Recommendation: Provide for a suitable connection following agreement with TII and Kerry County Council.

The submitted Road Safety Audit is accompanied with supporting documentation and photographs of the site.

11.8.3. A single-vehicular entrance to and from the site is proposed onto the Port Road. The submitted plans indicate that this is to be an unsignalized junction. The only upgrades proposed to the public road network are the provision of a shared cycle/ pedestrian route along one side of the Port Road requiring a reduction in the width of the vehicular carriageway.

11.8.4. A large number of the observations referred to concern regarding traffic in terms of the increase in volume and the also the fact that the surrounding road network is also heavily trafficked with a significant volume of tourist related traffic using the Port Road; this was evident at times on the day of the site visit, though for much of the time the traffic was sparse.

11.8.5. Transport Infrastructure Ireland (TII) have reported concern about the proposed development and recommend that permission be refused. TII refer to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (January, 2012) and in particular Section 2.5 which considers the proliferation of entrances within transitional speed limit zones. The speed limit where the proposed entrance is

located is a 60 Kmh limit. Reference is made also to Section 2.7 of the guidelines and impact on national road junctions; TII consider that the development would have an adverse impact on the Ballydowney roundabout junction, and the applicant has not proposed any upgrade works to this junction. The submitted Traffic and Transport Assessment (TTA) demonstrates this problem.

11.8.6. **CE Report comment:** The Planning Authority through the CE report note the concerns in relation to increased traffic/ impact on existing traffic in the area, however they also note the location of the site and the fact that the proposed development encourages the use of walking/ cycling for trips in the local area. No particular issues of concern were raised in their report.

11.8.7. The Killarney Municipal District Engineer reported no issues of concern. The recommendations of the Stage 1 Road Safety Audit shall be implemented in full. A list of other measures to be addressed by condition are provided. I note that the upgrade works to the Port Road, to provide for a shared pedestrian/ cycle are to be agreed with TII and Kerry County Council prior to the commencement of development.

11.8.8. **Assessment of Section 11.8.1 to 11.8.6:** I note the issues raised in the Road Safety Audit and these are matters that can be addressed by way of condition. Only one vehicular entrance is proposed, onto the Port Road, and I do not foresee any particular issues in providing for a suitable layout at this point.

11.8.9. I also note the report of the Planning Authority and that of the Killarney Municipal District Engineer; no particular issues of concern were raised in their respective reports.

11.8.10. The concerns raised in the received observations are noted in relation to increased traffic on the Port Road. This road is wide but only a single carriageway in each direction. Whilst footpaths are in place, they vary in width and the proposal to provide for a shared cycleway/ footpath is welcomed as it provides an alternative to car use. The Port Road links the N72 to the north with the Mission Road and New Street/ Killarney town centre to the south/ south east.

11.8.11. I note the report of TII and their recommendation for a refusal of permission. I am concerned about this report as I consider there to be a number of justifications for the development as proposed in this location:

- The site is located within the settlement boundary of Killarney.
- The land is zoned for residential development and is located within an established urban area.
- The Planning Authority consider that the proposed development is acceptable in this location.
- Concerns about impact to the Ballydowney roundabout are noted, but it appears to be at or near capacity at present.

I am satisfied that the proposed development provides for an efficient use of land and meets the requirement for consolidation of development in established urban areas. As already reported, the density is acceptable/ appropriate for this location and the applicant has proposed measures that encourage the use of sustainable/ active forms of transport.

11.8.12. I would suggest that even in the absence of this development progressing, there will be a requirement for significant upgrade works to the Ballydowney roundabout in the future. There is also a demand for housing in the Killarney area and by developing this site, the demand will move elsewhere, perhaps outside of the settlement boundary which in turn puts additional pressure on the national road network. I am therefore satisfied that the site is suitable for development and notwithstanding the concerns of TII, the development is unlikely to adversely affect the national road network in the area.

11.8.13. I would raise an issue that only a single access point is provided for vehicles serving this development. For a development of this size, it is desirable that a separate access, if only available at times of an emergency, be provided. I note the concern raised in a third-party observation that pedestrian routes such as to/ from Millwood could be changed in the future to provide for vehicular access, any such revisions would require the submission of a new planning application to the local authority.

11.8.14. **Public Transport:** I am not aware of any public transport serving the Port Road and although Killarney has an integrated bus and train station, services are focused on regional and national journeys. I am also not aware of any NTA proposals to provide for a town bus service for Killarney. The site is within easy

walking of the town centre and services are available locally including schools and shops.

11.8.15. **Car Parking:** A total of 333 car parking spaces are proposed and are allocated on the basis of 148 spaces for the 76 houses, seven visitor parking spaces, 170 parking spaces for the duplex/ apartments and the creche is allocated four spaces for staff and four visitor parking spaces. The Planning Authority have reported that the car parking provision is acceptable, and the Killarney Municipal District Engineer did not raise any issues of concern in relation to car parking.

11.8.16. As already reported, the proposed development provides for a mix of housing types and consequentially car parking provision is allocated in a variety of forms. The apartment blocks (J, K, L) to the south east corner are provided with undercroft car parking. Car parking for the duplex/ apartment blocks (1 to 4) are provided in the form of group parking. The allocation of this parking should be unit specific which would allow for the passive surveillance of cars by the relevant units.

11.8.17. The car parking for the houses is located to the front of the houses and is a mix of groups of two, three and four parking spaces. No in-curtilage parking is possible as the public footpath passes between the house and the parking spaces. It would be appropriate to provide the parking in-curtilage as this would make the taking in charge process easier and provide more certainty over management of the car parking spaces for the houses. This issue could be addressed by way of condition.

11.8.18. **Bicycle Parking:** The proposed development provides for a total of 350 bicycle parking spaces, and this is considered to be acceptable. The Planning Authority through the CE report have raised no issues of concern regarding bicycle parking.

11.8.19. **Public Lighting:** Details are included in Section 5 of the MHL Engineering Design Report. The public lighting plan/ design has been prepared having full regard to the Ecology Report produced by Malachy Walsh & Partners and input from Kerry County Council.

11.8.20. **Conclusion on Transportation, Traffic, Parking and Access:** The proposed development is located within the defined settlement boundary of Killarney on residentially zoned lands and the proposed development provides for a density

that makes an efficient use of these lands. The applicant has proposed the incorporation of various active travel measures into the development and also a shared cycle/ pedestrian route along the Port Road.

11.8.21. I have commented on the concerns regarding increased traffic that the proposed development may generate. The location of this site is such that future residents can walk/ cycle to the town centre/ local services and consequentially a reduction in car use. The proposed development allows for the consolidation of Killarney town centre, and not developing this site may result in development further out from the town centre and which would have a greater impact on traffic/ the national road network.

11.8.22. I therefore have no reason to recommend a refusal of permission to the Board due to reasons of traffic and transportation provision.

11.9. Infrastructure and Flood Risk

11.9.1. **Water Supply and Foul Drainage:** Full details of water supply, foul drainage and surface water drainage are provided in the Engineering Report prepared by MHL & Associates Ltd. I have had full regard to these reports and the associated drawings in relation to these aspects of the development.

11.9.2. Full details on the proposed water supply system to serve this development are provided in Section 7.0 Water Design of the Engineering Report. An existing 150 mm diameter watermain along the Port Road/ west of the site, will be connected to in order to serve the development. This will be developed in accordance with Irish Water requirements and the appendix to the Engineering Report confirms that Irish Water has issued a Statement of Design Acceptance and previously a Confirmation of Feasibility. Irish Water have reported no objection to this development in relation to the connection to the public water supply system.

11.9.3. Foul drainage details are provided in Section 6.0 Foul Effluent Sewer Design of the submitted Engineering Report. All foul drainage from the proposed development will be collected by a 150- or 250-mm diameter foul sewer, which would be laid to fall not less than 1:150. The proposed foul sewer system is to be routed to the western side of the site and discharge into an existing foul sewer manhole, and due to the topography of the site, a portion of the wastewater network has been routed southwards to collect in a foul pumping station. All wastewater collected at

this location is to be pumped to a receiving header MH and outfall to a foul drainage line, where it will gravity flow out to the tie-in foul manhole on the Port Road to the west of the site.

