



An
Bord
Pleanála

Inspector's Report ABP-316055-23

Development

A residential respite care centre consisting of 46 bedrooms and associated facilities. An assisted living community consisting of 12 dwelling units and all associated site works.

Location

Ballyoughtragh North, Milltown, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

22715

Applicant

Ross Building & Maintenance
Solutions limited.

Type of Application

Permission.

Planning Authority Decision

Split decision

Type of Appeal

Third Party

Appellants

Brian Flannery & Marie-Josée Leclerc

Observers

None

Date of Site Inspection

12th June 2024

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.708 hectares and is located on the south-eastern side of Milltown, Co. Kerry. Milltown is situated circa 19km to the south of Tralee and circa 6km to the north-east of Killorglin.
- 1.2. The site is roughly rectangular in shape and comprises a grassed field. The south-western boundary of the site adjoins the R563. This boundary extends for 72m. The boundary is formed by a low wall and railings. There is a gated access to the site at the southern corner.
- 1.3. The south-eastern boundary adjoins a road which serves the Ballyoughtragh housing estate. The boundary is formed by a low wooden fence and hedge and there are mature deciduous trees along the extent of this boundary which extends for circa 218m. The north-eastern site boundary extends for 65m it adjoins the boundary of the residential property no.12 Ballyoughtragh and also a small section of open space which adjoins the turning circle. This boundary is also defined by fencing and contains mature deciduous trees.
- 1.4. The Nagle Rice Primary School is situated immediately to the north of the site. The school campus contains a two-storey school building, basketball court and all-weather playing pitch. Staff car parking and visitor parking are provided the south of the school building and drop-off and collection areas located to the east and west of the access road serving the school. To the east of the school and adjoining the site to the north is the property containing the old Presbytery House at Ballyoughtragh which is a Protected Structure. This property is screened from the site by mature trees.
- 1.5. To the south of the site and the access road serving Ballyoughtragh housing estate there is the premises of an engineering company and further residential properties are located to the south-east of along the R563.
- 1.6. On the opposite side of the R563 and adjoining the Steeple Meadow housing estate there is currently housing under construction.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a residential care centre consisting of 46 no. bedrooms and associated facilities. An assisted living community consisting of 12 no. dwelling units and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a split decision in respect of Reg. Ref. 22/715.
- 3.1.2. Permission was granted for (a) Residential Respite Care centre consisting of 46 no. en-suite bedrooms, public reception areas, treatment rooms, activity rooms, dining and lounge rooms, resident day space areas, staff facilities and ancillary support rooms; (b) an assisted living community consisting of 12 number 2 bedroom single storey dwelling units served by their own private outdoor amenity spaces. The development will be served by a common access road and also provision will be made for common car parking for residents and visitors, public amenity areas, and a common services plant building, all units to be connected to public services and also to include all associated site works. 13. no. conditions were attached to the permission.
- 3.1.3. Under Schedule 1 (a) permission was refused for a detached medical storage unit.
1. The proposed development of a storage unit on site would contravene materially Objective LS-ZON-01 indicated in the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027 for Milltown relating to the zoning of the land for the use primarily for Mixed/General Community Services/Facilities. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to the following;

1. Submission of a Traffic and Transport Impact Assessment
 2. Submission of a Tree Survey for the site prepared by a suitably qualified Arboriculturist.
 3. Clarify in detail what the detached medical storage unit is intended for. In particular what is to be stored within. Is the building directly connected with the respite centre proposed on the site. Why are three units proposed within. Clarify the justification for the siting of this building at the far end of the site of the proposed site at a distance from the residential care centre. Is there any commercial element to this proposed building.
 4. Two car parking spaces are proposed adjacent to the access road serving the Nagle Rice national school. One such parking area located off the roundabout. Clarify who these parking spaces are intended to serve. If intended to serve the school please provide any detail of negotiations/agreements with national school regarding these spaces. Please address these parking spaces in the Traffic & Transport Impact Assessment and Stage 1 & 2 Road Safety Audit requested above.
 5. Clarify the justification for the orientation of the front public roadside building line of the proposed residential care centre building which does not correspond with the building angles of structures on the adjoining lands.
- 3.2.2. Planning Report: dated 17/02/23 – Following the submission of further information the Planning Authority were satisfied with the details provided and decided to grant permission for the scheme apart from the proposed medical storage unit.
- 3.2.3. Other Technical Reports
- 3.2.4. Roads Department – Further information required.
- 3.2.5. County Archaeologist – Report recommends conditions be attached to a grant of permission.
- 3.2.6. Housing Estates Office – Report states that the development will not be taken in charge.
- 3.2.7. HSE – A number of points to be address by the applicant.
- 3.2.8. Kerry North Roads Design Office – No observations.

3.3. Prescribed Bodies

- 3.3.1. Irish Water – No objections.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 6 no. submissions/observations in relation to the application. The issues raised concerned impacts on the expansion of the Nagle Rice Primary School and car parking serving the school. Traffic safety, impact on trees, location of the proposed storage facility, principle of the development in relation to the Local Area Plan, Development considered premature, site should be reserved for educational expansion.

4.0 Planning History

- 4.1.1. None on site

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

- 5.1.1. Milltown is designated as a regional town under the Core & Settlement Strategy.

- 5.1.2. Chapter 6 - Sustainable Communities

- 5.1.3. Section 6.2.6 refers to Age Friendly Communities

Kerry has an ageing population and is likely that the population over 80 will quadruple by 2040. As people get older, they are likely to have increasingly complex healthcare needs, with a requirement for services and facilities to support provision of suitable and necessary care.

