



An  
Bord  
Pleanála

## Inspector's Report ABP-318509-23

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<b>Development</b>	Construction of 143 houses, 106 apartments, crèche and all associated site works. A Natura Impact Statement has been submitted with this application.
<b>Location</b>	Upper Park Road, Killarney, Co. Kerry.
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	23967
<b>Applicant</b>	KPH Construction & Development Ltd
<b>Type of Application</b>	Permission for Large Scale Residential Development
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Laune Salmon and Trout Anglers Association

**Observations**

None

**Date of Site Inspection**

01<sup>st</sup> February 2024

**Inspector**

Colin McBride

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## 1.0 Site Location and Description

1.1. The site, which has a stated area of 7.93 hectares, is located to the west of Killarney and on the northern side of Upper Park Road. The appeal site is currently a vacant site that has been partially developed (previous permission granted for housing on site) with extensive excavations work carried out on site and the partial construction of previously approved residential development evident. Adjoining lands and uses include industrial/commercial development bounding the southern boundary (off Woodlands Road), a wooded area to the west of the site, agricultural lands and an industrial unit adjoining the northern boundary of the site and a two-storey detached dwelling to the east. On the opposite side of Upper Park Road to the site is an Industrial Estate.

## 2.0 Proposed Development

2.1. The proposed development consists of...

Construction of 249 no. dwellings comprising of 2 no. 5-bed houses, 6 no. 4-bed houses, 117 no. 3-bed houses, 18 no. 2-bed houses, 68 no. 2-bed apartments and 38 no. 1-bed apartments. All houses and apartments are contained in two-storey buildings and comprise a mix of terrace and semi-detached typologies. House type F (4-bed semi-detached) and house type G (5-bed semi-detached) include residential accommodation at attic/second floor level with associated rooflights. The apartments include balconies/ground floor terraces as private open space provision.

2.2 The development includes public open space with play facilities, a new vehicular access from Upper Park Road, all internal roads and footpaths including a number of homezones/shared surfaces, boundary treatment and hard and soft landscaping, drainage works for the new development and all associated and ancillary works.

2.3 The proposed development includes a new two-way cyclepath and a footpath along Upper Park Road, with pedestrian crossings on Upper Park Road; a two-storey crèche of c.417sqm GFA with associated open space; 510 no. surface car parking spaces (including accessible spaces) for the residential development and 19 no.

surface car parking spaces for the crèche; 352 no. bicycle parking spaces are provided in secure facilities for the maisonette units to the rear of each unit.

#### 2.4 Table 1: Key Figures

<b>Gross Site Area</b>	7.93 hectares
<b>Developable Site Area</b>	6.98 hectares
<b>Gross Floor Area</b>	18,088.3sqm
<b>No. of Houses</b>	143
<b>No. of Apartments</b>	106
<b>Density – Total Site Area</b>	35.67 units per hectare (net density)
<b>Public Open Space Provision</b>	c. 10,609sqm (15%)
<b>Car Parking – Apartments/ Residents</b>	Housing 286 Crèche 19
<b>Total</b>	510
<b>Bicycle Parking</b>	352

**Table 2: Unit Mix**

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed</b>	<b>Total</b>
<b>House</b>		18	117	6	2	143
<b>Apartments</b>	38	68				106
<b>Total</b>	<b>38– 15.2%</b>	<b>86– 34.5%</b>	<b>117 – 46.9%</b>	<b>6 – 2.4%</b>	<b>2 – 0.8%</b>	<b>249</b>

2.5 In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning Statement including response to Council Opinion
- Design Statement
- Schedule of Accommodation & Residential Standards
- DMURS Statement of Consistency
- Drainage Impact Assessment
- Infrastructure Report
- Mobility Management Plan

- Stage 1 Road Safety Audit
- Traffic and Transportation Assessment
- Archaeological Impact Assessment
- Construction & Environmental Management Report
- Daylight & Sunlight Analysis Report
- Environmental impact Assessment Screening Report
- External (Public) Lighting Report and Appendix A
- Landscape Proposal Report
- LVIA Photomontages
- Noise Impact Analysis Report
- Townscape and Visual Impact Assessment
- Tree Assessment Survey
- Natura Impact Statement
- Ecological Impact Assessment

### **3.0 Planning Authority Opinion**

- 3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on the 04<sup>th</sup> July 2023. The record of that meeting is attached to the current file.
- 3.2. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted would constitute a reasonable basis on which to make an application for permission for the proposed LRD.

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority have decided to grant permission subject to 40 conditions. Of note are the following conditions...

Condition no. 3: Special Development Contribution under Section 48(2)(c) of €276,500 in respect of footpath, cycleway and traffic calming measures, provision of footpath and cycleway on the L3010, traffic calming and road markings.

Condition no. 7: Section 47 agreement restricting housing (143) to first occupation by individual purchasers.

Condition no. 15: Implementation of all environmental mitigation measures set out in the NIS and EclA.

Condition no. 16: Provision of 30 no. swift nesting blocks, hedgerow management plan, external lighting with regard to bat populations.

Condition no. 34: Detailed design for provision of pedestrian crossing on the L-3010 and Woodlands Road to be submitted for written agreement.

Condition 36: Design and specification of Upper Park Road cycleway to comply Cycle Design Manual.