11.9.4. The proposed foul drainage system would be developed in accordance with Irish Water requirements and the appendix to the Engineering Report confirms that Irish Water has issued a Statement of Design Acceptance and previously a Confirmation of Feasibility. Irish Water have reported no objection to this development in relation to the connection to the public foul drainage system. The submitted Engineering Report identified that there is a limited capacity in the existing foul/ combined network in the local area. The proposed solution has been agreed with Irish Water, that in order to offset the limited capacity, it has been agreed to remove sections of surface water loading from the combined sewer along St. Margaret's Road to the north of the development site. The drainage along this section of road will be removed from the combined system and assigned to a separate existing storm sewer network. The outcome of these proposed works will alleviate current loading in the existing foul network, thereby providing capacity for the site's generated foul drainage flows.

11.9.5. **Surface Water Drainage:** Full details of the proposed surface water drainage design are provided in Section 8.0 Surface Water System of the submitted Engineering Report prepared by MHL & Associates Ltd.

11.9.6. The proposed surface water management infrastructure has been designed in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) policies and guidelines as well as the requirements of Kerry County Council. The GDSDS requires that a number of design criteria are applied to all sites:

- Criterion 1 (River Water Quality Protection): Interception is provided by way of:
 - Permeable paving in public open spaces around the creche area.
 - Permeable paving provided to create 'home-zones' and traffic calming elements in parts of the development.
 - Surface water runoff to 'Stormtech' infiltration chambers in parts of the development; these will be equipped with silt chambers and suitable hydrocarbon interceptors.

- Green Roofs for Apartment Blocks
- Water Butts and soakpits to rear gardens taken roof and patio drainage.
- Bioretention Systems along the road edge
- Criterion 2 (Stream Regime Protection): Discharge rate to be restricted to QBAR for all storm events up to and including the 1 in 100-year storm event.
- Criterion 3 (Level of service (flooding) for the site): No concerns in relation to flooding on site.
- Criterion 4 (River Flood Protection): A maximum discharge rate of QBAR for all attenuated storage is proposed which is considerably less than the 30-year and 100-year greenfield run-off rates. No reduction in terms of run-off has been allowed for in the sizing of infiltration tanks as a result of proposed SuDS measures.

11.9.7. Irish Water have reported that in order to accommodate the proposed connection of the proposed surface water drainage system with the public foul drainage system, upgrade works would be required to increase the capacity of the public wastewater network. The system along the Port Road is a combined foul/ storm drainage system. It is necessary to upsize approximately 1.2 km of 450 mm diameter combined sewer in order to provide for suitable capacity to serve the proposed development. An alternative method of capacity provision would be to separate storm water from the existing 450mm diameter combined sewer for an area of 0.2 ha. As Irish Water do not have any plans to carry out the works required to provide the necessary upgrade and capacity, the applicant will be required to provide for a suitable contribution for the necessary upgrade works.

11.9.8. **Flood Risk:** A 'Site Specific Flood Risk Assessment' has been prepared by Donal Moynihan, Chartered Engineer, in support of the application. The submitted report has had full regard to all relevant guidelines and full details on flood risk assessment are provided. The subject site is described and by reason of the development consisting of habitable structures, the development is classified as 'Highly Vulnerable'. A Stage 1: Flood Risk Identification is undertaken and full details of the source material to be consulted is provided in the report. I consider this to be comprehensive.

11.9.9. The OPW Preliminary Flood Risk Assessment (PRFA) – Map 60 (relevant to this site) indicated that the subject site is located outside of the Fluvial Indicative 1% AEP and also outside the Fluvial Extreme Event – relevant maps are provided in the applicant’s report. CFRAM mapping indicates that the development is outside of Zone A and Zone B and is in Zone C. Coastal Flood Risk is not relevant to the subject site and the only historical flood event in the area relates to ‘Hurricane Charlie’ in August 1986. In conclusion the report finds that there is a very low risk of flooding on site and recommends that the assessment goes on to Stages 2 and 3.

11.9.10. On the basis of the Justification test, the development is classified as ‘Highly Vulnerable’ but there is a very low potential for flooding on site and the development is located on Zone C lands. The applicant’s report considered that the proposed development is appropriate.

11.9.11. Full regard is had to each type of potential flooding as follows:

Fluvial Flooding: Flooding in the Killarney area is related to fluvial flooding from rivers such as the River Deenagh. Measures can be taken to reduce impacts such as the provision of suitable SuDS measures and these have been incorporated into the proposed layout.

Coastal Flooding: Not relevant to this development.

Pluvial Flooding: No specific records of impact from pluvial flooding, however this may still occur, and measures can be taken to reduce potential impacts.

Groundwater Flooding: Due to the nature of such flooding and the location of the subject site, it is not considered as a significant flood risk.

Flooding from Drainage Systems and associated watercourses: The Folly Stream is identified as a potential issue, however there are no historical flooding events associated with this and it has the capacity to accommodate increased flows without overtopping of the stream banks.

11.9.12. The assessment has found that there is no flood risk attributable to this residential development and there is therefore no associated impact. Surface water drainage proposals provide for a ‘Greenfield’ approach for the subject site. In conclusion the assessment finds that the subject site provides for minimal flooding risks and avoids significant risks of flooding.

11.9.13. **Assessment of Flood Risk:** The submitted report raises no issues of concern. I am satisfied that the applicant has considered all potential sources of flooding. I note that comments were made by Declan O'Shea, on behalf of J. Hartigan, that the site may be prone to flooding and that the submitted assessment was not sufficient. I did not see any evidence of flooding on the day of the site visit, with rain occurring during the site visit, though I must advise that the lower levels of the site were heavily overgrown.

11.9.14. **CE Report Comments:** The CE report does not refer to any issues in relation to water supply and foul drainage capacity. The comments of third observers in relation to flooding were noted, however the subject is located in Flood Zone C and no issues of particular concern are raised.

11.9.15. The Kerry County Council Environment Department have prepared a detailed report in relation to foul drainage. The subject site is crossed by the Folly Stream to the south and the Deenagh River is located to the west of the Port Road. The Deenagh flows into Lough Leane and the Folly Stream flows into Ross Bay, which is a smaller bay within Lough Leane. Killarney Waste Water Treatment Plant discharges into the Folly Stream and although the Environment Department are not aware of any issues at present, historically there have been cases of by-passing of the treatment plant during storm events.

11.9.16. The Leane Waterbody is classified as of good quality; however, the Ross Bay system is only of a moderate quality. The Environment Department request that the Board consider thoroughly the management of surface water and foul drainage and also consider the impact on water quality arising from the proposed development and associated discharges. A number of recommended conditions are provided in the event that permission is granted for the proposed development.

11.9.17. The Kerry County Council Biodiversity Officer notes the report of the Environment Department and that of the Department of Housing, Local Government and Heritage in relation to impacts on water quality and the need for an Appropriate Assessment to be undertaken by the applicant. The Department of Housing, Local Government and Heritage have recommended that permission be refused for the proposed development.

11.9.18. **Conclusion on Infrastructure and Flood Risk:** The site can be served by a public water supply and by the public foul drainage network, which are available adjacent to the subject site. The site is located within Flood Zone C and is unlikely to result in flooding. The applicant has provided full details of the site services in the submitted Engineering Report. Irish Water have reported no objection to the development subject to conditions.

11.9.19. I note the concerns of the Kerry County Council Biodiversity Officer and the comments of the Department of Housing, Local Government and Heritage in relation to water quality. Whilst the proposed development should be able to connect into the public system, the submitted Appropriate Assessment Screening fails to demonstrate that the development would not impact on water quality in Ross Bay. This issue is considered further in Section 12 – Appropriate Assessment, of this report.

11.10. Archaeology

11.10.1. The applicant has engaged the service of John O'Connor to prepare an Archaeological Assessment and an Archaeological Test Excavation report, of the subject site. The reports are dated March 2017 and November 2017 respectively, and refer to a development on this site of 104 houses and 60 apartments, however the site area/ extents match that of the subject development.

11.10.2. RMP KE066-066 refers to an unclassified Barrow located to the southwestern corner of the subject site. This feature is not visible on the ground but appears in aerial photography of the site. A Barrow is described as an artificial mound of earth or stone, normally constructed to conceal, or contain burials. These date from the Bronze/ Iron Age and are part of the burial tradition of those times, dating from circa 2,400 BC to 400 AD.