- 5.1.4. Objective KCDP 6-24 - Support the implementation of the Age Friendly Kerry Strategy, 2018- 2022 (and any successor strategy) in consultation with the relevant agencies and authorities.

- 5.1.5. Section 6.3.3 refers to Health Services

Healthcare facilities are essential to ensure that the residents of the County have access to the care that they need. Health care is provided by a range of private,

community and charitable service providers. HSE policy reflects a shift away from traditional hospital-based care, towards more community-based care with increased emphasis on meeting people's needs at local level within primary care teams. Kerry County Council will seek to facilitate the provision and expansion of built facilities at appropriate locations to ensure accessible healthcare services are integrated into communities throughout the County. The Council will support the Health Service Executive and other statutory and voluntary agencies in the provision of appropriate healthcare facilities, including the development of both the system of hospital care and the provision of community-based primary care facilities.

- 5.1.6. Objective KCDP 6-40 - Facilitate the provision of health services and other health related facilities and their integration within new and existing communities and facilitate public, private, and community-based agencies to provide appropriate health related facilities throughout the County.
- 5.1.7. Chapter 7 – Housing for All
- 5.1.8. Section 7.6 refers to – Housing Options for Older People
- 5.1.9. It is an objective of the Council to:
- 5.1.10. Objective KCDP 7-17 - Set out in the Kerry Housing Delivery Action plan how dedicated social housing provision appropriate to the needs of older people will be delivered matching the scale and extent of housing need for older people identified.
- 5.1.11. Objective KCDP 7-18 - Facilitate the development of housing for older people in accordance with Housing for All across Kerry's towns and villages as well as rural areas which is appropriate in order to improve the quality of living for our ageing population. Any new residential development should be fully aligned to the targets of national policy as enumerated under Housing Options for Our Ageing Population: Policy Statement or any subsequent guidance or national policy issued by the Department for Housing, Local Government and Heritage.
- 5.1.12. Objective KCDP 7-19 - Facilitate and support the provision of semi supported/assisted living development at appropriate locations in settlements close to facilities and services.
- 5.1.13. Objective KCDP 7-20 - Provide and facilitate the provision of suitable accommodation in appropriate locations to meet the needs of older people and to

encourage the provision of a range of sustainable housing options for older people in central, convenient and easily accessible locations and to integrate such housing with mainstream housing where possible.

5.2. Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 includes Milltown

- 5.2.1. Milltown is a District town in the Kerry settlement Hierarchy.
- 5.2.2. The site is zoned Objective S5 – Mixed/general community services/facilities uses.
- 5.2.3. Community Services/Facilities (S1-S6) - Those areas designated for educational, institutional and civic land uses generally include community related development including schools & colleges, residential healthcare institutions and where appropriate the provision of ancillary accommodation and facilities.
- 5.2.4. Objective LS-ZON-01 – It is an objective of the Council to; Ensure that all development permitted shall comply with the relevant zoning classification of the site as set out in this Local Area Plan.

5.3. Natural Heritage Designations

- 5.3.1. Castlemaine Harbour SAC (Site Code 000343) is located to the north, south and west of the appeal site. At the closest point it is located 2.1km from the appeal site.
- 5.3.2. Castlemaine Harbour SPA (Site Code 004029) is located to 3.3km to the north-west of the appeal site.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Screening Report was not submitted with the application. 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 Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
 - Construction of more than 500 dwelling units

- 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.
- Item 15: 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.

5.4.2. It is proposed to construct a Residential respite care centre consisting of 46 bedrooms and associated facilities. An assisted living community centre consisting of 12 dwelling units and all associated site works. Having regard to the size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required.

5.4.3. I note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development and in my view is not likely to have a significant effect on any designated Natura 2000 site as detailed further in Section 8 of this report. The proposed development would use the public water and drainage services of Uisce Eireann and Kerry County Council upon which its effects would be marginal.

5.4.4. Having regard to the information submitted by the applicant, and to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted by Brain Flannery & Marie-Josée Leclerc the issues raised are as follows;

- It is submitted that the proposed development is at variance with the provisions of the Milltown Local Area Plan.
- It is submitted that the lands subject of the proposed development should be reserved for future growth of the adjoining school and playing pitches as per objective MN-GO-11 of the Milltown Local Area Plan.
- It is considered that the proposed development will significantly impact on local vehicular traffic in the area and that it would add to further traffic and parking congestion adjacent to the school.
- It is submitted that the proposed development would be premature until the new relief road is constructed.
- It is considered that the proposed development should be subject of a more detailed masterplan for the area as recommended by the Council in objective MN-TC-1 of the Local Area Plan.
- The proposed development bounds the curtilage of a Protected Structure (PRS KY 047-12), the old Presbytery House and is within circa 20m of the house. It is considered that the design of the scheme is not sympathetic to the Protected Structure which adds to the unique character of Milltown.
- The proposed development indicates a number of residential units within the buffer/exclusion zone of a recorded monument and enclosure (KE 047 056). This is one of 2 no. monuments within town boundary.
- It is considered that the proposed scheme does not sufficiently detail the proposed rear garden boundary treatment for the residential units. It is suggested that existing boundary planting and ditches be retained. It is considered that a boundary wall be provided within the site boundary and that it should not encroach on the neighbouring properties.