### 4.2. Planning Authority reports

#### 4.2.1. Planning Reports

Planner report dated (27/10/23)

Principle of Development: The development was considered to be compliant with development plan zoning policy.

Density: Density proposed is consistent with Sustainable Residential Development Guidelines (2009).



Development Standards: Proposed dwelling units meet the required standards of the Apartment Guidelines and Sustainable Community Guidelines (2009). Private open space provision is in accordance with Apartment Guidelines and Development Plan policy. Public open space is in line with minimum requirements.

Childcare: The proposed childcare facility satisfies the requirement of the Childcare Guidelines.

School Provision: Report included with the application on school capacity.

Design and Layout: The design and layout is considered to be appropriate.

Impact on Residential Amenity: Proposal was considered to be satisfactory in terms of impact on residential amenities of adjoining properties and the development is of sufficient quality in terms of future residential amenity in daylight and sunlight levels.

Archaeology: Archaeological Assessment submitted is acknowledged and a condition is required regarding archaeological assessment of topsoil mounded areas on site.

Transportation and Access: The proposal was considered to be satisfactory in the context of Transportation and Access.

Water, Drainage and WFD Compliance: The PA was satisfied the proposal is satisfactory in the context of drainage infrastructure, flood risk and impact on water bodies in the area.

Sustainability: The proposal entails the provision of a number of elements including heat pumps and provision of EV charging.

Ecology: The Council carried out an Appropriate Assessment Screening and a Biodiversity Impact Assessment. The development is unlikely to have significant effects on European Sites individually or in-combination with other plans and projects.

Conclusions: The proposal was considered to be in accordance with the proper planning and sustainable development of the area.

A grant of permission was recommended subject to the conditions outlined above.

#### 4.2.2 Other technical reports:

County Archaeologist: Requirement for archaeological assessment of mounded topsoil to the east and west of the site.

Environmental Health Officer: Conditions to be applied.

Housing Estates Unit: Conditions to be applied.

Environment Section: Conditions to be applied.

Flooding & Coastal Protection Unit:

Environmental Assessment Unit: No objection subject to conditions.

Roads & Transportation: No objection subject to conditions.

#### 4.3. **Prescribed Bodies**

Uisce Eireann:

Water: Feasible subject to upgrades (upsizing 110m of pipe from 150mm to 250mm) or provision of a new 150mm watermain connected into existing 250mm pipe.

Wastewater: Feasible subject to infrastructure upgrades (network upgrades and no upgrades to the WWTP). No storm water runoff will be permitted into the IW system. Developer to provide details of proposed storm drainage at application stage.

A statement of design acceptance was issued by Uisce Eireann.

#### **4.4. Third Party Observations**

4.4.1. Four third party submissions received. The issues raised can be summarised as follows...

- Lack of drainage infrastructure to support the development with concerns that the existing treatment system is responsible for a decrease in water quality with upgrades needed, concern regarding the density of development, the impact of additional traffic generated and the requirement to implement boundary treatment at the earliest stage during construction.

### **5.0 Planning History**

5.1 16/695: Permission granted for a residential development comprising of 94 no. dwellings and 13 no. residential serviced sites and all associated site works. (Granted 28/04/17).

5.2 08/4872: Permission granted to construct 158 no. residential units and associated site works. (Granted 07/10/08).

### **6.0 Policy Context**

#### **6.1. National Policy**

The National Planning Framework – Project Ireland 2040, (2018).

In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at

locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

### Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024).

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines)

Section 2.4 Identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility considerations:

### 3. Peripheral and/or Less Accessible Urban Locations

Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-

medium densities (will also vary, but broadly <45 dwellings per hectare net), including:

- Sites in suburban development areas that do not meet proximity or accessibility criteria;
- Sites in small towns or villages.

The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024).

Large Towns (10,000+ population): Densities of 40-150 dph in town centres and urban areas and densities of 30-80 dph in suburban and edge areas.

The Childcare Facilities: Guidelines for Planning Authorities (June 2001) state in the case of New communities/Larger new housing developments that “Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate”.

## 6.2. Local

Kerry County Development Plan 2022-2028 incorporates the Killarney Town Plan The site zoned R1 Proposed Residential with a stated objective to “provide for new residential development in tandem with the provision of the necessary social and physical infrastructure’. A portion of the site at the western corner is zoned ‘Landscape Protection’.

Killarney is a ‘Key Town’ in the settlement hierarchy. Core Strategy envisages population growth of 1,630 equating to 1,277 residential units.

KCDP 3-1: Promote the Sustainable development of the County in line with Strategic Core Principles of the Core Strategy.

KCDP 3-1: Support the sustainable growth and prioritise development of the county's settlements in accordance with the Settlement Hierarchy and the Core Strategy.

Development Management Standards are contained under Volume 6 Appendix 1 Section of Development Plan.

Public Open Space: 15% of site area.

Private Open Space: 1-2 bed 50sqm, 3 bed 60sqm and 4 bed or more 75sqm.

Site Coverage: 85% (brownfield sites) for urban area.

Car Parking: Section 1.20.7 Table 4.

Killarney Town Plan Volume 2 of the CDP

KA 13: Facilitate the development of 1,277 residential units within the town boundary.