11.10.3. The assessments have found nothing else of archaeological significance on the site. The submitted reports detail a number of other monuments that are within 500 m of the proposed development and include a Holy Well, Ogham Stone, Workhouse and Bridge. There are no protected structures on the site and no structures that are listed in the National Inventory of Architectural Heritage (NIAH).

The only feature of relevance on this site is the Barrow in the south west corner of the site.

11.10.4. Section 6 of the Archaeological Impact Assessment includes proposed mitigation measures. Test trenching is recommended and monitoring of groundworks during the construction phase may be required following consultation with the National Monuments Service. The submitted assessments are accompanied with a number of maps/ plans and photographs, as well as an extensive bibliography.

11.10.5. **CE Report Comments:** The Kerry County Council Archaeologist reported that the testing did not include the area around the Barrow. Conditions are recommended in the event that permission is granted. The Department of Housing, Local Government and Heritage did not refer to any issues in relation to archaeology in their submitted report.

11.10.6. **Assessment of Section 11.10:** I note the comments and reports received from the applicant and the Planning Authority. The issues in relation to archaeology can be addressed by way of condition. I note that the location of the Barrow is within an area proposed to be developed as open space and a buffer zone of 30 m is proposed around this feature. This is considered to be acceptable.

11.11. Ecological Impact Assessment (EclA)

11.11.1. The applicant has engaged the services of MWP, to prepare an Ecological Impact Assessment for the subject site; the report is dated November 2021. I have had regard to the contents of same. A separate Badger Report was also prepared by MWP and this is considered later in my report.

11.11.2. The site description and context, and the characteristics of the project are provided in Section 2 of the EclA. Construction will be undertaken in three separate phases. Methodology and relevant guidance are detailed in Section 3. Also included are details of surveys and baseline information. Surveys were undertaken between 2018 and 2021. Impact Assessment details are provided in Section 3.6.2 of the EclA.

11.11.3. The 'Description of Existing Environment' is detailed in Section 4 of the EclA. In summary:

The site is located on the outskirts of Killarney Town, in a built-up residential area. The National Park is located to the west and is separated from the site by the R877 – Port Road. The site is zoned R1 – New/ Proposed Residential Phase 1. Geological Survey (GSI) online mapper describes that the majority of the development site is underlain by Bioclastic cherty grey limestone from the DIRTAGE Limestone Formation and the the south-eastern most section is underlain by Bedded bioclastic limestone from the Cloonagh Limestone Formation. The soil at the proposed development site is categorised as poorly deep well drained mineral (mainly basic) and the subsoils are classed as ‘Limestone till (Carboniferous)’.

The development site is located within the ‘Laune-Maine-Dingle Bay’ Water Framework Directive (WFD) catchment and the Deenagh sub-catchment. This catchment drains a large area totalling 2,036 sq km and is drained by the Rivers Laune and Maine. The aquifer is designated as a ‘Locally Important Aquifer – Bedrock which is Moderately Productive only in Local Zones’. The Folly Stream is located towards the southern boundary of the site; is a surface water body through the site though it is culverted from circa 200 m downstream at the point where it intersects with New Road. The remainder of its course is in culvert and it connects into the public combined storm and foul drainage sewer, and which is directed into the Killarney Wastewater Treatment Plant at Ross Road. The Folly Stream is not a tributary of the Deenagh River, though the Deenagh flows south approximately 100 m west of the subject on the western side of the Port Road.

11.11.4. The Zone of Influence (ZOI) considers sites within 15 km of the subject site. The assessment considers that any designated sites outside of this zone are unlikely to be impacted by the proposed development. Sections 4.2.1 – Sites of International Importance, 4.2.1 – Sites of National Importance and 4.2.3 Other Designated Sites, lists all sites that are relevant. The sites are:

- Killarney National Park, MacGillycuddy’s Reeks and Caragh River Catchment SAC – 100 m west of the subject site.
- Killarney National Park SPA – 100 m west of the site.

- Sheheree (Ardagh) Bog SAC – 3.7 km to the south east of the site.
- Castlemaine Harbour SAC – 28 km to the north west of the site.
- Old Domestic Building Curraglass Wood – 15 km to the south east of the site.
- Killarney National Park, MacGillycuddy’s Reeks and Caragh River Catchment pNHA (Site Code 000365) – 100 m west of the site.
- Castlemaine Harbour pNHA (Site Code 000343) – 28 km north west of the site.
- Anna More Bog NHA (Site Code 000333) – 14.6 km to the north of the site.

11.11.5. An Appropriate Assessment report has been undertaken to consider the impact of the development on nearby Natura 2000 sites. The submitted AA screening concluded that significant effects on these Natura 2000 sites as a result of the project can be excluded. The Killarney National Park, MacGillycuddy’s Reeks and Caragh River Catchment pNHA overlaps spatially with the Killarney National Park, MacGillycuddy’s Reeks and Caragh River Catchment SAC, and shares the same features of interest. The EclA report considers that potential impacts on this pNHA arising from the project has been fully considered as part of the screening for Appropriate Assessment report which has concluded that significant effects can be excluded and therefore, this pNHA will not be considered further in this evaluation. The Castlemaine Harbour pNHA and the Castlemaine Harbour SAC are outside the ZOI of the project. The screening for Appropriate Assessment report concluded that the Castlemaine Harbour SAC was outside the ZOI of the project owing to distance and lack of direct ecological connections and this pNHA will not be considered further in this evaluation. The distance to the Anna More Bog NHA and the absence of a potential impact pathway are such that a significant effects on this site are not expected and it can be excluded from further consideration.

11.11.6. Habitats and Flora: The Port Road and St Margaret’s Road are classified as artificial surfaces (BL3). Much of the site consists of improved agricultural grassland (GA1), with little management in recent times. Plant species are those expected to be commonly found on such lands. Scrub (WS1) is found to

the north west of the site. An overgrown area to the south-east appears to be associated with previously disturbed lands with evidence of dumped construction material (ED5). The southern part of the site consists of Wet Grassland (GS4) and Marsh (GM1). This is located adjacent to the Folly Stream and is not particularly species-rich. Mature Hedgerow/ Treeline (WL1/ WL2) are found all around the site, with various degrees of management evident. A Riparian Corridor (WN5) is located along the stream to the south-east of the site, but again is species poor.

11.11.7. During the site surveys it was found that the Folly Stream channel contained very little water and vegetation was terrestrial rather than aquatic in nature. It is described as having ecological attributes that more resemble a drainage ditch as it is not a permanent watercourse capable of supporting aquatic life. It is not a tributary of any natural watercourse, and it has no upstream component.

11.11.8. No rare and/ or protected plant species were identified on site during the field surveys undertaken in the preparation of the EclA. A list of rare or protected species within 10 km of the site are provided in Table 5 of the EclA.

11.11.9. The site survey identified a number of young stands of invasive plant species within the site, most notably Japanese knotweed which was found in the south-eastern section of the site. These are likely to have been introduced to the site through previous activities. Other small stands of invasive alien plant species included Montbretia and Buddleia, located in the same area, with Montbretia also found in the location of the site entrance to the west. It is proposed that these invasive species would be eradicated and controlled within the site before the commencement of development, by deep burial in the northern section of the site. The report notes that between 2018 and 2021, the location and extent of invasive alien plant species did not change significantly.

11.11.10. Table 6 provides a list of protected mammal species that have been recorded on site and includes Hedgehog, Irish Stoat, Otter, Red Squirrel, Shrew, Badger, Pine Marten, Irish Hare and Red Deer. The report/ survey has identified evidence of terrestrial mammal foraging and commuting activity within the site, including fox runs, rabbit droppings and badger snuffle holes. An active badger sett was identified in the mature hedgerow/ tree line that separates the western and south-eastern sections of the site and there was extensive evidence of commuting

and foraging at the site boundaries, which suggests that badgers are going into adjoining lands to forage. Follow up surveys identified one main sett and three outlier setts in the boundaries of the subject site. The main sett was the only one with signs of recent badger activity and the outlier setts appear to be used by foxes and rabbits, as evidenced by runs and droppings. It is considered that the site and the adjoining lands are the territory of a breeding badger pair. The subject development does not propose to remove any of the vegetation from the site boundaries nor proposes to destroy any of the badger setts.

