



An
Bord
Pleanála

Inspector's Report

ABP-315671-23

Development

Partial demolition of a wall along John Street as well as a small lean-to-shed (12m²) to facilitate access and construction and the construction of 39 no. two and three storey residential units and all ancillary site development works.

Location

John Street, Gortonora, Dingle,
County Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

22542

Applicant

HRP Construction

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellants

Marian Park Residents Association c/o
Vincent O'Connor

Observers

None

Date of Site Inspection

12/06/2024

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located circa 700m to the east of Dingle town centre. The town of Dingle located in the West Kerry Gaeltacht lies to the southern side of the Dingle peninsula. The town originally developed as a fishing port located to the northern side of Dingle Harbour. The town remains a deep-sea fishing port and it is also a popular tourist destination.
- 1.2. The site has a stated area of 0.737 hectares. It is situated to the eastern side of John Street. It has frontage of approximately 29m along John Street. The roadside boundary is defined by a stone wall and there is an existing gated entrance to the site.
- 1.3. The site is grassed it extends for circa 120m to the north-east to the Dingle Relief Road. The site level rises from approximately 20m at the western side to 30m at the eastern corner. The surrounding area is characterised predominantly by housing. The pattern of housing along John Street comprises mainly two storey terraced properties which directly address the public footpath. Marian Park a housing estate containing 25 no. dwellings is situated to the western side of John Street opposite the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for a residential scheme of development of 39 no. dwellings.
- 2.2. The proposal comprises the following;
 - Partial demolition of a wall along John Street and a small lean-to shed (12sq m) to facilitate access.
 - 2 no. two-storey 2 bed houses, 13 no. two-storey three bed houses, 12 no. two-storey 3 bed duplex over ground floor apartments and 12 no. one-storey 2 bed ground floor apartments with duplex over.
 - 37 no. car parking spaces for residents and 18 no. visitor car parking spaces. 40 no. bicycle parking spaces.

- Bin storage, pedestrian crossing, internal roads, drainage, boundary treatment, landscaping and public open space and all ancillary site development works.

2.2.1. Following the submission of further information on the 22/11/22 the scheme was revised with a total of 40 no. residential units proposed. The scheme comprises 2 no. units fronting onto John Street, and 2 no. terraced style developments fronting new proposed access road.

2.2.2. The residential units comprise 2 no. 2 bed houses, 14 no. 3 bed houses, 10 no. 2 bed ground floor apartments with duplex over 12 no. 3 bed duplex over ground floor apartments, 1 no. 1 bed ground floor apartment and 1 no. 1 bed duplex over and the provision of 55 no. car parking spaces and bicycle parking. Partial demolition of a wall along John Street as well as lean-to shed to facilitate access and construction, bin storage, pedestrian crossing, internal roads, raised table and fronting buildouts, drainage, boundary treatments, landscaping, public open space and all ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 24 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to the following;

1.
 - (a) Road Safety Audit and Site layout plan indicating how sightlines and visibility splays are achievable.
 - (b) Site drainage layout details and proposed drainage design for the new site development including proposals for SuDS.

2. Provide Shadow Impact Assessment of proposed development on existing adjoining dwellings on John Street.
3. Clarify proposals for boundary treatment.
4. Submit photomontages of the proposed development with clear views in the direction of the proposed development taken from Spa Road, Spa Road outside Tom Crean Brewery, Ashemount Mount Terrace, Goat Street and on public road outside no. 8 Gortonora.
5. Address the third party query on the accuracy of the Language Impact Statement.
6. Address design issues raised by the Housing Estates Unit (HEU).

3.2.2. Planning Report dated 22/12/2022 - Following the submission of a response to the further information, the planning officer noted that the revised proposals had resulted in an increase in the proposed number of dwelling units from 39 no. to 40 no. The report stated that the proposal will create a new street from John Street with terrace type two and three storey buildings to either side, with 2 no. new houses onto John Street and a further 5 buildings on to the Daingean Relief Road which is required per Objective D-UF-5 of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027. The revised proposals were considered acceptable and permission was granted.

3.2.3. Other Technical Reports

3.2.4. Roads Department - further information requested.

3.2.5. Roads Department: Report dated 21/12/2022 - Attachment of conditions recommended to a grant of permission.

3.2.6. County Archaeologist - No further mitigation required.

3.2.7. Biodiversity Officer - No objection.

3.2.8. Housing Estates Unit - Further information requested.

3.3. **Third Party Observations**

3.3.1. The Planning Authority received 15 no. submissions/observations in relation the planning application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

- 4.1.1. Reg. Ref. 21/575 - An application was lodged for 39 no. residential units, 55 no. car parking spaces, 40 no. bicycle spaces and associated site works. The application was withdrawn.

5.0 Policy Context

5.1. Project Ireland 2040 – National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. 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".
- 5.1.2. 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".
- 5.1.3. National Planning Objective 13 also 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".