KA 15: Facilitate the provision of a range of housing solutions, to cater for the diverse housing demand within the town, catering for individuals and families at appropriate scales and attractive alternatives to urban generated housing in rural areas.

KA 21: Ensure developments in the plan area, particularly within brownfield sites, are informed by Lesser Horseshoe Bat surveys and impact assessments where appropriate, undertaken by a suitable qualified individual.

KA 22: Ensure there is no significant increase in artificial light intensity adjacent Lesser Horseshoe Bat roosts named on the Conservation Objective report for the Killarney National Park, Macgillycuddy's reeks and Caragh River catchment SAC (Oct 2017) or along commuting routes within 2.5km of these roosts.

KA 28: Seek to achieve a sustainable pattern of development which will facilitate the conservation of natural resources and habitats and minimise pollution. SuDS and other nature-based solutions will be encouraged for protection of water quality.

Killarney Municipal District Local Area Plan 2018-2024

KY-RES-05: Require all new residential development schemes (over 5 units) to provide for a mix of house types in order to meet and adapt to the changing demographic trends and household profiles in the County.

KY-RES-07: Ensure that residential densities reflect the density of appropriate adjoining developments. Higher densities will be considered in the town/village centre or within close proximity to the town/village centre. Lower densities will be considered at the edge of the settlement as per the Department of Environment, Heritage and Local Government publication, guidelines for Planning Authorities on 'Sustainable Residential Development in Urban Areas' 2009.

### **6.3. Natural Heritage Designations**

Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365), 620m from the site.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1 A third party appeal has been lodged by Laune Salmon & Trout Anglers Association. The grounds of appeal are as follows...

- The existing Killarney Wastewater Treatment Plan is overloaded with a lack of accurate information regarding inflow figures, a lack monitoring of discharge outlets from the plant and stormwater outlets with untreated waste discharging to surface water bodies unaccounted for. The application is premature pending upgrades to the existing plant with existing water bodies in the area all classified as at risk due to discharges from the plant.

- Concern is raised in how stormwater was addressed in the Appropriate Assessment. There is ambiguity within the information submitted regarding whether there are watercourses on the site. Greenfield run-off has not been adequately assessed and it is not established whether there is currently run-off from the lands in question with increased loading in the catchment potentially contributing to downstream flooding. There are conflicting conditions regarding SuDs measures.
- EIA screening inadequate and does not assess all elements submitted. Appropriate Assessment screening is flawed and does not seek information outside that presented in the NIS including the status and condition of the wastewater treatment plant and its discharges.
- There are material contraventions of objectives set down in the CDP particularly in respect of EIA and AA being required prior to making a decision. The appellants are of the opinion that the application is too far flawed and that the decision of the PA to grant should be overturned.

## 7.2. Applicants' Response

7.2.1 A response to the appeal submission has been submitted by the applicant KPH Construction Development Ltd.

- The applicant requests that the Board consider whether the grounds of appeal are vexatious and/or without substance and refer to Section 138(1) of the Planning and Development Act, 2000 due to reference to targeting wider issues in the area and the unsubstantiated statements in the appeal.
- In relation to wastewater capacity the applicant has received a Confirmation of Feasibility from Uisce Eireann. Foul and stormwater are to be discharged via separate systems. The NIS takes account of Annual Environmental Reports up to 2021 available at the time of preparation of the NIS. A more up to date AER states that the WWTP has spare capacity. Deterioration of water quality of local water bodies is not attributable the wastewater treatment plant with no impact in terms of the Water Framework Directive.



- The information on file is clear regarding the fact there is no watercourse(s) on site. The Infrastructure Report clearly identifies that greenfield run-off rate will be restricted to that of the existing greenfield rate with attenuation storage.
- The proposal includes a Stormwater Management Plan to reduce effects of surface water in terms of flooding with an appropriate design for attenuation and hydraulic controls.
- The applicant rejects the assertion that there are conflicting conditions applied to the grant of permission in relation to SUDS stormwater proposals. It is noted that appeal does not clarify what these conditions are.
- In response to the appellants' assertions regarding a flawed EIA and Appropriate Assessment process the Board are now the competent authority for determination and the issues raised are directed at the competent authority at the time of the decision.
- The appellants do not substantiate the grounds of appeal in terms of its criticism of EIA screening and it is noted that Kerry County Council carried out a comprehensive EIA screening assessment.

### **7.3. Prescribed Bodies**

7.3.1 None.

### **7.4. Observations**

7.4.1. None.

## **8.0 Screening**

### **8.1. Environmental Impact Assessment**

8.1.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and

Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

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

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

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

8.1.4 The proposed development is for a residential scheme of 249 dwelling units and is not within a business district, on a stated development site area of 7.93ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 20 hectares (that would be the applicable threshold for this area, site was formerly a wooded area).

8.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number

of residential units (249) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

8.1.6 The appellants have raised concerns that the EIA screening carried out is flawed and does not seek information outside that presented in the NIS including the status and condition of the wastewater treatment plant and its discharges. I have completed an EIA screening assessment as set out in Appendix A of this report. I am satisfied that sufficient information is available to reach a conclusion in regards to screening for Environmental Impact Assessment including the submissions by the applicant, the submission of Uisce Eireann and the Annual Environmental Report regarding Killarney WWTP. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 8.2 **Appropriate Assessment**

### **Applicant's Stage 1 – Appropriate Assessment Screening**

8.2.1 The applicant has engaged the services of Wetland Survey Ireland Ltd, to carry out an appropriate assessment screening report. I have had regard to the contents of same.