11.11.11. The following bat species have been recorded within the 10 km square in which the site is located:

- Brown long-eared bat
- Daubenton's bat
- Leisler's bat
- Lesser horseshoe bat
- Natterer's bat
- Common pipistrelle
- Soprano pipistrelle
- Whiskered bat

The site is considered to be of a high suitability for bats. There are no buildings on site that would be suitable as a bat roost. The subject site is considered to provide for moderate suitability for foraging and commuting bats due to the boundary trees and hedgerows which provide foraging habitat and connection to the wider landscape. Figure 12 of the EclA indicates the location of bats throughout the site and Table 7 provides details of when bats were located on the site. Overall bat activity was considered to be low.

11.11.12. The habitats occurring within the site and surrounds are of moderate to high ecological value for birds. Species found on site are considered to be typical of the general area. The Folly Stream is of value to fish or aquatic species and does not connect to any other river network.

11.11.13. Table 8 provides an 'Evaluation of habitats within the study area' and Table 9 provides an 'Evaluation of faunal species within the study area'.

11.11.14. The impacts of the proposed development on habitats are considered. The 'Do-nothing Scenario' would see the probable continued management of the site through grazing/ silage cutting and management of hedges. Local bird, mammals and other fauna would continue to use the habitats on site.

11.11.15. If development were undertaken, subject to appropriate mitigation measures, no significant residual effects are likely to occur. Table 10 provides a list of 'Construction phase effects potentially associated with the project' and Table 11 provides 'Operational phase effects potentially associated with the project'. Most of the effects are short-term and range from Not significant negative effects to Short term moderate effects. These are detailed in Table 'Potential impacts on faunal species identified as KERs during the construction phase and the significance of the impact'.

11.11.16. Operational phase impacts include 'brief imperceptible neutral effect on a local scale' to water quality in the Folly Stream. The potential disturbance or displacement impacts to mammals and birds as a result of the operational phase of the proposed development would be Long-term, Moderate Negative Effects on a local scale. The increase in human activity, through noise and light levels, as a result of the proposed development during the operational phase, would impact the local badger and bat populations.

11.11.17. Suitable mitigation measures are provided in Sections 9.3 to 9.5 of the EclA. Specific issues are proposed to ensure the protection of bats, and these are outlined in Section 9.4 and refer to tree felling and lighting. Badger protection measures are included in Section 9.5. Landscaping details are provided under Section 9.6.1 and it is recommended that suitable signage be provided on site with specific measures/ details included under Section 9.6.2. The 'Management of Invasive Species, Site Bio-Security' is included under Section 9.7. Measures in this regard will use Best Available Techniques (BAT).

11.11.18. Cumulative Impacts are considered under Section 10 and refer to Plans (County, Local Are Plans etc.), Permitted and Proposed Developments in the Locality, Existing Land-use, On-going Activities and Water Quality. Residual Effects

are detailed in Section 11 of the EclA and are outlined in Table 13. A number of 'Enhancement Opportunities' are provided in Section 12 of the EclA. These include the planting of trees and vegetation that would be of value to biodiversity and also includes the provision of Swift boxes throughout the site.

11.11.19. In conclusion, the EclA finds that impacts on biodiversity (including impacts to designated sites, habitats, flora, fauna and water quality) are not considered significant subject to the implementation of best practice methodologies and mitigation measures during the construction and operational phases of the development. The application of suitable construction and operational phase mitigation and protection measures will ensure that no significant residual ecological impacts, either alone or in combination with other plans or projects, will arise from the proposed development as submitted.

11.11.20. **Assessment of the EclA:** I have had full regard to the report submitted and I consider that it is thorough and has fully identified potential impacts and receptors that may be impacted by the development of this site. It is clear that the proposed development will result in a change, from the current use of the site as an agricultural field into a residential development of 228 units in the form of houses and apartments.

11.11.21. I note the report of the Kerry County Council Biodiversity Officer and their concerns regarding the proposed development.

11.11.22. The Department of Housing, Local Government and Heritage have reported serious issues of concern in relation to the submitted AA Screening and these are assessed further in my report. The Department have made some comment in relation to the EclA and the impact of the development on badgers. There are badger sets on site and although the development will not remove them, they will be adversely affected by the fact that the area has changed to an urban environment. The EclA should detail what the impact on badger species would be on a regional basis. Suitable conditions should be provided to ensure that the badger sett is protected. The submitted EclA should also consider the impact of the development on the nearby Killarney National Park through increased recreational use of this park. This has not been considered in the submitted EclA. These are

issues that can be addressed but would require revisions/ additional comment in the EclA.

11.11.23. **Conclusion:** From the submitted information, there are some omissions in the submitted details contained within the EclA as identified by the Department of Housing, Local Government and Heritage. It is considered that a revised EclA should be provided, and which would address in full these omissions thereby ensuring a complete assessment and consideration of all relevant matters is provided.

11.12. **Childcare**

11.12.1. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.

11.12.2. The proposed development is for 228 units, consisting of a mix of apartments, duplexes and houses. The applicant has proposed a standalone childcare facility that will be located to the north of site, adjacent to the main entrance onto the Port Road. This facility is designed to accommodate a total of 46 children and full plans/ details have been provided. Car parking provision is also made for staff and a limited number of visitors to the facility. The provision of pedestrian/ cycle links to adjoining lands should encourage the greater use of active travel to reach this site.

11.12.3. The applicant has engaged the services of HW Planning to prepare a 'Statement of Rationale for Childcare Provision' and this sets out the justification for a childcare facility of this size. Figure 1 of this report provides for a map indicated the 'Childcare facilities in proximity to the proposed SHD site'.

11.12.4. **Comments of the Planning Authority:** The Planning Authority through the CE report have reported that the proposed facility meets the requirements of the Childcare Guidelines and they have raised no objection to this element of the proposed development.

11.12.5. **Conclusion:** I note the report prepared by the applicant and the proposed provision of a childcare facility on site. As proposed, this should be provided in the first phase of development. In the event that permission is granted, there may be a need to revise the road layout at the front of this facility to ensure that an adequate set-down and pick-up is provided in order to ensure that traffic congestion does not arise. This may be addressed by way of suitable condition.

11.13. Part V Social Housing Provision

11.13.1. A Part V Proposal has been prepared by HW Planning. 22 Units are to be provided in the form of:

- 4 x 3 Bedroom townhouses
- 2 x 2 Bedroom townhouses
- 4 x 2 Bedroom duplexes
- 4 x 1 Bedroom duplex apartments
- 4 x 2 Bedroom apartments
- 4 x 1 Bedroom apartments

Full details of costings etc. are provided and Drawing no. 21085/P/008 indicates the location of the proposed units to be allocated as the Part V housing.

11.13.2. The Planning Authority note the proposal for Part V housing and no issues of concern were raised.

11.13.3. I note the 'Housing for All Plan' and the associated 'Affordable Housing Act, 2021' which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board decides to grant planning permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

11.13.4. **Conclusion:** I am satisfied that the applicant can provide for adequate Part V housing in accordance with the requirements for such housing and this may

be agreed by way of condition in the event that permission is to be granted for this development.

11.14. Comment on Submissions/ Observations of the Killarney Municipal District

11.14.1. The views of the elected members of the Killarney Municipal District were submitted separately to the CE report. They are generally similar to those raised by third parties and dealt with under the relevant headings above. However, having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I have also noted and considered all of the issues raised in the observations, therefore most of these varied issues have been addressed already in this report.

11.14.2. Concern was raised about opening up pedestrian access to adjoining housing areas with particular reference to Millwood to the north. The provision of such openings could give rise to issues of noise, nuisance, traffic congestion and anti-social behaviour. The comments are noted. The proposed development provides for these accesses but does not provide for accesses over third-party lands, as consent has not been received for this. It is appropriate that accessibility and permeability be provided for, to and from new developments such as that proposed. At a minimum, provision should be made for such future connections.

