



An
Bord
Pleanála

Inspector's Report ABP-319054-24

Development	Construction of 6 houses and all associated site works.
Location	Farranflaherty, Chapel Lane, Dingle, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2357
Applicant	Michael Murphy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Zinbar Grove Developments
Observers	None
Date of Site Inspection	12/6/2024
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located circa 600m to the north-east of Dingle town centre. The town of Dingle located in the West Kerry Gaeltacht lies to the southern side of the Dingle peninsula. The town originally developed as a fishing port located to the northern side of Dingle Harbour. The town remains a deep-sea fishing port and it is also a popular tourist destination.
- 1.2. The site is situated to the western side of Chapel Street. The surrounding area is characterised predominantly by housing. Cnoc an Chairn is situated to the north of the site with the lands rising to the local summit at 208m. The site has a stated area of 0.17 hectares. It has frontage of 60m. The roadside boundary is defined by a stone wall and there is an existing gated entrance to the site. The site level rise steeply to the west and the western site boundary adjoins field.
- 1.3. The north-eastern site boundary adjoins the rear garden of a detached dormer dwelling. The south-western site boundary adjoins the end of the rear gardens of terraced dwellings located on Goat Street and 2 no. two-storey semi-detached dwellings.

2.0 Proposed Development

- 2.1. Permission is sought for the development of 6 no. two-storey townhouses, on-street car parking and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission subject to 20 no. conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. Further information was sought in relation to the following;

1.

(a) Submit a revised Site Layout indicating one access onto the Relief Road and indicate the sight distance in both directions. The layout should take into consideration cycle lanes.

(b) Submit a Stage 1 & 2 Road Safety Audit.

(c) Submit public lighting proposals.

(d) Submit drainage layout including SUDS proposals.

2. Submit a language Impact Assessment

3. Submit revised site map clearly illustrating height and specification of all relevant site boundaries.

4. Indicate a site curtilage for each dwelling outlined in red and clarifying area of public open space.

5. Submit a cross section through the site southwest – northwest through the mid-point of housing proposed showing existing ground levels, proposed boundary treatments and proposed ground and finished floor levels.

6. Submit detail of the amount of material to be removed from site to facilitate the proposed development.

7. Submit a landscape plan.

8. Provide a revised site layout to demonstrate the location of the nearest fire hydrant.

9. Submit a revised layout indicating the precise location of dropped kerbs.

3.2.3. Planning Authority – following the submission of a response to the further information. The Planning Authority were satisfied with details provided and revisions proposed, and permission was granted.

3.2.4. Other Technical Reports

3.2.5. Roads Department – Following submission of further information response no objection subject to conditions.

3.2.6. Biodiversity Officer – Further information required.

3.2.7. Housing Estates Unit – Number of issues recommended to be conditioned.

3.3. Prescribed Bodies

3.3.1. Irish Water – No objection.

3.4. Third Party Observations

3.4.1. Submission from Conradh na Gaelige stated that no Language Impact Assessment was submitted as is required.

3.4.2. Submission from Zinbar Grove Development raised issues including the design of the proposed scheme, landscaping and the integration of the development into the streetscape.

4.0 Planning History

4.1.1. Reg. Ref. 07/4148 & PL08.230581 – Permission was granted by the Planning Authority and refused on appeal for the construction of 27 no. apartments in 2 no. two-storey blocks with attic accommodation, site works, bin storage and parking. Permission was refused for the following reasons;