- It is considered that the proposed development makes no contribution to the streetscape of the town and that it is contrary to objectives MN-TC-3 and MN-TC-4.
- The scheme turns its back on the school and it provides no complimentary surveillance.
- It is considered that the proposed two-bedroom dwellings are poorly designed with one dwelling with the bedroom close to the site boundary.
- It is considered the road access to the site is poorly designed and that it should have included a signalised traffic light crossing to reduce the speed of oncoming traffic.
- The matter of the validity of the application is raised. The appellants state that Ross Building & Maintenance Solutions Limited (Company No. 4473531) has not disclosed its company directors and that registration office or registration number is required. Therefore, they submit that the applicant should have been invalidated.
- In relation to the development of Milltown, it is highlighted that the has experienced dramatic population growth in the past 20 years. It is stated that there is a need to invest in local infrastructure because the current provision has not kept pace with the population growth. It is stated that the primary and secondary schools are presently unable to cater for all local children.
- There are three sites within the town boundary zoned for mixed/general community services/facilities uses. It is stated that these lands should be reserved for the expansion of the educational facilities for the adjoining school. The proposed Respite Care Centre would not provide for this Educational Use.
- In relation to the Nagle Rice Primary School it is stated that enrolment numbers have more than tripled since 2006 and further growth is expected. It is noted that the school recently completed a two classroom extension to the existing 12 no. classrooms and a further five classroom extension is planned. The school has no grass playing area it has an all-weather pitch which it shares with the community.

- Therefore, it is submitted that the subject site would be better reserved for future playing pitches, car parking and facilities associated with the adjoining school.
- Concern is expressed in relation to the existing traffic generated by the school during the drop off and collection of pupils. The parking of cars for a distance along the R563 at these times is highlighted. It is noted that this was recognised in the RSA. This parking along the R563 is a direct result of the inadequate parking and set down facilities serving the school.
- Given the location of the site adjacent to the Nagel Rice Primary School it has one possibility for further expansion, to address current parking and traffic issues and provide green area facilities.
- It is submitted that the proposed development is at variance with the LAP for Milltown on the basis that the LAP details the importance of developing a Masterplan.
- It is detailed in the LAP that “The Council will work with the Department of Education and other stakeholders to provide adequate services including car parking and drop off facilities at educational and social/community facilities.
- MN-GO-03 refers to an objective to prepare Masterplans in order to provide an overall vision/site analysis for residentially zoned landbank.
- MN-GO-10 refers to an objective to promote the inclusion of green infrastructure and local biodiversity.
- MN-GO-12 refer to an objective in relation to engagement with the community regarding biodiversity.
- MN-T-03 refers to an objective to facilitate the alleviation of traffic congestion.
- MN-TC-3 refers to an objective to promote streetscape and civic area improvements.
- It is submitted that the site should be reserved for future growth of the adjoining school and playing pitches as per objective MN-Go-11.
- Objective MN-Go-11 refers to the provision of services that meet the educational needs of the young population.

- It is highlighted that permission was granted for 68 no. houses immediately adjacent to the proposed development, that 110 no. social houses are currently under construction at Ard na Greine and that 108 no. private houses have been granted permission in the area.
- It is submitted that the TTA and RSA do not address potential solutions for the existing problems or address the impact of the proposed development. It is considered that the granting of permission for the proposed development undermines the school's ability to access additional space in order to effectively address parking issues.
- It is submitted that the granting of permission in advance of the completion of the Masterplan ignores the opportunity the site can provide.
- The site bounds the curtilage of a Protected Structure (PRS KY 047-12), the old Presbytery House and coach House. It is submitted that the proposed development is not sympathetic to the Protected Structure.
- It is submitted that the proposed plans do not sufficiently detail the proposed rear garden boundary treatment for the residential units. It is suggested that the development should be building a wall within their boundary which would not encroach on the neighbouring side or affect the existing ditch.
- The proposed development includes a number of residential units within the buffer/exclusion zone of recorded monument enclosure (KE 047 056).
- In relation to the design of the scheme it is submitted that it does not contribute to the streetscape of the town and that it is contrary to objectives MN-TC-3 and MN-TC-4. The proposed development is set back from the road and does not form part of a street edge.
- The proposed development turns its back on the school and does not provide complimentary surveillance. Ideally any new development on the site should face the school and use existing school entrance and provide additional parking.
- It is submitted that the proposed two bedroom dwellings are poorly designed. It is highlighted that one unit has its rear bedroom on the site boundary. The

proposed front bedrooms have no screening or privacy from the public footpath.

- It is submitted that the proposed road access is poorly designed and that there should be a signalised traffic light crossing to reduce the speed of oncoming traffic. The provision of a new separate road junction onto the main road in close proximity to the school entrance would create further traffic congestion and would create a traffic safety risk in the area.

6.2. Applicant Response

6.2.1. A response to the third party appeals has been submitted by HW Planning on behalf of the applicant Ross Building & Maintenance Solutions limited. The main issues raised are as follows:

- In relation to the stated grounds that the proposed development is non-compliant with planning policy the first party refute this. They submit that the proposed development is in accordance with the site S5 'Mixed /General Community Services/Facilities Uses' LAP zoning objective.
- The report of the Executive Planner dated 14th August 2022 is noted in the section referring to principle of development it states, "the proposed development is located on lands zoned S5 – Mixed/General Community Services/Facilities Uses as per the Milltown LAP, part of the Cora Dhuibhne Electoral Area Local Area Plan 2021-2027. Residential healthcare institutions and where appropriate the provision of ancillary accommodation and facilities can be considered with this zoning. As per the zoning matrix Medical Services, Day Centres and Residential Medical Care are 'Permitted in Principal'. A residential unit is 'open for consideration' as per the matrix. The proposal for a residential respite care centre and assisted living dwelling unit is therefore a use permitted in principle.'
- In relation to development within the S5 'Mixed/General Community Services/Facilities Uses' zoning objective Volume 6 of the Kerry Development Plan on page 51 states, it is an objective to 'Provide for a mix of community uses' described as Facilitating the sustainable development of necessary community, health, religious, social and civic infrastructure for communities

ranging from those of regional importance such as health facilities, to those of local and neighbourhood importance such as places of worship, community centres and childcare facilities. Where appropriate the provision of ancillary accommodation and facilities will be accommodated.