5.2. Section 28 Ministerial Guidelines

- 5.2.1. 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.
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)

- Sustainable Urban Housing: Design Standards for New Apartments (2023)
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)

5.3. Kerry County Development Plan 2022-2028

- 5.3.1. Chapter 3 – Core and Settlement Strategy – Dingle (Daingean Ui Chuis) is designated in the Settlement Hierarchy as a Regional Town, the function of which is to harness and develop the complementary strengths and synergies between the settlements and their functional hinterland, to create highly connected centres of scale with the necessary critical mass, in terms of population and employment, to enable them to compete and grow to fulfil their potential and drive regional development in tandem with regional and national policy. The population of Dingle is estimated (2022) as 2,181 with a population growth target of 282 and a housing target of 221. The zoning of land will be set out in the Municipal District LAP.
- 5.3.2. Housing policies and objectives include the following:
- 5.3.3. KCDP 4-1 – Support and facilitate the objectives of 'housing for all' to regenerate towns and villages and to achieve compact growth and increased population in these centres.
- 5.3.4. KCDP 4-9 – Facilitate and support Language Plans for Daingean Ui Chuis, Tralee and Cahersiveen to achieve their target of increasing the number of daily Irish speakers.
- 5.3.5. KCDP 4-10 – ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy an enhanced quality of life and well-being.
- 5.3.6. KCDP 4-17 – Facilitate the development of sustainable compact settlements with the "10-minute" town concepts, whereby a range of community facilities and services are accessible in short walking and cycle timeframes from homes, with walkways and link routes to Greenways or are accessible by high quality public transport services connecting people to larger scaled settlements delivering these services

- 5.3.7. Chapter 8 Gaeltacht Areas, Culture and Heritage New initiatives to plan and develop the Gaeltacht areas and use of the Irish language were introduced by the Gaeltacht Act 2012. The key measures include the development of Limistéir Phleanála Teanga (LPT)(Language Planning Areas) and the development of Bailte Seirbhísí Gaeltachta (BSG)(Gaeltacht Service Towns). The designation of BSGs is a recognition of the provision of services required to support Gaeltacht areas including digital and educational resources. Chorca Dhuibhne is designated as an LPT and Daingean Uí Chuis is designated as a BSG. Relevant policies include;
- 5.3.8. KCDP 8-6 - Facilitate and support Language Plans of the County: Tobar Dhuibhne - Plean Teanga Chiarraí Thiar (2018), Dúchas an Daingin - Plean Teanga for Bhaile Seirbhíse Gaeltachta Daingean Uí Chúis and Brí Uíbh Ráthaigh -Plean Teanga Chiarraí Theas 2019-2026 to achieve their target of increasing the number of daily Irish Speakers, long term in Gaeltacht areas.
- 5.3.9. KCDP 8-7 - Ensure that developments of multiple residential units (2 or more) in An Ghaeltacht settlements shall be subject to linguistic and occupancy requirements in order to protect and sustain the linguistic and cultural heritage of the Gaeltacht areas including the promotion of Irish as the community language. The linguistic impact statement shall be prepared by a person qualified in the area of language planning.
- 5.3.10. KCDP 8-8 - Ensure that a minimum of 66% of Housing Developments on R1 and R4 zoned lands within the Gaeltacht areas shall be reserved for Irish Speakers. The standard of Irish required shall be determined and assessed by Kerry County Council. A language Enurement Clause (LEC) will be applied for a duration of 15 years from the date of first occupancy of the unit.
- 5.3.11. Appendix 6 of the CDP includes information regarding the land-use zoning used in the plan.
- 5.3.12. Volume Six of the Plan includes (1) Development Management Standards & Guidelines.
- 5.3.13. Section 1.5 refers to Residential Development.

5.4. Corca Dhuibhe Electoral Area Plan 2021-2027

- 5.4.1. Part B – Regional Town and section 3.2 refers to Dingle - Daingean Uí Chúis

5.4.2. Zoning - R1 – New/proposed Residential.

5.4.3. Residential (R1-R4) – Residential Areas are intended primarily for housing development but may also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of new residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes.

5.4.4. The future vision for Dingle / Daingean Uí Chúis is for the continued growth and development of the town as the primary urban centre for a large rural hinterland with key employment, educational, cultural, service and tourist functions. The town should develop in a sustainable manner and in a way that will improve the quality of life for residents and visitors alike.

5.4.5. Section 3.2.2. Strategic Issues and Strategy

In order for Dingle / Daingean Uí Chúis to develop in a sustainable manner it is important that;

- Sufficient population growth occurs through increasing employment opportunities and the provision of an attractive town,
- Affordable housing is provided in order to retain permanent residents,
- Development of residential units on vacant, derelict and infill sites is promoted ensuring that at least 30% of all new residential development takes place on brownfield and or infill sites,

5.4.6. Objective No: D-RES-1 – Facilitate the development of residential units on vacant, derelict and infill sites.

5.4.7. Objective No: D-Res-2 – Ensure that residential development on lands zoned proposed residential (R1) shall be for permanent places of residence only.