11.14.3. Similar concerns were raised about accessed over the ETB lands to the south and again the issue of consent has not been adequately addressed. Whilst I have some sympathy with the residents of Millwood, it is very much appropriate that connections between the development and the New Road be provided for. I am satisfied that this issue may be addressed by consultation. There are clear advantages for the future residents of this development in not having to make a long-convoluted journey to access the educational facilities on the New Road if a suitable link were provided. Similarly, measures that would reduce traffic on the New Road and the Port Road should be supported.

11.14.4. The size, scale and density of development was raised a number of times as an issue of concern. As I have already reported, the density of development is appropriate for this greenfield, town centre site. The provision of a bungalow or other low-density development is not appropriate and only results in an

efficient use of land and an increased reliance on cars. The mix of houses, apartments and duplexes is considered to be appropriate on this site. The development is to be carried out in three phases which is appropriate.

11.14.5. Traffic congestion and safety were raised as issues of concern. Killarney does not have an integrated town bus service that serves all parts of the town. Public transport is focused on regional and national level services. Active travel (walking and cycling) can only be relied on for journeys of a certain distance. The subject site is suitably located for such journeys to and from the town centre and schools in the central Killarney area. There is clearly a demand for housing in Killarney and providing it on this site reduces the need for building outside of the settlement boundary and which would result in increased traffic along the national and local road network.

11.14.6. Reference was made to the concerns raised by TII. I have noted and reported on these issues earlier in this report. The site is located within the settlement boundary of Killarney on lands zoned for residential development. The applicant has proposed a suitable layout and density of development. The vast majority of traffic is coming from outside of the settlement boundary.

11.14.7. Concern was expressed about the impact of the development on services in the area such as schools. The Planning Authority have reported that schools in the area have capacity to expand if necessary. Killarney is one of the main towns in Kerry and development of the nature proposed is suitable for such a settlement.

11.14.8. Concern was expressed about potential impacts to the Lake and River Deenagh during the construction phase of development. The connection of the storm water system to the Folly Stream was also likely to be a problem. Concern also about the comments made by the Department of Housing, Local Government and Heritage in their report. I note these concerns and they are considered further in the section on Appropriate Assessment.

11.14.9. Impact on residential amenity through overlooking leading to a loss of privacy was raised as an issue. Also, potential for similar issues for those residing in the adjacent nursing homes etc. I am satisfied that the layout and separation

distances provided ensure that loss of privacy will not be an issue. I have addressed this issue already in my report.

11.14.10. A number of queries were raised in relation to Social Housing and taking in charge. These are issues for the Planning Authority to address, in the event that permission is granted for this development.

11.14.11. A number of procedural issues were also raised and are not relevant to the assessment of this development.

11.15. Other Matters

11.15.1. **Availability of Facilities in the Area:** HW Planning have been engaged by the applicant to prepare a 'School Needs Assessment' and which has been submitted in support of this application. The report identifies/ locates a number of schools in Killarney and which are within 2 km of the subject site, though I note that most of these schools are far closer than 2 km. The proposed development may result in the requirement for 38 primary school places and 43 secondary level places. The report considers these figures to be conservative and do not factor in a 10% decline in the pre-school population between 2011 and 2016.

11.15.2. The report includes a number of tables and details in relation to school demand. Department of Education figures indicate that the primary school population peaked in 2018 and has been in decline since then and is projected to remain as such until 2036. Secondary school enrolments will continue to rise until 2024/ 25 and then decline. The report considers that there is capacity in the existing schools for the demand generated by this development.

11.15.3. **Assessment:** The submitted information is noted and gives rise to no concern. The proposed development is to be carried out in phases and therefore the expected maximum population is unlikely to be reached for some time and at a time when enrolments to schools starts to noticeably decline.

11.15.4. **Building Life Cycle Report:** This has been prepared by DG architects and has full regard to the 'Sustainable Urban Housing; Design Standards for New Apartments - Guidelines for Planning Authorities, 2020'. In addition, the submitted report meets the requirements of Kerry County Council and the need for a Sustainability Assessment Report.

11.15.5. An Owners Management Company (OMC) will be established, and common areas of the development are to be transferred to the OMC. Such common areas include external walls, footpaths, and landscaped areas on the development site. A budget for maintenance etc. will be set up.

11.15.6. Full details in relation to building specifications and energy efficiency are provided, though it is accepted that these are somewhat generic until the final design is agreed. Energy reducing methods such as Air Source Heat Pumps have been considered and which would reduce energy consumption, as well as reduce energy cost for the end user.

11.15.7. The submitted details are noted and are considered to be acceptable for this development.

11.15.8. **Universal Design Statement:** This has been prepared by DG Architects and has been submitted in support of the application. I note the conclusion of this report and which states:

‘The proposed development has been designed so that it can be accessed, understood and used by the widest possible extent of people, regardless of their age, size, and disability. This includes buildings, houses, apartments, streets, footpaths, pedestrian and cycle routes and open spaces’.

11.15.9. The submitted details are noted and are considered to be acceptable for this development.

11.15.10. **Powerlines:** The proposed development includes the undergrounding of powerlines through the site. I note that some comments were made by third parties regarding the fact that powerlines will remain in close proximity to them. This is noted, however the undergrounding of powerlines on the applicant’s land is desirable and the undergrounding of powerlines on adjacent lands is a matter for that landowner and the electricity provider.

11.16. **Material Contravention**

11.16.1. The applicant has submitted a ‘Material Contravention Statement’ of the Kerry County Development Plan 2015 – 2021 and the Killarney Town Plan 2009 – 2015, as extended with the application, prepared by HW Planning. The public

notices do not make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b).

There are a number of issues raised in the applicant's Material Contravention statement:

- Residential Density and Plot Ratio
- Car Parking Provision
- Bicycle Parking Provision
- Building Line and Separation Distances
- Private Open Space

The applicant provides a justification for the proposed development and refers to National, Regional and Local Guidance throughout this document.

11.16.2. **Residential Density and Plot Ratio:** The proposed development provides for a density of 43 units per hectare, which is in excess of the range of 10 to 12 dwellings per hectare as defined in the Kerry County Development Plan. The Plan does allow for increased densities in urban areas. The Killarney Plan allows for density between 30 to 40 units per hectare and higher densities may be allowed. Justification for the increased density is that these plans pre-date the National Planning Framework and a range of Section 28 guidance. The Sustainable Residential Development in Urban Areas encourages densities in the range of 35 to 50 dwellings per hectare in locations such as this, and the proposed development provides for a suitable density on this site.

11.16.3. The Killarney Plan provides for a maximum ratio of 2.5. The proposed development provides for a range of 0.32 to 0.42. The applicant considers this to be appropriate having regard to the location of the site on the edge of Killarney town centre.

11.16.4. **Assessment:** The proposed density and plot ratio are acceptable in terms of National guidance and do not conflict with the Killarney plan or the Kerry County Development Plan as increased densities are permissible in suitable urban areas.

11.16.5. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Kerry County Development Plan 2015 – 2019 and the Killarney Town Development Plan 2009 to 2015, as extended. The density is in accordance with national guidance in the form of the Sustainable Residential Development in Urban Areas (2009) guidelines as issued under Section 28 of the Planning and Development.

11.16.6. **Car Parking Provision:** 2 car parking spaces per house is provided except in the case of the two-bedroom houses which are allocated parking on the basis of 1.5 spaces per unit. Visitor parking is on the basis of 0.25 spaces per unit, a reduction from the town plan standard of 0.5 spaces per unit. Duplex/ apartment are allocated parking at 1.25 spaces per unit and apartments at 1 space per unit. The development plan standard is 1 space per unit and the Killarney plan is 1.25 spaces per unit. 4 visitor parking spaces are provided, this is not specified in either plan. Parking is provided having regard to national guidance and the location of the site within the settlement boundary of Killarney.

11.16.7. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Kerry County Development Plan 2015 – 2021 and the Killarney Town Development Plan 2009 to 2015, as extended in relation to car parking. The proposed parking provision is generally in accordance with the requirements of the Killarney Town Plan and having regard to the proximity to the town centre, the provision is considered to be appropriate.

11.16.8. **Bicycle Parking Provision:** A total of 350 bicycle parking spaces are proposed, which is in excess of the requirements of Objective 13.5.2 of the Kerry County Development Plan 2015 – 2021. The applicant has set out to explain the reasoning behind this provision in their submitted report.