- The LAP includes several other policies and objectives which support the provision of a residential respite care centre and assisted living community at the subject lands including LAP Objective SC -1- which states that it is an objective of the Council to ‘work in partnership with the health/education sector, communities and other agencies to develop facilities in key locations where possible.’
- Section 2.5.7 of the LAP refers to Age, Friendly Communities; Older People states that – ‘It is the policy of the Council to support older people to live with dignity and independence in their own homes and communities for as long as possible. In providing a more seamless and appropriate continuum of housing choices with appropriate supports for older people and a built environment that is attractive, accessible and safe, older people will be supported and motivated to enjoy more active, healthy and connected lives and to age confidently and comfortably in their community.’
- The LAP states that vision for settlement of Milltown is ‘to ensure adequate growth in services to provide for the existing and projected additional population, and to encourage the development of a vibrant town throughout the year, while maintaining and enhancing its physical assets, unique character and natural attributes.’
- The General Objectives which refer to Milltown are noted;
- MN-GO-01 - Promote the strengthening of Milltown as an employment and service centre commensurate with its function as a district town and as an attractive residential location, service centre town.
- MN-GO-04 - Encourage the sustainable expansion in the range and number of commercial services within the settlement which in turn will provide local employment and improve the quality of life of the local community.

- MN-GO-06 - Protect buildings and streetscape which form part of the town's historic and architectural heritage and encourage the appropriate reuse and sensitive restoration of unused/derelict vernacular properties in the town.
- The appeal refers to the development being premature pending the development of a masterplan for the town centre as referred to in LAP Objective MN-TC-1. It is highlighted that the subject lands are situated to the southeast of the settlement and not within the defined town centre as defined in the LAP.
- Therefore, the first party submit that the proposed scheme represents the development of an infill greenfield site within short walking distance of the town centre and will positively contribute to any future masterplan for Milltown.
- The following policies and objectives in the Kerry County Development Plan are supportive of the proposed development;
- KCDP 6-1 - Develop and support vibrant sustainable communities in Kerry where people can live, work, and enjoy access to a wide range of community, health, educational facilities, and amenities, suitable to all ages and needs, in both urban and rural areas, thereby supporting an enhanced quality of life for all people.
- KCDP 6-2 - Support the provision and distribution of a range of community infrastructure facilities in accordance with the Settlement and Core Strategies to meet the needs of the County's population structure in conjunction with other statutory, voluntary, private sector agencies and community groups.
- KCDP 6-13 - Support the provision of a range of community infrastructure within clusters located in easily accessible areas.
- KCDP 6-40 - Facilitate the provision of health services and other health related facilities and their integration within new and existing communities and facilitate public, private, and community-based agencies to provide appropriate health related facilities throughout the County.
- KCDP 7-11 - Support the development of specialist housing, including the concept of independent living for older people and people with a disability and

ensure where possible that housing for such groups is integrated with mainstream housing, in line with Housing for All objectives.

- KCDP 7-15 – Set out in the Kerry Housing Delivery Action Plan how dedicated social housing provision appropriate to the needs of people with a disability will be delivered matching the scale and extent of housing need identified for people with a disability.
- KCDP 7-19 - Facilitate and support the provision of semi supported/assisted living development at appropriate locations in settlements close to facilities and services.
- KCDP 7-20 - Provide and facilitate the provision of suitable accommodation in appropriate locations to meet the needs of older people and to encourage the provision of a range of sustainable housing options for older people in central, convenient and easily accessible locations and to integrate such housing with mainstream housing where possible.
- Accordingly, it is submitted that the proposed development is fully consistent with all relevant Kerry County Development Plan and LAP objectives.
- In relation to the potential future impact on the expansion of Nagle Rice Primary School, the appellants referred to the subject site and stated that it should be reserved for the future development of the Nagle Rice Primary School.
- It is confirmed in the letter dated 5th April 2023 from the Board of Management that the school have no objections to the proposed development.
- It is highlighted that the Nagle Rice Primary School has been subject to recent extensions granted permission by Kerry County Council under Reg. Ref. 19/570 and Reg. Ref. 19/1332 and that the school currently has capacity of 357 no. children. Accordingly, it is submitted that the proposed development will not be injurious to the future operations of the school and is in accordance with the future development of Milltown as identified in the LAP and the Kerry County Development Plan.
- Regarding potential traffic and transport impact the appellants raised concern in relation to the potential traffic impacts resultant from the proposed

development. The applicants highlighted that as part of the response to the further information a Traffic & Transport Assessment (TTA), Road Safety Audit (RSA) and sightline analysis have been prepared. The recommendations of the RSA have been incorporated into the final scheme design.

- It is submitted that given the scale and nature of the proposed development it is predicted that the traffic volumes generated from the scheme will be low and will not cause significant impact on the surrounding road network.
- Regarding the perceived impact on Cultural Heritage the applicant notes the comments of the appellants. It was set out in the appeal that the proposed development would result in impacts on the setting of a Protected Structure to the immediate north of the site and a recorded enclosure to the north-east of the lands.
- It is highlighted that the Planning Authority refused permission for the construction of a medical storage building in the north-eastern area of the site because the proposed storage use was considered at variance with the sites S5 'Mixed/General Commercial Services/Facilities Uses' LAP zoning objective.
- The report of the County Archaeologist dated 20th July 2022 is noted. The report confirms that archaeological testing has previously taken place at the site and that there were no objections to the proposed development. Condition no. 8 was attached to the grant of permission. Condition no. 8 specified (a) A 20m buffer zone shall be preserved around recorded monument KE047-056. This buffer zone shall be measured from the outermost element of the monument. No traffic of machinery, excavation or storage of material shall take place within the buffer zone. (b) All ground works associated with the development shall be archaeologically monitored and a report submitted to the Planning Authority on completion.
- It is submitted that the proposed development will not result in any negative impacts on the setting or integrity of either the Protected Structure or recorded enclosure. The scale of the proposed single storey buildings and boundary

treatments will ensure the sensitive development of the site in the context of the nearby cultural heritage assets.