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

The areas addressed are as follows:

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

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

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

8.2.4 The subject lands are described in section 3.2 of this report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.2.5 Field surveys were undertaken in March , April, May and June (field surveys, terrestrial mammal surveys, Habitat and Flora survey and Bat surveys) these informed the Ecological Impact Assessment (EclA) as well as the AA Screening Report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to

the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.2.6 The screening report identifies 3 European Sites within the potential zone of influence, these are as follows:

Name	Site Code	Distance from Site
<p>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p>	(000365)	620m

<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Geomalacus maculosus (Kerry Slug) [1024]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Alosa fallax killarnensis (Killarney Shad) [5046]</p>		
<p>Sheheree (Ardagh) Bog SAC</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>	(000382)	2.4km
<p>Killarney National Park SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p>	(004038)	2km

<p>Qualifying Interests</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>		
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8.2.7 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the three identified sites. The following is found in summary:

Site	Direct hydrological connection	Comment
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC	No	<p>Site not in core foraging area for Lesser Horseshoe Bat. South western and southern edges likely to form part of commuting route between a nearby roost and potentially Pike Wood (to the west).</p> <p>Potential hydrological connection through discharge to stormwater network development will be connected to Flesk River which forms part of the SAC. Discharge from Killarney WWTP to Folly Stream which flows into Lough Leane which forms part of the SAC.</p>
Sheheree (Ardagh) Bog SAC	No	No pathway exists
Killarney National Park SPA	No	No pathway exists

### **8.3 Applicant's Screening Report Assessment of Likely Significant Effects:**

8.3.1 The submitted AA Screening Report, through section 3.5, considers the potential impacts on European Sites from the proposed development. The existence of potential commuting route for Lesser Horseshoe Bats (QI of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC ) along the southern part of the site means the potential for disturbance of such cannot be ruled out.

8.3.2 The development site will not result in any direct significant habitat loss or alteration to any designated European site due to the separation distance between the development site and the designated sites. The development is connected to the public stormwater and foul water network with discharge into the SAC via the Flesk River and the Folly Stream with potential changes in key indicators of conservation value. A pollution event could result in the loss and/ or alteration of a QI habitat within the designated sites, in addition fragmentation of habitats/ species cannot be ruled out. In-combination effects are not mentioned in the screening section.

### **8.4 Applicants' AA Screening Conclusion:**

8.4.1 The applicant in carrying out the AA screening, has not taken into account any specific mitigation measures. It cannot be ruled out that the proposed development would not have a significant effect on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (impact on commuting route of Lesser Horseshoe Bat and potential for a decrease in water quality within the SAC). The applicant considers it necessary to proceed to Stage 2 of the Appropriate Assessment Process and a Natura Impact Statement (NIS) has been prepared.

### **8.5 Applicants' Stage 2-Appropriate Assessment**



8.5.1 The NIS examines and assesses the potential adverse effects of the proposed development on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, where it has been established that a Source-Pathway-Receptor link exists. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

8.5.2 The NIS identifies and assesses potential for significant effects of the proposed development on specific Qualifying Interests and Conservation Objectives of the designated sites. A summary description of the European sites is provided in Section 4.1 of the NIS and details of the likelihood of significant effects are provided in Table 7 and 8. Impacts may occur during the Construction and Operational phases of the development as follows:

Construction Phase: Excavations and ground works giving rise to excess sediment run-off that could enter the SAC via the drainage network.

Operational Phase: Disturbance caused to the commuting Lesser Horseshoe Bats along south/south western boundary of the site and potential disturbance of foraging habitat to the west of the site in terms of inappropriate design of site infrastructure, landscaping and artificial lighting.

8.5.3 Mitigation measures are outlined in Section 4.4. Sedimentation and Siltation Measures will be provided to ensure that potential contaminated surface water does not leave the site. Settlement ponds, silt traps are to be provided and suitable measures to be used to prevent any run-off from wheel washes, surface cleaning etc. to leave the site. Vehicles/ plant to be properly maintained, materials to be used will not give rise to pollution, and materials on site to be properly stored. The measures are outlined in the Construction and Environmental Plan submitted with the application (CEMP). A suitable waste management plan is also to be put in place.

8.5.4 Operational phase measures are outlined and refer to surface water drainage management and how untreated water will be prevented from entering into the European site. A range of suitable measures are outlined in the NIS. Discharge of

foul water is to the Killarney WWTP, which currently has capacity for the proposed development with confirmation of feasibility to connection received from Uisce Eireann. Surface water drainage during the operational phase is to be maintained at greenfield levels with use of surface water attenuation and retention fuel/oil separators to prevent contamination of surface water.