11.16.9. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of

s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Kerry County Development Plan 2015 – 2021.

11.16.10. **Building Line and Separation Distances:** Objective 13.3 of the Kerry County Development Plan 2015 – 2021 specifies a separation of 7.5 m between the back of the footpath and building lines. This has not been achieved in every case such as units 13 to 16. Separation distances are not 22 m in every case but other measures have been included into the design to ensure that privacy and daylight are protected. The reason for this was to facilitate the design and the submitted development layout.

11.16.11. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Kerry County Development Plan 2015 – 2021 in terms of building line and separation distances.

11.16.12. **Private Open Space:** The Killarney Town Development Plan 2009 – 2015, as extended, requires a minimum garden area of 48 sqm for units in the town centre but 75 sq m for sites on greenfield sites outside the town centre. There is a conflict here between these requirements. Objective 13.3 of the Kerry County Development Plan 2015 – 2021 requires sites to be provided with a minimum of 48 sq m per site. This is achieved in 100% of cases.

11.16.13. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Kerry County Development Plan 2015 – 2021. Adequate open space is provided in accordance with the requirements of the Kerry County Development Plan.

12.0 Appropriate Assessment (AA)

Stage 1 – Appropriate Assessment Screening

12.1. The applicant has engaged the services of MW Planning., to carry out an appropriate assessment screening; the submitted report is dated November 2021.

12.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

12.3. Compliance with Article 6(3) of the EU Habitats Directive

12.3.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.3.2. The subject site with a stated area of 6.19 hectares (developable area is 5.29 hectares) is located circa 1 km to the north west of Killarney. The subject lands consist of greenfield lands in the form of agricultural grasslands with a slope downwards from the northwest to the Port Road to the west and to the south east of the site. There is a watercourse in the form of the Folly Stream which along the southern boundary of the site. There is an active badger sett on the site and there are trees forming part of the site boundary which may be suitable for roosting bat.

Eight small stands of Japanese knotweed have been located in the south-eastern corner of the site.

12.3.3. The site adjoins residential development on the western, northern and eastern sides of the site. The southern boundary of the site adjoins Killarney Community College.

12.3.4. The proposed development consists of a residential scheme of 228 residential units in the form of 76 houses and 152 apartment/ duplex units. In addition, the development includes a childcare facility, a new road access onto the Port Road, improvement works to public footpaths/ cycle paths, drainage/ water supply infrastructure, all associated site works and landscaping. The proposed development will be constructed over three phases.

12.3.5. Six European sites are located within 15 km of the subject site as follows:

Name/ Type	Site Code	Distance/ Direction	Qualifying Interests of Special Conservation Interest
Killarney National Park, MacGillycuddys Reeks and Caragh River Catchment - SAC	000356	100 m to the south	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on</p>

			<p>heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Geomalacus maculosus</i> (Kerry Slug) [1024]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Euphydrias aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>
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			<p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Alosa fallax killarnensis (Killarney Shad) [5046]</p>
Killarney National Park - SPA	004038	100 m to the west	<p>Merlin (Falco columbarius) [A098]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p>
Sheheree (Ardagh) Bog – SAC	000832	3.7 km to the south east	<p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>
Castlemaine Harbour – SAC	000343	5 km to the north	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p>

			<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Old Domestic Building Curraglass Wood - SAC	002041	15 km to the south east	<i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]
Erik Bog - SPA	004108	16.5 km to the south west	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]

12.3.6. Site-specific conservation objectives apply to the the following sites:

- Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC 000365
- Castlemaine Harbour SAC 00343
- Sheheree (Argagh) Bog SAC 000382
- Old Domestic Building Curraglass Wood 002041

Generic conservation objectives apply to the following:

- Killarney National Park SPA 004038
- Erik Bog SPA 004108

12.4. Potential impacts from the proposed development:

12.4.1. Section 3.6 of the AA Screening report considers/ identifies potential impacts to the designated sites. In summary the following is reported:

- The site area is 5.3 hectares, boundaries to be retained and additional works will be undertaken on the Port Road and St Margaret's Road.
- There will be no land take from any designated Natura 2000 site.
- The Killarney National Park SAC is 100 m to the west of the subject site. There is a no hydrological or ecological connection to the SAC from the site. There is an indirect connection through the Folly Stream which is connected to the public combined sewer, and which eventually discharges to Lough Leane following treatment at the Killarney Wastewater Treatment Plant (WWTP).
- There will be an increase in noise emissions during the construction and operation phases of the project. Any water emissions will be to ground during the construction phase and new foul drainage connections will be established for the operational development. Storm water will be infiltrated and attenuated storm water during heavy rainfall events will be discharged to the Folly stream at greenfield rates.
- Excavation will be controlled to minimise the removal of material from the site.
- Transport of materials etc. will be controlled to ensure that traffic congestion does not arise.
- The proposed construction phase will be approximately 3.5 years.

12.5. Assessment of Potential Impacts:

With regards to the proposed development, the applicant considers that the proposed development works do not include any element that has the potential to significantly alter the conservation objectives for which certain Natura 2000 sites are designated. It is considered that a number of the Natura 2000 sites are outside the

zone of potential impact influence of the proposal due to the absence of plausible impact pathways and/or the attenuating effect of the distance intervening. These sites, which are listed below, along with their distance and the rationale for exclusion, are not considered further in this assessment:

Designated Site:	Distance to the Site:	Rationale for Exclusion:
Killarney National Park SPA	100 m to the west	The habitats within the site are not suitable for SCIs. No hydrological or ecological connection to the suitable habitats located within the SPA.
Sheheree (Argagh) Bog SAC	3.7 km to the south east	No hydrological or ecological connection.
Castlemaine Harbour SAC	5 km to the north	circa 8 km indirect hydrological connection via the Killarney WWTP and Lough Leane to the Laune River and this is considered adequate to dissipate and dilute any potential water quality effect arising at the project site.
Old Domestic Building Curraglass Wood	15 km to the south east	No hydrological or ecological connection.
Erik Bog SPA	16.5 km to the south west	No hydrological or ecological connection.

Only one site is considered to be potentially impacted as follows:

Designated Site:	Distance to the Site:	Rationale for Inclusion:
Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC 000356	100 m to the west	Indirect hydrological connection via the Folly stream through the Killarney combined sewer network to the Killarney WWTP ultimately discharging to Lough Leane circa 2 km downstream of the site

The site is within the Deenagh sub-catchment but there are no watercourses within the site that join the Deenagh River. The Folly Stream does not join the Deenagh and although it drains the site, it is culverted for 350 m and connects into the public combined foul and surface water drainage system and is directed to the Killarney WWTP at Ross Road.

12.5.1. The likelihood of significant effects to a European site from the project was determined based on several indicators as follows:

- **Water Quality:** Construction Phase: Impacts to water quality can occur at construction phase such as run-off and oil spills. The Folly Stream is the only connection between the site and the National Park and due to the culverting, connection to the public system and treatment, any potential pollutants would be removed at the WWTP. There is no hydrological connection between the site and the River Deenagh. The Port Road and existing urban development separates the site from the River Deenagh.

Operational Phase: Foul and storm water emissions will be discharged to the public main system from the operational development. The proposed works on St. Margaret's Road will alleviate local capacity issues and will ultimately provide for separate storm and foul drainage networks in this area. The site will then be connected to the municipal foul network which is directed to and treated at the Killarney WWTP.

The Killarney WWTP provides tertiary Nitrogen & Phosphorus removal to the wastewater it processes. The most recent Annual Environmental Report (AER) (dated 2020) indicates that discharges are compliant with Emission Limit Values (ELVs) set in the Wastewater Discharge Licence. The proposed landscape plan will play a key role in helping to achieve greenfield runoff rates on the development. The proposed carparking will be on permeable grasscrete material. A network of bioswales will be incorporated into streets and open spaces across the scheme and surface water will be diverted into these features, where it will percolate at a reduced rate into the ground. The bioswale features will include overflow pipes that will take excess water away to buried storage tanks in extreme weather events. These tanks will connect to a new outfall to the Folly stream at the southern boundary of the site. Storm water will be attenuated

on site through infiltration and will only be discharged to the Folly stream when required such as during extreme weather events.