5.4.8. Objective No: D-RES-3 – Ensure that future residential development is only permitted on appropriately zoned land to ensure a sustainable and compact urban form.

5.5. Natural Heritage Designations

- Mount Brandon SAC (site code 000375) is located c.1km to the north.

- Dingle Peninsula SPA (site code 004153) is located approx. 2km to the south.
- Castlemaine Harbour SAC (site code 000343) is located approx. 14km to the southeast.
- Blasket Islands SAC (site code 002172) is located approx. 13km to the west.

5.6. EIA Screening

- 5.6.1. The proposed development comprises 39 residential units on a 0.737 hectare site. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.
- 5.6.2. The number of dwelling units proposed at 39 is well below the threshold of 500 dwelling units noted above. Whilst within the town of Dingle it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.
- 5.6.3. The proposal for 39 residential units is located within the development boundary of Dingle on lands zoned Objective 'R1' – New/proposed Residential in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027. The site comprises a greenfield site. It is noted that the site is not designated for the protection of the landscape or of natural or heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. It is detailed in Section 2.4 of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 that Dingle has adequate wastewater capacity to cater for the area of lands zoned in the plan. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by a Planning Statement, Civil Engineering Report, Archaeological Assessment and Stage 1/2

Road Safety Audit. These address the issues arising in terms of the sensitivities in the area.

5.6.4. Having regard to;

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands within the development boundary of Dingle on lands zoned under the provisions of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 and the results of the strategic environmental assessment of the Corca Dhuibhne Electoral Area Local Area Plan, undertaken in accordance with the SEA Directive (2001/42/EC).
- the location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- 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),

The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and the need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by RW Nowlan & Associates on behalf of Marian Park Residents Association c/o Vincent O'Connor. The issues raised are as follows;

- In relation to the design of the scheme it is stated that it is for a cul-de-sac housing development of 39 no. two and three-storey residential units with a single access point from John Street.
- The turning area of the 5.5m wide cul-de-sac road is close to the rear boundary of the site with the Dingle relief road. Under the original proposed design the gable end of houses would be facing this road.
- At further information stage the number of dwellings was increased to 40 no. The layout was revised with two short terraces fronting onto the Relief road with a pedestrian access ramp providing pedestrian access from the Relief road. A total of 55no. car parking spaces perpendicular to the access road are proposed to serve the development.
- The proposed vehicular access point to the access road into the proposed development would create a staggered crossroad junction with a cul-de-sac road into the Marian Park development of 25 no. houses. Under the revised proposals in response to a request for further information this junction into Marian Park would be included in road traffic works to John Street that are to be undertaken at the applicant's expense through a special development contribution.
- The planning history is noted. Reg. Ref. 21/575 refers to the proposal for the site which was for the same development. The application was withdrawn following a further information request which included requirement for access from the relief road.
- In relation to the Development Plan policy it is stated that the site is zoned Objective 'R1' 'New Residential' in the Dingle Local Area Plan 2021-2027. The plan was adopted on 29/4/2021 and became effective on 27/5/2021. The

planning report submitted with the application stated that the new Local Area Plan was not yet in place at the time the application was lodged, however this is not correct.

- In relation to the proposed vehicular access, it is stated that John Street is a relatively narrow access road into the town with on-street car parking only along the north eastern side of the street. There is road side parking along the entire road frontage of the site.
- The site extends to the Relief Road which has been constructed in parallel to John Street. It is submitted that the appropriate vehicular access to the development would be from the relief road rather than from John Street.
- There is a specific objective in the Local Area Plan to create a strong streetscape at this part of the relief road.
- It is noted that the Planning Authority sought vehicular access from the relief road in the further information in relation to the previous application which was withdrawn.
- Concern is raised in relation to the proposed vehicular access in terms of traffic congestion and traffic safety.
- The applicant proposes to achieve a 70 metre visibility triangle in both directions. This visibility triangle must be free from obstacles such as lamp posts and electricity poles.
- The response to the further information regarding the vehicular access was to provide “raised traffic calming and roadside buildout”. Any proposed widening of the footpath will result in a narrowing of the carriageway which is already narrow.
- The planning report submitted with the application is noted as it stated that the applicant was unable to secure the lands necessary to facilitate the preferred vehicular access from the relief road. It states in the report “to the north is a strip of land/buffer not in the ownership of the applicant and further north is the recently built relief road.”