- 8.5.5 Mitigation measures for bats include incorporation of native hedge/tree planting along the southern boundary to maintain a continuous corridor of vegetation along the commuting route for Lesser Horseshoe Bats. Incorporation of berm to prevent glare from car headlights within the development and an artificial lighting design in accordance with best practice guidance for bats and Artificial Lighting (UK guidance).
- 8.5.6 In-combination effects with other developments are ruled out with it noted that the relevant development plan and Local Area Plans have been subject to Appropriate Assessment themselves.
- 8.5.7 The NIS report has concluded beyond any reasonable scientific doubt, that once the mitigation measures recommended in this Report are implemented correctly and in full, the proposed development at Upper Park Road, Killarney will not result in any adverse effects on any European sites.

## 8.6 **Appropriate Assessment Screening**

- 8.6.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.
- 8.6.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no direct loss or

alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier (3 sites) with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.6.3 I concur with the conclusions of the applicant's screening that significant effects on Sheheree (Ardagh) Bog SAC and Killarney National Park SPA can be ruled out at the screening stage on the basis of the lack of source pathway connectivity. In the case of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC there is an indirect hydrological connection in the form of surface water and stormwater drainage, with surface water from the site entering the existing surface water network and discharging to the foul water network with discharge into the SAC via the Flesk River which drains into Lough Leane. Foul drainage from the site is to the Killarney Wastewater Treatment Plant, which discharges to Folly Stream, which drains into Lough Leane.

8.6.4 The appellants have raised concerns regarding the impact of the proposal on water quality within local surface water due to surface water and stormwater drainage from the site and foul water discharge from the site to the Killarney WWTP and subsequent discharge from such to local surface water bodies with significant effects on water quality and subsequently on aquatic qualifying interests of the SAC. I am of the view in relation to that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and polluting materials to surface and groundwater. At the operational

phase surface water drainage proposal including SuDs measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to existing foul drainage system with effluent discharging to the Killarney WWTP which discharges to the local surface water bodies and is operated under licence. I note the information available in regards to the capacity status of the Killarney WWTP (Uisce Eireann Capacity Register and most up-to-date Annual Environmental Report) as well as the various measures outlined in the submitted, Drainage Infrastructure Report, the Drainage Impact Assessment Report and the Construction and Environmental Management Plan for the construction and operational phase of the development. I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. I am satisfied that significant effects on the SAC in relation to impact on water quality and significant effects on the quality of aquatic habitats and subsequently on the aquatic qualifying interest of the SAC can be ruled out at the screening stage.

8.6.5 As outlined above the Lesser Horseshow Bat has been identified as Qualifying Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and that a potential commuting route has been identified along the southern part of the appeal site between the a foraging area to the east and a wooded area to the west of the site. The proposed development has the potential to disrupt this route and cause disturbance to a QI of the designated SAC. In this regard significant effects on this QI cannot be ruled out at the screening stage and I would consider that a Stage 2 Appropriate Assessment is required in relation to this aspect of the proposal.

8.6.6 In relation to in-combination effects, following the consideration of a number of plans and projects including planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given

the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

8.6.7 Screening Conclusion: I would consider that the likelihood of significant effects on the Lesser Horseshoe Bat, which is qualifying interest of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC ,cannot be ruled out at the screening stage and that a Stage 2 Appropriate Assessment is required.

## 8.7 Stage 2 – Appropriate Assessment

8.7.1 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.7.2 The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (site code 000365) is subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for this sites available through the NPWS website.

8.7.3 Aspects of the Development that could adversely affect the designated site: The only aspect of the development that could impact the conservation objectives of the European sites is the potential disturbance of commuting Lesser Horseshoe Bats.

8.7.4 **Mitigation:** A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction phase and operational phase. These are outlined in Section 4.4 of the NIS, but the main points are summarised here:

- Incorporation of native hedge/tree commuting corridor along the southern boundary, between the boundary and the footpath with a width of between 3-5m.
- Incorporation of a berm to mitigate glare from vehicular headlights.
- Artificial lighting associated with the project will be designed in accordance with the recommendations set out in the Institute of Lighting Professionals (ILP) Guidance Note 08/18 “Bats and Artificial Lighting in the UK: Bats and the Built Environment Series”.

8.7.5 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions (maintaining and protecting an existing commuting corridor for the Lesser Horseshoe Bat, measures to minimise disruption of such by artificial lighting) can be reached in terms of avoidance of adverse effects on the integrity of designated European site based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard the fact that there is potential commuting route for a species that is a QI of the SAC. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

8.7.6 **In Combination Effects:** there is no likelihood of in-combination effects with other plans and projects subject to the full implementation of mitigation measures outlined in the NIS.

8.98 **Appropriate Assessment Conclusion:**

8.8.1 The proposed residential development at Upper Park Road, Killarney has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.8.2 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effects on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (site code 000365). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

8.8.3 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (site code 000365).

8.8.4 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (site code 000365).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (site code 000365).

8.8.5 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and reports submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Killarney

National Park Macgillycuddy's Reeks and Caragh River Catchment SAC (site code 000365).

## 9.0 Assessment

9.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Principle of the proposed development/Planning Policy
- Wastewater capacity
- Surface Water and Stormwater
- Conditions

The applicant in response to the appeal submission requested that the Board determine that the appeal is vexatious and/or without substance and refer to Section 138(1) of the Planning and Development Act, 2000 due to reference to targeting wider issues in the area and the unsubstantiated statements in the appeal. Having examined the appeal submission I would consider that the appellants have outlined grounds of appeal that require assessment and that there is no substantive reasons to reach a conclusion that the appeal is vexatious and/or without substance.