- Regarding the proposed boundary treatment scheme, it has been informed by the Tree Survey submitted with the response to the further information dated 7th December 2022. It is submitted that this represents an improvement in terms of boundary treatments from that originally submitted. In relation to the sites northern boundary which was raised by the appellants, the proposed development provides for the retention of the existing stone and sod ditch where possible. The heights range above the ground level from circa 1.3m to 1.9m. It is proposed that the boundary will be supplemented with mature wild hedging/scrub with existing mature trees to provide a screening belt.
- The report of Executive Planner dated 14th August 2022 concluded that in relation to residential amenity – “The proposed development is not likely to impact negatively on residential amenities in the area.”
- The appellants comments in relation to the layout are noted. The proposed layout has been arrived upon following a robust site analysis and an assessment of future operational requirements. It is detailed in the Architectural Design Statement prepared by Declan Noonan & Associates which accompanies the application that the layout concept was developed in response to the sites constraints and receiving environment.
- In conclusion, the proposed development will provide opportunities for the local elderly and those in need of specialist accommodation to remain in Milltown and the Mid-Kerry area close to family and friends.
- The principle of the proposed development is supported by all relevant policies and objectives outlined in the Kerry County Development Plan and the Milltown LAP 2021-2027.
- The correspondence from the Board of Management of Nagle Rice Primary School confirms that the school has no objection to the proposed development as the scheme will have no impact on their future operations. The proposed development will also not have any injurious impacts on cultural heritage and will not result in significant traffic impacts.

- The applicants request that the Board dismiss the appeal and grant permission for the proposed development.

6.3. Planning Authority Response

A response to the third party appeal was received from Kerry County Council. The issues raised are as follows;

- The land at this location is zoned S5 – Mixed/General Community Services/Facilities as per the Milltown LAP, part of the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027. Residential healthcare institutions and where appropriate the provision of ancillary accommodation and facilities is a use that is ‘Open to Consideration’ within this zoning.
- Medical Services Day centres and Residential Medical Care are ‘Permitted in Principle’. It is therefore considered that the development permitted complies with the zoning of the land at this location.
- The application site is a serviced site within Milltown village. It is considered that the proposal complies in full with the objectives contained in the Milltown LAP 2021-2027. The application has been assessed by the Road’s Department of Kerry County Council in terms of traffic safety and relevant conditions have been attached to the grant of permission.
- In regard to the submission in relation to the impact of the proposal on the National School on the adjoining site and its potential for expansion, it is considered that there is ample space to the rear and sides of the existing school for further expansion in the future within the national school site. Furthermore, the site in question was not zoned for school expansion.
- All 6 letters of objection were read and regard to same was had in the assessment of the application.
- It is considered that the correct decision in relation to the development proposed was made.

7.0 Assessment

Having examined the application details and all other documentation on file and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Policy context
- Access and traffic
- Design and layout
- Cultural heritage
- Other issues

7.1. Policy context

- 7.1.1. The lands in question are located within the development boundary of the town of Milltown on lands zoned Objective S5 – Mixed/general community services/facilities uses in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 which includes Milltown. The proposal entails the construction of a residential care centre consisting of 46 no. bedrooms and associated facilities and an assisted living community consisting of 12 no. dwelling units and all associated site works.
- 7.1.2. As detailed in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 which includes Milltown the site is zoned S5 which falls within the Community Services/Facilities general zone type. It is detailed in the LAP that Community Services/Facilities (S1-S6) refer to those areas designated for educational, institutional and civic land uses generally include community related development including schools and colleges, residential healthcare institutions and where appropriate the provision of ancillary accommodation and facilities. Section 2 of the LAP refers to Zoning/Code and it provides a matrix of the various zonings and the classes of use and details whether uses are not normally permitted, open to consideration or permitted in principle. In relation to Zoning/Code CFS- Community Services/Facilities it is set out in the matrix that Residential/Medical Care and Training uses are permitted in principle and that Medical Services/day Centres are also permitted in principle. Accordingly, the proposed development comprising a

residential care centre consisting of 46 no. bedrooms and associated facilities and an assisted living community consisting of 12 no. dwelling units and all associated site works would be acceptable and accordance with zoning subject to all other relevant planning considerations being satisfactorily addressed.

7.1.3. Detached medical storage unit

7.1.4. The proposed scheme includes a detached medical storage unit to be located adjacent to the eastern boundary of the site. The storage unit has an area of 454sq m and comprises three adjoining units. The Planning Authority refused permission for it on the basis the proposed storage unit would contravene materially Objective LS-ZON-01 indicated in the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027 for Milltown relating to the zoning of the land for the use primarily for Mixed/General Community. Objective LS-ZON-01 states that it is an objective of the Council to; ensure that all development permitted shall comply with the relevant zoning classification as set out in this Local Area Plan. Table 2.6 of the LAP is the zoning matrix. As indicated on the matrix warehouse/storage depots/distribution centres are uses which are not normally permitted on lands zoned Community Services/Facilities.

7.1.5. Accordingly, I would concur with the assessment of the Planning Authority and determine that the proposed detached medical storage unit would contravene materially Objective LS-ZON-01 indicated in the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027 for Milltown relating to the zoning of the land for the use primarily for Mixed/General Community Services/Facilities.