- It is highlighted that the site location map clearly indicates the extent of the application site to include any land between the proposed development and the relief road.
- It is submitted that if the applicant now owns the lands up to the relief road then the Planning Authority should have pursued a change of vehicular access to the proposed development from John Street to the relief road.
- The appeal raises the matter of whether it is feasible to construct a vehicular access to serve the development from the Relief Road. It was suggested by the applicant in the response to further information provided with the previous application that the levels did not allow the provision of vehicular access from the Relief Road.
- It is noted that the contours at the northeastern site boundary are circa 29.5m whereas the centre of the site is the site levels are circa 3m lower.
- The site levels in the eastern portion of the site are much closer to the level of the relief road ranging between 28m and 29m. Therefore, it is suggested that an access road which would enter the site in the northeastern corner rather than the centre might be feasible in terms of road gradient. The appellants stated that this matter was not investigated.
- Regarding the matter of urban streetscape it is stated in the Local Area Plan that “the completion of the relief road to be developed as an urban street will open up these backlands to development potential. The development of an urban streetscape along the Relief Road and the creation of ‘hard edges’ throughout the town will enhance the urban fabric of the town.”
- The Objective D-UF-5 of the Local Area Plan states, “Develop an urban streetscape along the Relief Road and promote the creation of ‘hard edges’ throughout the town.”
- In response to the further information request the applicant made a change in the layout of the dwellings, with dwellings facing the relief road. It is contended that this does not provide a satisfactory response in design terms to the Local Area Plan objective to create a strong urban streetscape.

- It is submitted that the decision to locate the vehicular access from John Street presents a lost opportunity to achieve the urban streetscape at this location.
- The issue of the loss of on-street car parking is raised. The existing houses on John Street rely on the on-street car parking. The proposed scheme will create a new traffic junction layout in front of the existing houses.
- The revised layout will include the junction with Marian Park and it would result in the loss of a number of on-street car parking spaces.
- In the response to the further information the applicant addressed the roads report which concluded that the proposed development would result in a traffic hazard due to insufficient sightlines at the proposed vehicular entrance. The required sightlines of 70m in both directions would result in the removal of on-street parking along the north-eastern side of John Street.
- The applicant stated in the further information response that the sightlines could be achieved with works carried out outside the site curtilage with a raised table and road markings to restrict parking.
- The Planning Officer in their report considered that the proposals would address the traffic hazard and that the revised proposals would result in the loss of 10 car parking spaces on John Street. A levy was considered appropriate to offset the loss of car parking spaces. The report of the Planning Officer noted that it does not address the impact on the residents of John Street.
- It is considered that the proposal is ad hoc piecemeal development. The site forms part of an area of land that has been zoned for residential development in the Local Area Plan. In addition to the appeal site, it includes adjoining land to the north-west. The entire site has frontage onto the relief road. It is submitted that the proposal which does not include the development of the overall lands would constitute piecemeal and ad hoc form of development which would contribute to a haphazard pattern of development contrary to the Local Area Plan.

- The visual impact of the proposed development is raised. It is stated that the roof ridge height and the proposed houses are significantly higher than the existing houses on John Street and is as high as 38.15m. This is considerably above the roof ridge height of the existing houses on John Street. It is submitted that the visual impact is apparent from the contiguous elevation drawing and street and entrance elevation drawing.
- It is contended that as a result of the height of the proposed dwellings which are three-storey in combination with the sloping nature of the site that the proposed development would seriously injure the visual amenity of the town by impact on the streetscape of John Street which is an access route into the town and is one of the oldest streets in Dingle with traditional vernacular architecture.

6.2. Applicant Response

A response to the third party appeal was received from Butler O'Neill Total Planning Solutions on behalf of the applicant HRP Construction Limited. The issues raised are as follows;

- The applicant is satisfied that the entire planning process was a collaborative one in which they engaged with all the relevant Departments of the Council.
- Several changes were made to the layout of the scheme in response to the items raised in the request of further information. The applicant submits that it has provided for a more considered and robust scheme. The revised layout and scheme included additional contextual considerations and material improvements which addressed the further information and also the concerns of the appellants.
- The grounds of appeal refer to the scheme being a cul de sac development. The proposed layout does not facilitate a through route from the scheme onto the Relief Road, however they consider it is not appropriate to describe it as a cul de sac development.