## 9.2 Principle of the proposed development/Planning Policy:

9.2.1 The site is subject to zoning, the site is zoned predominantly R1 'Proposed Residential' with a small portion of the site at the western corner zoned 'Landscape Protection'. The proposed development is compliant with land use zoning objectives on site. The proposal is compliant with Development Plan policies and objectives, development management standards, is compliant with the National Planning Framework (NPF) and with the relevant Section 28 Ministerial Guidelines and Specific Planning Policy Requirements (SPPRs) outlined under the policy section of this report.



9.2.2 The proposed density is consistent with Development Plan policy requirements and the recommendation of the Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024). The overall design and scale of the development is acceptable and would provide for a development that would be satisfactory in terms of future residential amenity, adjoining amenities and would be acceptable in the context of traffic safety and convenience.

9.2.3 The appellants state that here are material contraventions of objectives set down in the CDP particularly in respect of EIA and AA, however does not identify any specific objectives to which this applies. I would consider the proposed development is in compliance with Development Plan policy and do not consider that it would constitute a material contravention of any specific policy objective within the plan. I would refer the relevant section of this report dealing with the issue of Appropriate Assessment and Environmental Impact Assessment screening.

9.2.4 Conclusion on principle of development and planning policy: I am satisfied that the proposed development would be in accordance with the proper planning and sustainable development of the area.

### **9.3 Wastewater capacity/impact:**

9.3.1 One of the main appeal grounds relates to the assertion that the existing Killarney Wastewater Treatment Plant (WWTP) is operating at capacity and that such is responsible for existing at risk status of local water bodies with the proposal premature pending upgrades. The appellants also state there is failure to carry out a comprehensive analysis of the status of the WWTP in relation to the overall water quality of surface water bodies in the area with concerns regarding inadequate assessment of inflows to the plant and outflows at several outfalls to received waters in the area. The applicant counters this assertion pointing to the fact that Uisce Eireann have issue a confirmation of feasibility to connect and to the fact that the Annual Environmental Reports (AER) regarding the WWTP indicate that there is spare capacity and that the deterioration in water quality in local water bodies is not attributable to the WWTP.

9.3.2 As stated by the applicant Uisce Eireann have issued a confirmation of feasibility to make a wastewater connection and this is subject to a small upgrade including an upsize of 260m of a 225mm diameter foul sewer. The Uisce Eireann Capacity (published June 2023) register indicates that the status of Killarney WWTP is Green meaning there is available capacity. Uisce Eireann's Annual Environmental Report 2022 identifies that there is spare capacity within the existing WWTP within the plant having a pe of 54,000m<sup>3</sup> and with 32,139m<sup>3</sup> unused. The AER identifies that the WWTP discharge was not compliant with the ELV's (Emission Limit Values) set in the wastewater discharge licence for the following: ortho-Phosphate (as P) - unspecified mg/l. The report indicates that a deterioration in water quality has been identified, however it is not known if it is or is not caused by the WWTP and the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status of any water body.

9.3.3 Based on the information submitted including the Uisce Eireann capacity register and the most up-to-date Annual Environmental Report for the WWTP, indicates that there is no issue regarding capacity of the existing Killarney WWTP and that there is spare capacity with Uisce Eireann issues of a confirmation of feasibility to connect without significant upgrades (extent of upgrades are minor).

9.3.4 Conclusion on wastewater capacity/impact: Uisce Eireann have provided confirmation of feasibility to connect to the foul network and Killarney Wastewater Treatment Plan without any minor upgrades (only upgrade relates to upsize of 260m of a 225mm diameter foul sewer). The Capacity Register indicates the treatment plant has capacity for new development with such classified as having a 'Green Status. The most up to date AER for the plant indicates that the treatment plant has sufficient treatment capacity for the proposed development and the plant will still have remaining capacity for other developments. In addition the report identifies that the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status of water bodies. Based on the information available the existing wastewater treatment plan has sufficient capacity to cater for the proposal and its associated loading and that the proposed

development would not cause a deterioration in water quality given its connection to the foul sewer network and the Killarney Wastewater Treatment Plan. I do not consider that appellants have provided information to demonstrate to the contrary in this regard.

#### 9.4. **Surface Water and stormwater:**

9.4.1 The appellants raise concerns regarding how stormwater was addressed in the Appropriate Assessment. The appeal submission also points to ambiguity in the case of information submitted regarding whether there are watercourses on the site. It is pointed out that greenfield run-off not adequately assessed and not established whether there is currently run-off from the lands in question with concerns regarding additional stormwater run-off as a result of the proposed development would increase flooding downstream.

9.4.2 Having inspected the site and the associated documents, I can confirm that there are no existing watercourses on the appeal site. The nearest surface water body is the Woodford River that is located 600m to the south east and drains into the River Flesk and subsequently Lough Leane. The lands drain naturally with direct access to the public stormwater network within Upper Park Road. It is proposed that surface water discharge will be controlled using flow control devices, on site attenuation tanks and will pass through retention fuel/oil separators. Surface water run-off will be confined to greenfield run-off rates. The proposal also includes Sustainable Drainage Systems (SuDs) including permeable pavements, green roofs, rainwater harvesting, tree pits, swales, attenuation tanks, flow control device and petrol interceptor.