7.1.6. It is contended in the appeal that the subject lands should be reserved for the expansion of the educational facilities for the adjoining school Nagle Rice Primary School and that there are three sites within the town boundary zoned for mixed/general community services/facilities uses. In response to the matter the applicants have provided letter dated 5th April 2023 from the Board of Management which confirmed that the school have no objections to the proposed development.

7.1.7. The first party in their response also noted that Nagle Rice Primary School has been subject to recent extensions granted permission by Kerry County Council under Reg. Ref. 19/570 and Reg. Ref. 19/1332 and that the school currently has capacity of 357 no. children. Therefore, they submit that the proposed development will not be

injurious to the future operations of the school and is in accordance with the future development of Milltown as identified in the LAP and the Kerry County Development Plan. The Planning Authority in response to the matter regarding the impact of the proposal on the National School on the adjoining site and its potential for expansion considered that there is ample space to the rear and sides of the existing school for further expansion in the future within the national school site. They also highlighted that the site is not zoned for school expansion.

- 7.1.8. Having regard to these details, I am satisfied that the proposal would be acceptable in the context of considering future requirements of Nagle Rice Primary School.
- 7.1.9. Other objectives referred to in the appeal include MN-GO-03 which refers to an objective to prepare Masterplans in order to provide an overall vision/site analysis for residentially zoned landbank. I would note that this objective is not directly relevant having regard to the Community Services/Facilities general zoning of the site. The appeal also notes objective MN-T-03 which refers to an objective to facilitate the alleviation of traffic congestion. I shall examine the matter of traffic in the subsequent section of the report. Objective MN-TC-3 is also raised and refers to an objective to promote streetscape and civic are improvements. I shall examine the matter of design in section 7.3 of the report.
- 7.1.10. The first party response set out that the proposed development is in accordance with a number of policies and objectives of the LAP. They cited section 2.5.7 of the LAP which refers to Age Friendly Communities and Older People and states that – ‘It is the policy of the Council to support older people to live with dignity and independence in their own homes and communities for as long as possible. In providing a more seamless and appropriate continuum of housing choices with appropriate supports for older people and a built environment that is attractive, accessible and safe, older people will be supported and motivated to enjoy more active, healthy and connected lives and to age confidently and comfortably in their community.’ Objective SC-1 refers to an objective of the Council to work in partnership with the health/education sector, communities and other agencies to develop facilities in key locations where possible.’ Accordingly, the first party highlight that these policies and objectives support the location of the proposed development at this site in Milltown.

- 7.1.11. In relation to the Kerry County Development Plan 2022-2028 the following provisions are relevant to the proposed development. Section 6.2.6 of the Plan refers to Age Friendly Communities and it sets out that Kerry has an ageing population and is likely that the population over 80 will quadruple by 2040 and that this will necessitate the provision of services and facilities necessary to their care. Objective KCDP 6-40 of the Plan seeks to facilitate the provision of health services and other health related facilities and their integration within new and existing communities and facilitate public, private, and community-based agencies to provide appropriate health related facilities throughout the County. Chapter 7 of the Plan refers to Housing for All and section 7.6 refers to – Housing Options for Older People. The following objectives are of specific relevance to the current proposal Objective KCDP 7-19 - Facilitate and support the provision of semi supported/assisted living development at appropriate locations in settlements close to facilities and services and Objective KCDP 7-20 which seeks to provide and facilitate the provision of suitable accommodation in appropriate locations to meet the needs of older people and to encourage the provision of a range of sustainable housing options for older people in central, convenient and easily accessible locations and to integrate such housing with mainstream housing where possible.
- 7.1.12. Accordingly, having regard to the above details I am satisfied that the proposed residential care centre and associated facilities and an assisted living community consisting of 12 no. dwelling units is fully in accordance with the relevant provisions of the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027 which includes Milltown and the Kerry County Development Plan 2022 – 2028.

7.2. Access and traffic

- 7.2.1. The matter of access and traffic is raised in the appeal in terms of the location of the site relative to the Nagle Rice School which adjoins the site to the east. It is submitted in the appeal that the proposed vehicular access is poorly designed, that a signalised traffic light crossing could be provided. The appeal sets out that the provision of a separate road entrance onto the main in close proximity to the existing school entrance would create congestion and impact traffic safety.

- 7.2.2. In response to these matters the first party highlighted that as part of the response to the further information a Traffic & Transport Assessment (TTA), Road Safety Audit (RSA) and sightline analysis were prepared. They noted that the recommendations of the RSA have been incorporated into the final scheme design. In relation to issue of traffic generated by the proposed development the first party submit that given the scale and nature of the proposed development it is predicted that the traffic volumes generated from the scheme will be low and will not cause significant impact on the surrounding road network.
- 7.2.3. Regarding the assessment by the Planning Authority, they sought further information in relation to the submission of a Traffic and Transport Impact Assessment. The Planning Authority also required that the applicant clarify whether car parking spaces proposed adjacent to the access road serving the Nagle Rice national school and the parking area located off the roundabout are intended to serve the proposed development or the school.
- 7.2.4. As detailed in the Traffic and Transport Assessment Report the proposed site access is located circa 65m east of the existing access to Nagle Rice National School and over 30m west of the existing access junction to Ballyoughtragh Heights estate.
- 7.2.5. In relation to the design and layout of the proposed vehicular entrance it is stated in the TTA that the revised layout has taken into account DMURS standards and all the recommendations contained in the independent Stage 1/2 Road Safety Audit. As detailed in the assessment 45m visibility sightlines are available for drivers emerging from the development and also on approach. Accordingly, the visibility requirements at the proposed vehicular entrance are in accordance with the 50km/h design speed of the road in accordance with Table 4.2 of DMURS.
- 7.2.6. Regarding the matter of car parking a total of 93 no. spaces are proposed. Table 4: in the Development Management Standards & Guidelines section of the Development Plan in Volume 6 refers to Parking Requirements. Nursing homes require 1 no. car parking space per bed space and therefore 46 no. spaces would be required and 7 no. staff require 7 no. car parking spaces. In terms of the proposed 12 no. dwelling units, they would require two car parking spaces per unit and 0.5 spaces per unit for visitors. This would generate the requirement for 30 no. spaces. Therefore, having regard the provision of 93 no. spaces within the scheme more

than adequate car parking is proposed in accordance with the Development Plan requirements.