- The site achieves the key principles of permeability in terms of active travel and facilitates access for buggies and person with disabilities. In relation to active travel the access to the north is considered to be an improvement.
- Regarding pedestrian access the applicant highlighted that in order to achieve permeability and also a Disability Access Certificate from Building Control that pedestrian access requires to be at a low level to the streetscape on the distributor road. Therefore, in relation to the design it is necessary that the central area be available with no buildings in order that a ramp and steps can be installed to be compliant with the certification requirements.
- It is highlighted that the steep levels necessitate a wider graduated path and also that it will enable the development to have streetscape to both John Street and the distributor road. The main element of the development will comprise a new street connecting the two. It is submitted that this is in keeping with the existing urban grain of Dingle and the aims of the Local Area Plan.
- It is noted that notwithstanding the fact that levels are prohibitive that the provision of a vehicular access could result in a rat run through the site which would impact residential amenity of future residents.
- The appeal refers to the lack of vehicular access onto the northern relief road and also the matter of legal interest. When the previous application was lodged the applicant did not own the portion of land to the north. At the time of the making of the current application the applicant had sufficient legal interest/ownership of the lands to the north.
- In relation to the matter of streetscape it is submitted that the framework is laid for a streetscape to continue along the northern relief road.
- Regarding the matter of loss of on street parking it is submitted that the residents of Marian Park have been provided car parking. It is noted that the permission includes a condition requiring the payment of a contribution in lieu of the loss of on-street car parking. The planning gain of the development of new housing is highlighted.

- The appeal referred to the proposed development being ad hoc piecemeal development. The proposal is a carefully considered scheme. Pre-planning first took place in late 2019 and then in May 2020. An initial application was lodged. The Planning Authority sought further information and the application was withdrawn to resolve the extensive issues.
- It is submitted that the proposed development provides a site specific housing response for the area in order to ensure it integrates well with the established surrounding land uses in particularly the existing residential and educational uses.
- It is submitted that the development of a medium to high density development at this location within the established built up area of the town would represent a suitable addition to the housing market within Dingle.
- A number of alternative schemes were considered. The proposed scheme represented the best option. It is in line with the development management standards as set out in the County Development Plan and the Dingle Local Area Plan.
- The applicant requests that the Board uphold the decision of the Planning Authority and grant permission for the proposed development.

6.3. Planning Authority Response

- None received

7.0 Assessment

Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal can be considered are as follows:

- Policy context
- Design, streetscape and visual impact

- Access and parking

7.1. Policy context

- 7.1.1. The proposed development seeks permission for the construction of 39 no. dwelling units and all associated site works. The site at John Street, Gortanora, Dingle is located within the town boundary of Dingle. Under the provisions of the Corc Dhuibhne Electoral Area Local Area Plan 2021- 2027 the appeal site is zoned Objective R1 – New/proposed Residential. The site is a greenfield site located between John Street and the Dingle Relief Road. Objective No: D-Res-2 contained in the LAP seeks to ensure that residential development on lands zoned proposed residential (R1) shall be for permanent places of residence only. In relation to this objective the scheme is proposed as permanent residences rather than for holiday or temporary accommodation purposes. Objective No: D-RES-3 in the LAP seeks to ensure that future residential development is only permitted on appropriately zoned land to ensure a sustainable and compact urban form. The residential development of the site which is circa 700m from the town centre and at a density of circa 53 no. residential units per hectare is therefore in accordance with this objective.
- 7.1.2. The north-eastern boundary of the site is at the Dingle Relief Road. It is set out in the LAP that the completion of the relief road is to be developed as an urban street and that it will open up these backlands to development potential. It further states that the development of an urban streetscape along the Relief Road and the creation of “hard edges” throughout the town will enhance the urban fabric of the town. As indicated on the zoning Map for Dingle contained in the LAP there is an objective for streetscape along the section of the site at the Dingle Relief Road. Objective D-UF-5 of the LAP seeks to develop an urban streetscape along the Relief Road and promote the creation of “hard edges” throughout the town. Accordingly, proposals for housing schemes on the site must be designed having regard to the objective to develop an urban streetscape along the Dingle Relief Road. I will assess this matter in section 7.2 of the report.
- 7.1.3. It is set out in the grounds of appeal that that the proposal is ad hoc piecemeal development. The appeal refers to the site forming part of a larger area of land which is zoned for residential development in the Local Area Plan and it is contended that

as the proposal which does not include the development of the overall lands that it would constitute piecemeal and ad hoc form of development which would contribute to a haphazard pattern of development contrary to the Local Area Plan. In relation to this matter, I would note that the appeal site covers the majority of the lands zoned objective 'R1' located between John Street and the Dingle Relief Road. The area outside the appeal site to the north-west adjoins the Dingle Relief Road and also has frontage onto John Street and therefore can feasibly be separately developed. The section of land to the east of the appeal site is a linear small plot which could also be separately developed. Accordingly, having regard to the fact that the appeal site covers the majority of the lands zoned objective 'R1' located between John Street and the Dingle Relief Road and that the remaining adjoining lands could be separately developed I do not concur with the assertion in the appeal that the proposal would constitute piecemeal development.

- 7.1.4. Having regard to the 'R1' zoning objective of the site and the provisions of Objective No: D-RES-3, I am satisfied that the proposed development of the site for a residential scheme of 39 no. dwelling units is in accordance with the zoning provisions and relevant objective.