9.4.3 The Infrastructure Report includes details regarding stormwater management. In terms of flood risk the appeal site has no historic flood incidences (OPW records) and is located in Flood Zone C in term of fluvial flood risk. The proposal includes a stormwater management plan with the attenuation on site designed to cater for 1-100 event. There is no evidence of any risk of coastal, pluvial or groundwater flooding at this location.

9.4.4 Based on the information on file the appeal site is not a location that is susceptible to flood risk from any sources including fluvial, pluvial, coastal or groundwater. The proposal entails connection to the existing surface water network with provision of surface water discharge flow at greenfield rates. The proposal includes a comprehensive surface water system including flow control devices, on site attenuation tanks and surface water will pass through retention fuel/oil separators as well as Sustainable Drainage Systems (SuDs) measures as part of the design and layout. I am satisfied on this basis of the information provided by the applicant including the Infrastructure Report and Drainage Impact Assessment, which outlines the nature of drainage infrastructure, that the proposal for surface water drainage on site is sufficient to cater for surface water discharge without causing any deterioration of water quality of local surface water bodies or causing any flooding at downstream locations due to discharge of excess stormwater.

9.4.5 The appellants were critical of lack of information regarding existing greenfield run-off. The existing site condition is not a greenfield site as it had been subject to construction works for a previous residential development. This site has been heavily excavated with some partial building construction. The site is lacking in any top soil or vegetation coverage apart from an area adjoining the wooded area to the west of the site. There is a possibility that the current condition of the site may be leading to sediment laden run-off in its current state. I would however consider that this would not be a reason to preclude development. I would be of the view that the active construction and ongoing construction management would be sufficient to prevent sediment/pollutant laden run-off and the completion of a development on site that includes a mixture of hard and soft landscaping, management of surface water drainage as proposed and implementation of SuDs measures on land zoned for residential development is more desirable than the current status of the site.

9.4.6 Conclusion on Surface Water and Stormwater: The appeal site is not a greenfield site and appears to have been significantly excavated as part of a previous approval that has not advanced beyond initial excavation and early stage building construction. The proposal is for a housing development that includes

comprehensive proposal to deal surface water and stormwater. The proposals include measures to restrict surface water flow to greenfield rates, construction management measures to prevent discharge of sediment/pollution laden surface water, measures to prevent discharge of polluted surface water during the operational phase and provision of drainage measures to deal with stormwater events. In addition the site is not at risk of flooding with stormwater measures that are likely to be sufficient to prevent flood events downstream of the site. In this regard I consider sufficient information has been provided to conclude that the development is likely to have no significant impacts on water quality of surface water bodies in the area or flood risk as a result of surface water and stormwater discharges.

## 9.5 **Conditions:**

9.5.1 The appellants identify that there are contradictions in conditions relating to SuDs measures, however do not identify what the inconsistencies are. Having inspected the conditions, I do not consider that there are inconsistencies, however I would recommend the attachment of a number of conditions in the event of a grant of permission including that drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority and that the developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann prior to the commencement of development.

9.5.2 In granting permission the Local Authority included a special development contribution under Section 48(2) (c) (Condition no. 3) relating to provision of footpaths, cycleway and traffic calming measures in the public road network. The appeal is a third party appeal only with no appeal relating to the application of this condition. In this regard I would recommend attaching a condition providing for this special development contribution

9.5.3 **Conclusion on Conditions:** I am satisfied that standard drainage conditions are sufficient in the event of a grant of permission and that the application of a special development contribution as per Condition no. 3 is merited in this case.

## 10.0 Recommendation

10.1. I recommend that permission be granted subject to the conditions outlined below.

## 11.0 Reasons and Considerations

11.1 Having regard to

(i) the site's location on lands with a zoning objectives for 'R1' and 'Landscape Protection', and objective provisions in the Kerry County Development Plan 2022 – 2028 and Killarney Town Plan 2022-2028 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Kerry County Development Plan 2022 – 2028 and Killarney Town Plan 2022-2028 and appendices contained therein,

(iii) the Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024),

(iv) Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, July 2023,

(vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

(vii) to the pattern of existing and permitted development in the area, and

(viii) to the submissions and observations received,

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 or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.2 Appropriate Assessment (AA)-Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (site code 000365), which is the European Sites for which there is a likelihood of significant effects.

## 11.3 Appropriate Assessment-Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (site code 000365) in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and

(c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

#### 11.4 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and(iv), as amended,
- The location of the site on lands governed by zoning objective R1 Proposed Residential and Landscape Protection in the Kerry County Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,



- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The applicant shall provide recessed nesting swift boxes incorporated into the built fabric of the proposed development. The number and locations of such shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** In the interests of biodiversity.

3. Prior to the commencement of development the applicant shall submit a detailed design for the provision of a pedestrian crossing on the L-3010 and on the Woodlands Road, and the provision of a tabletop ramp at the entrance to the development. The details of such shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** In the interest of pedestrian safety and movement.

4. The specification of the Upper Park Road Cycleway shall comply with NTA Specifications and the National Transport Authority-Cycle Design Manual with details of such to be submitted and agreed in writing with the Active Travel Unit of Kerry County Council.