- 7.2.7. In relation to the proposed car parking adjacent to the school's access road the applicant's agent confirmed in the response to the further information that the two car parking areas in the adjacent site serving Nagle Rice School have been removed.
- 7.2.8. The traffic impact of the proposed scheme is assessed in the Traffic and Transport Assessment Report prepared by Coakley Consulting Engineers. The TRICS data indicates that the majority of staff, residents, visitors and deliveries will arrive and depart the proposed development outside the recognised AM, Mid afternoon (school) and PM peak hours. In relation to the capacity of the existing road network to accommodate the traffic that the proposed development would generate it is concluded in the TTA that the PICADY analysis indicates that there are no capacity, queuing or delay issues predicted. It is stated in the TTA that the local road network has significant reserve capacity available to accommodate the proposed development and that there would be a negligible impact on the R563 and nearby junctions.
- 7.2.9. Accordingly, I am satisfied that as established in the TTA that as a result of the proposed development that it will not adversely impact the operational performance of the local junctions.
- 7.2.10. In conclusion, I am satisfied with the proposed scheme in respect of access and traffic considerations.

7.3. Design and layout

- 7.3.1. The grounds of appeal refer to the design and layout of the scheme. Specifically, they considered that the proposed development does not contribute to the streetscape of the town and that it is contrary to objectives MN-TC-3 and MN-TC-4 of the LAP. The appeal also states that the scheme turns its back on the school and it provides no complimentary surveillance.
- 7.3.2. In response to the matter the first party stated that the proposed layout has been arrived upon following a robust site analysis and an assessment of future operational requirements. It is detailed in the Architectural Design Statement prepared by Declan

Noonan & Associates which accompanies the application that the layout concept was developed in response to the sites constraints and receiving environment.

- 7.3.3. In relation to the design and layout of the scheme, I would note that it while the proposed residential respite care building is setback from the roadside boundary, the neighbouring building to the south the warehouse is also setback from the roadside boundary as is the school building to the north of the site. While I would note that front of the proposed residential respite care building does not address the school given the site configuration and design and layout of the proposed residential respite care building it does not provide much scope for the front of the new development to face the school site as there are design constraints.
- 7.3.4. As detailed in the Architectural Design Statement the scheme has been designed providing for maximised aspect, context and plan efficiencies. The design of the residential respite building includes four main components comprising three bedroom wings and a resident public area located centrally. A landscaped central courtyard is proposed within the front bedroom wing which provides good access to daylight and ventilation.
- 7.3.5. I have reviewed the photomontages of the scheme, and I am satisfied that the proposed development can be satisfactorily integrated into the area and that it would not unduly impact upon the visual amenities of the area.

7.4. Cultural heritage

Archaeology

- 7.4.1. The grounds appeal raised concern at the matter of archaeology. Specifically, the proximity of the recorded monument (KE 047 056) which is an enclosure from dwellings proposed within the scheme in the northern section of the site.
- 7.4.2. In response to the matter the first party noted the report of the County Archaeologist dated 20th July 2022. They highlighted that the report confirms that archaeological testing has previously taken place at the site and that there were no objections to the proposed development. The first party also highlighted that condition no. 8 which was attached to the grant of permission by the Planning Authority addressed the matter. Condition no. 8 specifies that a 20m buffer zone shall be preserved around recorded monument KE047-056, that no traffic of machinery, excavation or storage

of material shall take place within the buffer zone and that all ground works associated with the development shall be archaeologically monitored and a report submitted to the Planning Authority on completion.

- 7.4.3. The response to the appeal from Planning Authority confirms that the application has been assessed by the County Archaeologist and that conditions have been attached to the grant of permission. Having regard to the conditioning of the issue, I am satisfied that the Planning Authority addressed it and accordingly, Should the Board decide to grant permission for the proposal, I would recommend the attachment of similarly worded conditions.

Build heritage

- 7.4.4. The grounds of appeal refer to the potential impact on the old Presbytery House at Ballyoughtragh which is a Protected Structure (PRS KY 047-12). It is outlined that the site bounds the curtilage of the Protected Structure, and that the design of the scheme is not sympathetic to the Protected Structure which adds to the unique character of Milltown.
- 7.4.5. In response to the matter the first party noted that the Planning Authority refused permission for the construction of a medical storage building in the north-eastern area of the site on the basis that the proposed storage use was considered at variance with the sites S5 'Mixed/General Commercial Services/Facilities Uses' LAP zoning objective. This proposed storage was located on site to the close to the eastern boundary and circa 47m to the east of the old Presbytery House.
- 7.4.6. The site boundary is located 9.8m from the old Presbytery House at the closest point. There are five dwellings proposed along the northern boundary. The proposed dwellings are single storey with a ridge height of 4.9m. In relation to the composition of the boundary, as detailed on the Proposed Site Layout, drawing no. MILLTOWN/10/102 the existing boundary at this location is formed by existing stone and sod ditch which is proposed to be retained where possible. The boundary is also supplemented with mature wild hedging with existing mature trees forming a screening belt within the site. On inspection of the site, I observed that the old Presbytery House is well screened from the appeal site by mature deciduous trees. Accordingly, having regard to the separation distance proposed and the height and design of the proposed dwellings at the northern site boundary and the proposed

boundary treatment, I am satisfied that the proposed development would not unduly impact upon the character and setting of the old Presbytery House.