7.2. Design, streetscape and visual impact

- 7.2.1. The grounds of appeal refer to the design of the scheme in relation to the matter of the streetscape along the Dingle Relief Road. The appeal referred to the layout being a cul-de-sac with the absence of vehicular access onto the Relief Road. The issue of the visual impact of the scheme was also raised in the appeal.
- 7.2.2. As part of the further information the applicant was required to address the layout of the development in particular the lack of a suitable relationship between the proposed development and the Relief Road and to comply in full with Objective D-UF-5 of the Corca Dhuibhe Electoral Area Plan 2021-2027 to develop an urban streetscape along the Relief Road and promote the creation of 'hard edges' throughout the town.
- 7.2.3. Regarding the layout of the scheme the appeal referred to the layout being a cul-de-sac with the absence of vehicular access onto the Relief Road. In response to that issue the first party highlighted that at further information stage the layout was

revised with two short terraces fronting onto the Relief road with a pedestrian access ramp providing pedestrian access from the Relief road.

- 7.2.4. In relation to the revised layout the two short terraces fronting onto the Relief Road comprise on the north-eastern side, 2 no. three-bedroom duplex dwelling units over apartments. To the north-western side, 1 no. three-bedroom duplex dwelling unit over apartment and 2 no. three bedroom houses are proposed. The front elevations of these proposed units address the Dingle Relief road. Accordingly, the revised layout provides a hard edge and therefore creates a streetscape along this section of the Relief road as requires under Objective D-UF-5 of the Local Area Plan. In relation to access between the scheme and the Relief Road while vehicular access is not proposed due to the topography of the site relative to the Relief Road, pedestrian access between the scheme and the Relief Road is proposed. The revised layout provides for both a stepped and ramped pedestrian access to the Relief road onto the existing public footpath.
- 7.2.5. The appeal refers to the potential visual impact of the proposed development. The appeal highlighted that the roof ridge height and the proposed houses are significantly higher than the existing houses on John Street. It is contended that as a result of the height of the proposed dwellings which are three-storey in combination with the sloping nature of the site that the proposed development would seriously injure the visual amenity of the town by impact on the streetscape of John Street which is an access route into the town and is one of the oldest streets in Dingle with traditional vernacular architecture.
- 7.2.6. As part of the request for further information the applicant was required to submit photomontages of the proposed development with clear views in the direction of the proposed development taken from Spa Road, Spa Road outside Tom Crean Brewery, Ashemount Mount Terrace, Goat Street and on public road outside no. 8 Gortonora. In relation to the submitted visual assessment, I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual impact assessment are representative of the extent of the visual impact upon the surrounding landscape. In relation to the 4 no. photomontages, I note that 2 no. of these indicate that the proposed development would be visually imperceptible in the landscape. A further 1 no. of the remaining viewpoints has distance view of the proposed development. The proposed development from this viewpoint to the north

is integrated into the surrounding streetscape and would not appear unduly obtrusive within the surrounding landscape.

- 7.2.7. From the close-range view towards the development from the public road outside no. 8 Gortonora the dwellings with frontage along the Relief Road would be visible. I note that these dwellings would not appear unduly obtrusive in the streetscape as they would be visible as two-storey development along this section of the Relief Road and as the site level falls to the north-west the relative height of the development follows the topography. Furthermore, I note that there are no protected views or vistas in which the site impacts or detracts from.
- 7.2.8. Regarding the topography of the site, I note that the site level rises from approximately 20m at the western side to 30m at the eastern corner. I note the point raised in the appeal that the roof ridge heights and the proposed houses would be higher than the existing houses on John Street. Given the elevated nature of the site it is therefore an outcome of its development that ridge heights would be higher than those of the existing properties along John Street.
- 7.2.9. The report of the Planning Officer dated 22/12/2022 stated in relation to the matter of visual amenity that the proposed development will have a relatively significant but considered acceptable visual impact in the near vicinity of the site owing to the particular topography of rising ground on the site which is noted as being very particular to traditional streets in Dingle town. Therefore, the Planning Officer acknowledged that the development of the town of Dingle followed the topography of the landscape with buildings along the town's streets rising in height as the ground level rises. In relation to the matter of building heights I note that along John Street and other streets within Dingle that there is a mix of single storey, two-storey and three-storey buildings. The proposed scheme incorporates a mix of two-storey and three-storey buildings which therefore is in keeping with the character and pattern of existing streetscapes within the town.
- 7.2.10. Accordingly, I am satisfied that the height and design of the proposed dwellings are in keeping with that of the surrounding development and that it would not unduly impact upon the visual amenities of the area.