The applicant concludes that significant water quality impacts to the Killarney National Park, MacGuillycuddy's Reeks and Caragh River Catchment SAC can be objectively excluded at this stage.

- **Habitat Loss/ Alteration:** As reported, and concluded, significant water quality effects to the SAC can be excluded. Therefore, significant habitat loss and alteration effects to the aquatic habitats listed as Qualifying Interests (QIs) of the SAC can therefore be excluded. The terrestrial QI habitats do not occur within the proposed development site and the locations where they occur within the boundary of the SAC are not ecologically or hydrologically connected to the site. Therefore, significant habitat loss and alteration effects to the woodland, peatland and grassland habitats within the SAC arising from the proposed development can be excluded. Significant habitat loss/alteration impacts to the SAC can be excluded.
- **Disturbance and/ or Displacement of Species:** The site is unsuitable for a number of the listed terrestrial QI species, namely Kerry slug, Marsh fritillary and Killarney fern. These species have very specific habitat requirements, which are not available within the proposed development site or on the adjoining lands. Otters are not likely to be present due to the lack of suitable aquatic habitats and corridors. The site is not suitable for the Lesser Horseshoe Bat as there are no suitable buildings/ structures on site. Such bats are found in the National Park, the nearest roosts are circa 600 m to the south east of the subject lands. Whilst bats are impacted by lighting, measures are proposed to reduce this impact. Opportunities for foraging are limited on this site and will not be reduced by the proposed development. Significant species disturbance/ displacement impacts to the SAC can be excluded.
- **Habitat or Species Fragmentation:** As the nature of the proposed works is temporary, and the scope and scale of the proposed works is limited, significant habitat or species fragmentation impacts will not occur and significant habitat fragmentation to the SAC can be excluded.

12.5.2. **Cumulative/ In-combination Impacts:** Table 5 of the AA Screening provides a list of threats, pressures, and activities with impacts on the SAC. The only identified impact is from Invasive Species. Although Rhododendron is an issue in the National Park, it does not occur on the subject site. Japanese Knotweed on site will be treated. Human impact from the development is not foreseen and water quality issues will be addressed through the works on St Margaret's Road. Irish Water have identified Killarney as a settlement able to accommodate additional residential development. In conclusion, no cumulative impacts to the SAC are foreseen.

12.6. **Conclusion:** A screening process for Appropriate Assessment was undertaken and it has been concluded beyond reasonable scientific doubt, based on objective information, and considering the conservation objectives of the relevant European sites, that significant impacts from the project, individually or in combination with other plans and projects, on designated Natura 2000 sites can be excluded.

12.7. **Screening Assessment**

12.7.1. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.7.2. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I note the submitted Appropriate Assessment Screening and having regard to ecological/ hydrological connections in the form of the Folly Stream, I consider that the only site possibly subject to impact from the proposed development is the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. The other sites can be excluded due to the lack of suitable ecological/ hydrological connections, distance and the dilution effect combined with distance in the case of any hydrological links.

12.7.3. I refer at this point to the report from the Department of Housing, Local Government and Heritage – Development Applications Unit in relation to the submitted appropriate assessment. Their report has identified a number of issues with the AA Screening as follows:

- Lighting impacts on Bats: Lesser Horseshoe Bats commute along routes to the west of the Port Road/ Deenagh River from their roost to feeding areas located in deciduous woodland within the SAC. These bats are susceptible to disturbance from artificial light and insufficient scientific reasoning has been provided that would clearly eliminate the likelihood of significant adverse effects. Such scientific reasoning includes details on night-time construction/ security lighting and lighting from upper levels in the proposed housing units which may exceed that of the existing lighting along the Port Road.

There is a need for full details of where bats commute to/ from and feed in relation to the tree/ shrub barriers along the commuting route and the subject site. Also, a need to assess if the bats feed in the upper canopies of trees along the Port Road and if this will be impacted by proposed higher lighting sources. A competent bat-worker with suitable experience should undertake such surveys and full details of any mitigation measures with evidence of effectiveness in similar situations should be provided.

- Increased loading to WWTP: The AA Screening Report, citing the most recent Irish Water report of the Killarney WWTP (EPA discharge licence D0037-01), screens out impacts on the SAC via water quality as having a significant effect on it. According to the Irish Water report (Subsection 2.1.1), the annual maximum hydraulic loading is less than the peak treatment plant capacity, and “peak loads have not impacted on compliance with Emission Limit Values” in 2020. The submitted AA Screening Report (on p. 26) concludes: “Because Killarney WWTP has the capacity and the infrastructure capable of meeting the demands of the population targets of the County Development Plan and the residential zones identified, the treated emissions from the site will not interact cumulatively with the on-going activities in the catchment to cause significant water quality effects.” The actual water quality and the status of the protected aquatic species receptors in Ross Bay, where the Folly Stream/ treated WWTP water discharges, were not considered. NPWS funded surveys of Ross Bay has located the plant species

Slender Naiad only at one restricted location, whereas prior to 2018 it was recorded extensively in Ross Bay. This indicated a serious deterioration in the water quality of the bay. The most recent EPA Report of 2021 attributes this change to:

“Diffuse urban pressures, caused by misconnections, leaking sewers and runoff from paved and unpaved areas ...”.

The Department recommend that an in-combination assessment be undertaken and would examine recent monitoring data from the Folly Stream and Ross Bay and provide predictions of responses to future drought events which are increasing in frequency due to climate change. They also report that three types of Lamprey and salmon are found here.

12.7.4. **Comment on Water Quality:** I note in full the report of the Department of Housing, Local Government and Heritage. I also note that the Kerry County Council Environment Department comments regarding water quality in Ross Bay and the need for careful management of it. The Kerry County Council Biodiversity Officer has also reported on the submitted reports and notes the comments of the Department of Housing, Local Government and Heritage and the comments of the Kerry County Council Environment Department. The Planning Authority through the CE report did not raise any issues of concern. Further information may be sought by the Board but ‘it is considered that impact on Biodiversity is likely to be acceptable and is not one likely to be significant’.

12.7.5. The applicant has screened out all potential impacts in their AA Screening Report and has provided a justification for this in the case of each of the identified Natura 2000 sites. However, the report from the Department of Housing, Local Government and Heritage puts doubt on this and has identified that issues in relation to water quality that have not been adequately addressed or excluded beyond scientific doubt.

12.7.6. From the submitted information, the issue with water quality is not related to the current or future use of this site and there is no reason provided as to how the development will impact further on this issue. The Department refer to a recent EPA report and the attributing of change to a number of issues including

'Diffuse urban pressures..'. The proposed development provides for a modern drainage system, including SuDS, in a clearly identified urban location. The provision of a consolidated form of development in an established urban location provides a suitable alternative to the issue of diffuse urban development.

12.7.7. The Folly Stream forms part of the surface water drainage network serving this site and due to the method of drainage in Killarney, any waters entering this stream are treated in the wastewater treatment plant serving the town. The Department have referred to the most recent Irish Water report on the treatment plant capacity and no issues of concern have been raised in terms of capacity and 'compliance with Emission Limit Values'. As I have already stated, there is no indication that the subject site currently has a significant effect on water quality and similarly there is no indication that the proposed development of this site will have an adverse impact. I therefore am satisfied that the development as proposed would not have a significant effect on any designated Natura 2000 sites in terms of water quality.

12.7.8. **Comment on impact on Bats:** As already reported, the applicant has screened out all potential impacts in their AA Screening Report and has provided a justification for this in the case of each of the identified Natura 2000 sites. However, the report from the Department of Housing, Local Government and Heritage puts doubt on this and has identified impact on bats that have not been adequately addressed or excluded beyond scientific doubt.

12.7.9. The potential impact from the proposed development is an indirect effect through disturbance from artificial lighting, and the Department have referred to night-time construction lighting, security lighting and lighting from the upper levels of proposed houses and apartments. The Lesser Horseshoe Bat is susceptible to disturbance from such artificial lighting and in the absence of evidence stating otherwise or suitable mitigation measures identified in a Natura Impact Statement, the population of Lesser Horseshoe Bats located in the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation would be adversely effected by the development.