7.5. Other issues

Validity of application

- 7.5.1. The appellants have raised the matter of the validity of the application on the basis of that they consider that the Ross Building & Maintenance Solutions Limited has not disclosed its company directors and that registration office or registration number is required. Therefore, they submit that the applicant should have been invalidated.
- 7.5.2. The validation of planning applications is subject to the relevant legislation contained in the Planning and Development Regulations 2001, as amended. Article 22 and 23 of the regulations set out the core information that is required to validate a planning application. I note that on the application form that under question 6 which refers to where an application is a company that the response was n/a applicable. The Planning Authority were satisfied with the details provided with the planning application including the application form and deemed that it was a valid planning application. Accordingly, the Board are assessing the submitted appeal on the basis of the decision made by the Planning Authority on the 17th February 2023 on a valid planning application.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.1.2. The subject site is located approx. 2.1km, at the closest point from Castlemaine Harbour SAC (Site Code 000343). Castlemaine Harbour SPA (Site Code 004029) is located to 3.3km to the north-west of the appeal site.
- 8.1.3. The proposed development comprises the construction of a residential care centre consisting of 46 no. bedrooms and associated facilities and an assisted living community consisting of 12 no. dwelling units and all associated site works, all on a 1.708ha site, located on serviced lands within Milltown development boundary.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.

- 8.1.5. No streams/watercourses are identified on site.
- 8.1.6. 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 nature of the works proposed which are located on serviced lands
 - The distance to the nearest European sites, and the absence of any hydrological or other pathways
- 8.1.7. I conclude 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.
- 8.1.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Recommendation

- 9.1.1. I recommend that a split decision is issued in this case. (1) Permission to be granted for (a) Residential Respite Care centre consisting of 46 no. en-suite bedrooms, public reception areas, treatment rooms, activity rooms, dining and lounge rooms, resident day space areas, staff facilities and ancillary support rooms; (b) an assisted living community consisting of 12 number 2 bedroom single storey dwelling units served by their own private outdoor amenity spaces and (2) Permission to be refused for the detached medical storage unit.

10.0 Reasons and Considerations (1)

- 10.1.1. Having regard to the nature and scale of the subject development, and to the policies of the planning authority, as set out in the Kerry County Development Plan 2022 – 2028 specifically Objective KCDP 7-20 which seeks to provide and facilitate the provision of suitable accommodation in appropriate locations to meet the needs of older people and Objective KCDP 7-19 which seeks to facilitate and support the provision of semi supported/assisted living development at appropriate locations in settlements close to facilities and services, and to the Objective S5 – Mixed/general

community services/facilities zoning objective of the site and the relevant provisions of the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027 which includes Milltown specifically Section 2.5.7 which refers to Age Friendly Communities and Older People and Objective SC-1 which is an objective that the Council work in partnership with the health/education sector, communities and other agencies to develop facilities in key locations where possible, it is considered that the proposed development would be acceptable at this location, would not seriously injure the amenities of the area or of property in the vicinity, would be beneficial in terms of public health, would be acceptable in terms of traffic safety and convenience, and would not conflict with the provisions of the said Development Plan. 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 7th day of December 2022, the 23rd day of December 2022 and the 23rd day of January 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A revised site layout map, showing the omission of the storage unit/s to the rear of the site and a revised landscaping layout at this location shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and visual amenity.

3. Prior to the commencement of development, the developer shall enter into water and/or waste water agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

5. A buffer zone shall be preserved around the recorded monument KE 047 056. This buffer zone shall be measured from the outermost element of the monument. No traffic of machinery, excavation or storage of material shall take place within the buffer zone.

Reason: In order to protect the archaeological heritage of the area.

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

Reason: In the interest of visual amenity.

7. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
- (i) Existing trees, hedgerows, shrubs, and ditches, specifying which are proposed for retention as features of the site landscaping
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (v) Details of roadside/street planting.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation including details of phasing.

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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

Reason: In the interests of amenity and public safety.

13. 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.

12.0 Reasons and Considerations (2)

1. The proposed development of a storage unit on site would contravene materially Objective LS-ZON-01 indicated in the Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027 for Milltown relating to the zoning of the land for the use primarily for Mixed/General Community Services/Facilities. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

28th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 316055-23			
Proposed Development Summary	Residential respite care centre consisting of 46 bedrooms and associated facilities. An assisted living community centre consisting of 12 dwelling units and all associated site works.			
Development Address	Ballyoughtragh North, Milltown, 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	✓		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)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold - 10(b) (i) Construction of more than 500 dwelling units.		Proceed to Q.4

		(iv) 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. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)		
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 – Form 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 316055-23	
Proposed Development Summary	Residential respite care centre consisting of 46 bedrooms and associated facilities. An assisted living community centre consisting of 12 dwelling units and all associated site works.	
Development Address	Ballyoughtragh North, Milltown, 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?	 No. The development is located within an existing residential and educational land use context. No significant waste, emissions or pollutants are envisaged.	 No 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 and/or permitted projects?	 It is located over 2.1km 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 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 No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>		
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable Screening Determination to be carried out</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIA not required</p>

Inspector: _____

Date: _____

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

(only where Schedule 7A information or EIAR required)