7.3. Access and parking

- 7.3.1. The grounds of appeal raised the matter of the proposed vehicular access to the scheme. As part of the request for further information the applicant was required to submit a Road Safety Audit and a revised Site Layout Plan to indicate that sightlines and visibility splay are available at the proposed vehicular entrance John Street taking into account the presence of car parking.
- 7.3.2. In response to the matter, they proposed the provision of a raised table for traffic calming, with the build out strips and bollards to be installed along the northern side of John Street and that parking restrictions along the road be enforced with the installation of road markings. Drawing No. 20113-MMS-ZZ-ST-DR-C-10052 – Proposed Traffic Calming Alternative illustrates the proposed access and road design details. I note that as detailed in the report of the Planning Officer that the Roads Department were satisfied with these proposals. It was recommended that a condition be attached requiring that the developer pay a special contribution towards the Safety Engineering Improvement Works to provide visibility improvements at the entrance of the development onto John Street and adjacent to Marian Park as highlighted on Drawing No. 20113-MMS-ZZ-ST-DR-C-10052. Accordingly, I am satisfied that this addresses the matter.
- 7.3.3. The grounds of appeal referred to the feasibility of providing vehicular access to the scheme from the Dingle Relief Road to the north. In response to the matter the first party stated that notwithstanding the fact that the site levels are prohibitive that the provision of a vehicular access could result in a rat run through the site which would impact residential amenity of future residents. Furthermore, in relation to the matter I note that the Planning Authority did not seek alternative proposals for vehicular access from the Dingle Relief Road.
- 7.3.4. Car parking
- 7.3.5. The grounds of appeal refer to the loss of on street parking on John Street. The development of the vehicular access to the scheme will result in the loss of car parking. As detailed in the report of the Planning Officer it would result in a reduction of a total of 10 no. on-street parking spaces.

- 7.3.6. As set out in the Kerry County Council – Development Contribution Scheme 2017, in relation to Car Parking Contributions it is detailed that a development is required to provide parking spaces in accordance with the County and Town Development Plans. Where there is a shortfall in the provision of car parking spaces as required in the Development Plan the Planning Authority may decide to impose a contribution as per Table 1 of this Scheme. Dingle is listed as a settlement which is covered by this provision of the development contribution scheme. As detailed under Table 1 a rate of €4,000 per space is imposed in respect of Dingle. The shortfall of parking has been addressed by the Planning Authority with the attachment of a special development contribution condition which specified that a contribution of €40,000.00 be paid. Accordingly, I would consider that it is reasonable to attach a similar worded condition requiring the payment of the amount as required by the Planning Authority to address the matter of the shortfall of car parking in accordance with the provisions of the Kerry County Council – Development Contribution Scheme.
- 7.3.7. The development as revised comprises 2 no. 2 bed houses, 14 no. 3 bed houses, 10 no. 2 bed ground floor apartments with duplex over 12 no. 3 bed duplex over ground floor apartments, 1 no. 1 bed ground floor apartment and 1 no. 1 bed duplex over. In relation to the car parking proposals to serve the scheme I note that a total 55 no. spaces are provided within the development. It is detailed in the report of the Planning Officer dated 22/12/2022 that the on-site car parking provision would not comply with the Development Plan standards for lands zoned R1 proposed residential. However, it was noted in the report that the site is located close to the town centre and that the car parking would exceed the standards for town centre zoning. The Planning Officer concluded that the provision of 55 car parking spaces on the site is considered reasonable and they noted that off-site parking on the Dingle Relief Road will be available to residents.
- 7.3.8. Car parking standards are set out in the Kerry County Development Plan 2022-2028, Volume 6, Section 1.20.7 Car Parking Standards – car parking requirements in the town and villages in the County should be reflective of the anticipated parking demand. Table 4: Parking Requirements sets out that for lands located within town centres that 1 car parking space is provided per dwelling and apartment with no requirement for provision of visitors. In relation to all other areas (Area 3 as defined on page 47 of the section of the Plan) it is set out that 2 no. parking spaces per

dwelling and the provision of 0.5 spaces per dwelling for visitors is required with 1 car parking space per apartment. Accordingly, this would equate to 40 no. spaces based on the town centre requirement and 83.5 no. spaces based on the Area 3 requirement.

- 7.3.9. Table 4 illustrates the car parking standards for different types of development. (It should be noted that a flexible approach to these standards may be applied where such a case is substantiated, there is no traffic safety issue, and it is clearly demonstrated to the Planning Authority in the interest of proper planning and development, that the standard should be adjusted to facilitate the site-specific context).
- 7.3.10. Section 5.3.4 of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024. Refers Car Parking – Quantum, Form and Location. It advises that in order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in the Climate Action Plan 2023 for reduced private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development. The approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services.
- 7.3.11. Table 3.8 in the Guidelines defines ‘accessible’, ‘intermediate’ and ‘peripheral’ locations with specific reference to proximity to public transport. The appeal site is situated circa 700m (approximately 10 minutes walk) from the town centre of Dingle and although it would not fall under the definition of ‘accessible’, ‘intermediate’ locations in terms of table 3.8 of the guidelines the location is nonetheless in close proximity to the town centre of Dingle.
- 7.3.12. I would note that the Sustainable Urban Housing: Design Standards for New Apartments (2023) provides guidance in respect of quantum of car parking relative to location type. The location types as set out in the guidelines are (1) Central and/or Accessible Urban Locations (2) Intermediate Urban Locations and (3) Peripheral and/or Less Accessible Urban locations. In terms of these definitions the site at John Street, Dingle would not fall under the definition of Central and/or Accessible Urban