**Reason:** In the interest of pedestrian safety and movement

5. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

6. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

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

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and shall have regard to impact in terms of biodiversity.

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

8. 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.

9. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. The level of communal bicycle parking spaces specified in the information submitted shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

13. The developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.

**Reason:** In the interest of public health.

14. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted including the provision of the planting to maintain the bat commuting corridor identified to the south of the site and the landscape berm to prevent headlight glare to this area, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any housing unit and shall comply with the recommendations of the Ecological Impact Assessment (EclA) with reference to bats.

**Reason:** In the interests of amenity and public safety, and to ensure the protection of bats.

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the

agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:

a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

b) Location of access points to the site for any construction related activity;

- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

**Reason:** In the interest of amenities, public health and safety.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

21. 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all 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.

**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.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 Act 2000, as amended, and of the housing strategy in the development plan of the area.

23. 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.

24. 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.

25. The developer shall pay the sum of € 276,500 (two hundred and seventy six thousand and five hundred euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of...

(a) detailed design & supervision of works of the proposed development on public property (footway, cycleway, traffic calming measures).

(b) the provision of public footpaths and cycleway to link the proposed development to the public network on the L3010.

(c) the provision of general traffic calming measures.

(d) towards the improvement of the relocation of road markings infrastructure on the L3010.

This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

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.

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Colin McBride  
Senior Planning Inspector

23<sup>rd</sup> February 2024

## APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference – ABP-318509-23</b>		
<b>Development Summary</b>	Construction of 249 dwelling units, crèche and associated site works	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	<b>Natura Impact Statement</b>
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	<p><b>The following has been submitted with the application:</b></p> <ul style="list-style-type: none"> <li>• <b>An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC).</b></li> <li>• <b>An Infrastructure Report and Drainage Impact Assessment which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60EC) and the Floods Directive (2007/60/EC).</b></li> <li>• <b>A Construction and Environmental Management Plan which considers</b></li> </ul>

		<p>the Waste Framework Directive (2008/98/EC).</p> <ul style="list-style-type: none"> <li>• A Noise Impact Analysis Report which considers EC Directive 2002/49/EC (END).</li> </ul> <p>SEA and AA was undertaken by the planning authority in respect of the Kerry County Development Plan 2022-2028.</p>	
<b>B. EXAMINATION</b>	<p>Response:</p> <p>Yes/ No/ Uncertain</p>	<p>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p><b>No</b></p>	<p>The proposed development consists of two-storey residential development to the north west of Upper Park Road with adjoining developments comprising mainly industrial warehousing and one-off dwellings. The development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.</p>	<p><b>No</b></p>

<p><b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p><b>Yes</b></p>	<p>The proposed development will result in an existing site subject to excavation and partial construction of previously approved residential development being fully developed for residential use in accordance with the predominantly residential zoning of that applies to these lands.</p>	<p><b>No</b></p>
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p><b>No</b></p>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p><b>No</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will</p>	<p><b>No</b></p>

		<p>give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p><b>No</b></p>	<p>The appellants raise concerns regarding the impact of the development on water quality through surface water and stormwater discharge and discharges from the Killarney WWTP. No significant risks are identified. Operation of standard measures outlined in a CEMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network.</p>	<p><b>No</b></p>



		Surface water drainage will be separate to foul drainage within the site and leaving the site	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>Yes</b>	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	<b>No</b>
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	<b>Yes</b>	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	<b>No</b>
1.9 Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and	<b>No</b>

		temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>Yes</b>	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	Application is predominantly zoned R1 Proposed residential is on the outskirts of Killarney with no other undeveloped zoned urban lands adjoining the site.	<b>No</b>

## 2. Location of proposed development

<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	<b>No</b>	No European sites located on or adjacent to the site. An Appropriate Assessment Screening and a Natura Impact Statement were provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.	<b>No</b>
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<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p><b>No</b></p>	<p>A commuting route along the south western boundary was identified for the Lesser Horseshoe Bat between a foraging habitat/roosting habitat outside the site confines site to a wooded area to the west of the site. The proposed development would not result in significant impacts to protected, important or sensitive species. Mitigation measures in the form of landscaping to maintain the commuting corridor, landscaped berm to protect from lighting and implementation of bat friendly artificial lighting as part of the proposed development.</p>	<p><b>No</b></p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p><b>No</b></p>	<p>The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.</p>	<p><b>No</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p><b>No</b></p>	<p>No such features are in this urban location.</p>	<p><b>No</b></p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project,</p>	<p><b>No</b></p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential</p>	<p><b>No</b></p>

particularly in terms of their volume and flood risk?		impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>		<b>No</b>
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>No</b>	Access to and from the site will be via Upper Park Road which connects to the N22 National Road to the south west of the site. No significant contribution to traffic congestion is anticipated from the subject development.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	<b>No</b>	There are no sensitive land uses adjacent to the subject site.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	No transboundary considerations arise	<b>No</b>

3.3 Are there any other relevant considerations?	<b>No</b>	No	<b>No</b>
<b>C. CONCLUSION</b>			
No real likelihood of significant effects on the environment.	✓	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.			

Inspector: **Colin McBride**  
Date: **23<sup>rd</sup> February 2024**