12.7.10. The Department in their report, have outlined a number of items that require further assessment, and these have not been included in the appropriate

assessment screening. There is a requirement for Appropriate Assessment and the preparation of a Natura Impact Assessment, and the applicant has failed to do provide this.

12.8. Appropriate Assessment Screening Determination

12.8.1. On the basis of the information provided with the application, including the Appropriate Assessment Screening Report, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site No. 000356 - Killarney National Park, Macgillycuddy's Reeks and Caragh River, in view of the site's Conservation Objectives, with particular reference to the Lesser Horseshoe Bat and it being impacted by artificial lighting generated by the development at both construction and operational phases.

12.8.2. The Board, therefore, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the European site No. 000356, in view of the site's conservation objectives and qualifying interests. The Board is, therefore, precluded from granting planning permission for the proposed development.

13.0 Environmental Impact Assessment

13.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

13.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, prepared by HW Planning on behalf of Portal Asset Holdings. The screening report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001, due to the size of the site area at 6.19 hectares and due to the number of residential units at 228, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

13.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

13.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: 'Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.

13.5. The proposed development is for a residential scheme of 228 units in the form of houses, duplexes and apartment units, and which is not within a business district, on a stated site area of 6.19 hectares, the residential developable area is 5.29 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

13.6. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

13.7. The applicant submitted an EIA Screening with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

13.7.1. In support of the screening, the applicant has provided a 'Statement pursuant to Section 299B of the Planning and Development Regulations 2001 (as amended)' which has been prepared by HW Planning. This statement lists a number of documents that have been considered and include:

- Directive 92/43/EEC – Habitats Directive
- Directive 2009/147/EC – Birds Directive
- Directive 2007/60/EC – Floods Directive
- Directive 2002/49/EC – Environmental Noise Directive
- Directive 2000/60/EC – Water Framework Directive
- Directive 2001/42/EC – SEA Directive
- Directive 2008/50/EC – Clean Air for Europe Directive

- Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.

13.8. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- An Appropriate Assessment (AA) Screening prepared by Malachy Walsh & Partners
- Ecological Impact Assessment Report by Malachy, Walsh & Partners
- Badger Survey Report by Malachy, Walsh & Partners
- Construction Environment Management Plan by MHL & Associates
- Traffic & Transport Assessment by MHL Consulting Engineers
- Engineering Design Report by MHL Consulting Engineers
- Archaeological Impact Assessment Report by John O'Connor Archaeology
- Archaeological Test Excavation Report by John O'Connor Archaeology

13.9. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. A Site-Specific Flood Risk Assessment, was prepared by Donal Moynihan Chartered Engineers, that addresses the potential for flooding was undertaken in response to the EU Floods Directive. An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. A Construction Environmental Management Plan has been submitted which was

undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European Communities (Trans frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of Waste which Render it Hazardous) Regulations 2015. I also note that the Kerry County Development Plan 2015 – 2021, as extended, was subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening and I note the contents of same.

13.10. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

13.11. I have completed an EIA screening assessment as set out in Appendix A of this report.

13.12. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

13.13. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

13.14. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

14.0 Recommendation

14.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

14.2. In conclusion, I consider the principle of development as proposed to be unacceptable on this site and that permission should be refused for the proposed development. Whilst the site is suitably zoned for residential development, is a serviced site, where social, educational and commercial services are available and is within walking distance of Killarney town centre and which provides for a suitable density of development, is of a suitably high quality and provides for an appropriate mix of houses, duplexes and apartment types which are served by high quality public open space and communal open space, the applicant has failed to adequately demonstrate that the proposed development would not adversely affect Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment, Special Area of Conservation (Site Code no. 000365) in terms of adverse impact on Lesser Horseshoe Bats through artificial lighting generated at both construction and operational phases of the development.

15.0 Recommended Draft Order

15.1. Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of March 2022 by Portal Asset Holdings Limited.

15.2. Proposed Development:

- The provision of 228 residential units in the form of 76 houses and 152 apartment and duplex units.
- A standalone childcare facility.
- A vehicular connection to the west of the site onto the Port Road.
- Pedestrian facilities and provision of future links to adjoining lands.
- Upgrade of combined sewer on St Margaret's Road.
- Provision of a combined cycle/ pedestrian facility on the Port Road.
- All necessary infrastructure works.
- Public open space is provided on the site and communal open space is available adjacent to the proposed apartment blocks.

15.3. The application contains a statement with addendum setting out how the proposal will be consistent with the objectives and policies of the Kerry County Development Plan 2015 – 2021 and the Killarney Town Plan 2009 – 2015, extended. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.

15.4. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development in term of car parking, bicycle parking, density/ plot ratio, separation distances and private open space.

15.5. **Decision**

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations below.

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was

required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

15.6. Reasons and Considerations

The Board Considers that:

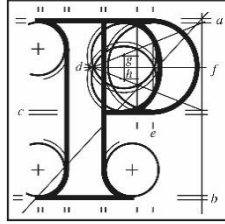
Having regard to the proximity of the subject site to the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment candidate Special Area of Conservation (cSAC) (Site Code no. 000365) it is considered that:

- the proposed development may result in increased artificial lighting generated at both the construction and operational phases of the development and that may impact on Lesser Horseshoe Bats that commute along routes to the west of the Port Road/ Deenagh River. The submitted Appropriate Assessment Screening does not provide sufficient scientific reasoning to clearly eliminate the likelihood of significant adverse effects.

In view of the site's conservation objectives and qualifying interests, the applicant has failed through the submitted Appropriate Assessment Screening to demonstrate that the proposed development would not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

19th of July 2022



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312987-22
Development Summary		The provision of 228 units in the form of 76 houses and 152 duplexes/ apartments, a childcare facility and all associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Kerry County Development Plan 2015 – 2021 and the results of the Strategic Environmental Assessment of these plans. See Inspector's Report Section 13.7, 13.8 and 13.9 for a list of additional relevant documentation.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development comprises the construction of residential units on suitably zoned lands. The development consists of a mix of houses and apartments. The three apartment blocks are in four storeys.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located on a greenfield site, surrounded by existing residential development, within the Killarney settlement boundary.</p>	<p>No.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No.</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other</p>	<p>No.</p>

		<p>such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during</p>	<p>No.</p>

		<p>construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will</p>	<p>Uncertain.</p>

		connect to mains services. Surface water drainage will be separate to foul services within the site.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?		Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	
	Yes		No.
1.8 Will there be any risks to human health, for example due to water	No	Construction activity is likely to	No.

<p>contamination or air pollution?</p>		<p>give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in</p>	<p>No.</p>

		the vicinity of this location.	
1.10 Will the project affect the social environment (population, employment)	Yes	The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	No.	No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna	No	No European sites located on the site. An AA Screening accompanied the application which concluded the proposed development,	Uncertain.

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>individually or in combination with other plans or projects would not adversely affect the integrity of 6 identified sites.</p> <p>The Planning Inspector disagrees with the results of this screening and a full AA is required in the form of a Natura Impact Statement to address concerns in relation to impact on Lesser Horseshoe Bats within the SAC.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>The development may impact on a known badger sett located on site.</p> <p>There are Lesser Horseshoe Bats using the adjoining lands to the west for feeding and commuting and the impact on these is uncertain.</p>	<p>Uncertain.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site is not within or adjacent to any such sites.</p>	<p>No.</p>

<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No.</p>	<p>There are no such features arise in this urban location.</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No.</p>	<p>There are no water courses on the site. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water; however, no likely significant effects are anticipated.</p>	<p>No.</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No.</p>	<p>Site is located in a built-up urban location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>National roads in the area are already congested and the development is unlikely to significantly increase traffic in the area.</p>	<p>No.</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is a National School, an Educational Training Board facility and some</p>	<p>No.</p>

	nursing homes adjacent to the site and suitable measures will be required to control construction noise and associated nuisance.	
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.
C. CONCLUSION			

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.		None.	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands within the existing 'Settlement Boundary' and which are on residentially zoned lands in the Kerry County Development Plan 2015 – 2021 and the Killarney Town Plan 2009 to 2015 as extended
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

including measures identified in the proposed Construction Environmental Management Plan (CEMP).

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

Inspector: _____

Date: _____

Paul O'Brien

19th of July 2022

15.7.