Locations but rather Intermediate Urban Locations, i.e. a suburban location close to the town centre. Accordingly, having regard to general guidance provided in both Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024 and Sustainable Urban Housing: Design Standards for New Apartments (2023), I would consider that the site which is within 10 minutes walking distance of the town centre of Dingle would represent an ‘intermediate’ location.

- 7.3.13. In relation to car parking SPPR 3 of the guidelines sets out that for intermediate and peripheral locations the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority shall be 2 no. space per dwelling. Accordingly, as the guidelines would advise a maximum of 2 no. space per dwelling in such locations then the maximum car parking spaces for the scheme would be 80 no. spaces. However, the guidelines seek to minimise car dependency and promote sustainable transport modes and in the context of this objective along with the location of the appeal site within 700m of the town centre and having regard to the mix nature of units within the scheme including 11 no. apartments, I would concur with the assessment of the Planning Authority that proposed parking provision would be acceptable.

8.0 AA Screening

8.1. Introduction

- 8.1.1. I have considered the housing scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The nearest Natura 2000 site is the Mount Brandon SAC (site code 000375), which is located approximately 1km to the north of the appeal site. Having regard to the topography of the area there is no direct pathway between the appeal site and Mount Brandon SAC.
- 8.1.3. The proposed development comprises 39 no. houses. No nature conservation concerns were raised in the planning appeal.

8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The residential nature of the development
- The distance from the nearest designated site and lack of meaningful connections
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same

8.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

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

9.0 Recommendation

9.1. I recommend that planning permission should be granted for the reasons and consideration as set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the provisions of the Kerry County Development Plan 2022 – 2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, and in particular the R1 – New/proposed Residential – Zoning Objective and provisions of Objective number D-RES-3 – which seeks to ensure that future residential development is only permitted on appropriately zoned land to ensure a sustainable and compact urban form and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22nd day of November 2022 and on the 2nd day of December 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Prior to the commencement of development the developer shall enter into Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

3. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

4.

(a) The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths, and kerbs] [access road to the service area] [and the underground car park] shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

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

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

Reason: In the interests of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

10. The landscaping scheme shown on drawing number 104-A, as submitted to the planning authority on the 22nd day of November, 2022 shall be carried within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning

authority.

Reason: In the interest of residential and visual amenity.

11. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

12.

- (a) A minimum of 66 % of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.
- (b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the

Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed housing units are used to meet the provisions of Objective 8-8 of the Kerry County Development Plan 2022 – 2028 and that development in this area is appropriately restricted to meeting essential local need and to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

13.

- (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory

documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

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

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

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

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

16. The developer shall pay to the planning authority a financial contribution in respect of a shortfall in car parking in accordance with the provisions of the Kerry County Council Development Contribution Scheme 2017, specifically table 1 which refers to Dingle benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

17. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the Safety Engineering Improvement Works to provide visibility improvements at the entrance of the development onto John Street and adjacent to Marian Park, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

15th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 315671-23		
Proposed Development Summary	Construction of 39 no. dwellings		
Development Address	John Street, Gortonora, Dingle, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A	EIA Mandatory EIAR required
No	✓	Class 10(b)(i), Schedule 5 Part 2	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i), Schedule 5 Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 315671-23	
Proposed Development Summary	Construction of 39 no. dwellings	
Development Address	John Street, Gortonora, Dingle, Co. Kerry	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development is a residential scheme of 39 no. dwellings. The site at John Street, Dingle is a greenfield site which is situated to the north and east of residential properties along John Street. Therefore, proposal is not exceptional in this context. No significant emissions resultant.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing	No, the proposed development entails the provision of 39 no. dwellings. The proposal is at a greater density than the surrounding development but would not be described as exceptional. No significant emissions resultant of this project combined with any existing or permitted.	No

and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	It is located over 1km to any ecologically sensitive sites. Having regard to the topography of the area it does not provide a direct pathway to the closest ecologically sensitive site. Having regard to the nature and scale of the proposal which comprises a residential scheme of 39 no. dwellings to connect to public foul sewer with attenuation of surface on site, it does not have the potential to significantly affect other significant environmental sensitivities in the area.	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A information required to enable Screening Determination to be carried out	There is a real likelihood of significant effects on the environment. EIA not required

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)