1. Having regard to the fenestration and the proximity of the proposed two-storey development to residential lands to the north, north-west and north-east, it is considered that the proposed development would give rise to overlooking and overshadowing and would constitute overdevelopment of the site, would seriously injure the amenities of the area and depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area for which the zoning objective in the current An Daingean Local Area Plan 2006-2012 is Permanent Residential in relation to which a maximum of 30% of units shall be used as holiday homes. Having regard to the internal layout of the apartments, the inadequate provision of car parking and public open space and the dominance of one bedroom units, it is considered that the proposed development would constitute a substandard form of development which

would not provide for a sustainable residential community. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development provides for the partial construction of the An Daingean Inner Relief Road in relation to which an indicative corridor is set out in the An Daingean Local Area Plan 2006-2012. Pending selection of a final route and having regard to the layout of the proposed housing scheme and the width of Chapel Lane, it is considered that the proposed development would be premature pending the completion of this relief road and would, therefore, endanger public safety by reason of traffic hazard on the adjoining road network.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

5.2. Section 28 Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

5.3. Kerry County Development Plan 2022-2028

5.3.1. Chapter 3 – Core and Settlement Strategy – Dingle (Daingean Ui Chuis) is designated in the Settlement Hierarchy as a Regional Town, the function of which is to harness and develop the complementary strengths and synergies between the settlements and their functional hinterland, to create highly connected centres of scale with the necessary critical mass, in terms of population and employment, to enable them to compete and grow to fulfil their potential and drive regional development in tandem with regional and national policy. The population of Dingle is estimated (2022) as 2,181 with a population growth target of 282 and a housing target of 221. The zoning of land will be set out in the Municipal District LAP.

5.3.2. Housing policies and objectives include the following:

5.3.3. KCDP 4-1 – Support and facilitate the objectives of ‘housing for all’ to regenerate towns and villages and to achieve compact growth and increased population in these centres.

5.3.4. KCDP 4-9 – Facilitate and support Language Plans for Daingean Ui Chuis, Tralee and Cahersiveen to achieve their target of increasing the number of daily Irish speakers.

5.3.5. KCDP 4-10 – ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy an enhanced quality of life and well-being.

- 5.3.6. KCDP 4-17 – Facilitate the development of sustainable compact settlements with the “10-minute” town concepts, whereby a range of community facilities and services are accessible in short walking and cycle timeframes from homes, with walkways and link routes to Greenways or are accessible by high quality public transport services connecting people to larger scaled settlements delivering these services
- 5.3.7. Chapter 8 Gaeltacht Areas, Culture and Heritage New initiatives to plan and develop the Gaeltacht areas and use of the Irish language were introduced by the Gaeltacht Act 2012. The key measures include the development of Limistéir Phleanála Teanga (LPT)(Language Planning Areas) and the development of Bailte Seirbhísí Gaeltachta (BSG)(Gaeltacht Service Towns). The designation of BSGs is a recognition of the provision of services required to support Gaeltacht areas including digital and educational resources. Chorca Dhuibhne is designated as an LPT and Daingean Uí Chuis is designated as a BSG. Relevant policies include;
- 5.3.8. KCDP 8-6 - Facilitate and support Language Plans of the County: Tobar Dhuibhne - Plean Teanga Chiarraí Thiar (2018), Dúchas an Daingin - Plean Teanga for Bhaile Seirbhíse Gaeltachta Daingean Uí Chúis and Brí Uíbh Ráthaigh -Plean Teanga Chiarraí Theas 2019-2026 to achieve their target of increasing the number of daily Irish Speakers, long term in Gaeltacht areas.
- 5.3.9. KCDP 8-7 - Ensure that developments of multiple residential units (2 or more) in An Ghaeltacht settlements shall be subject to linguistic and occupancy requirements in order to protect and sustain the linguistic and cultural heritage of the Gaeltacht areas including the promotion of Irish as the community language. The linguistic impact statement shall be prepared by a person qualified in the area of language planning.
- 5.3.10. KCDP 8-8 - Ensure that a minimum of 66% of Housing Developments on R1 and R4 zoned lands within the Gaeltacht areas shall be reserved for Irish Speakers. The standard of Irish required shall be determined and assessed by Kerry County Council. A language Enurement Clause (LEC) will be applied for a duration of 15 years from the date of first occupancy of the unit.
- 5.3.11. Appendix 6 of the CDP includes information regarding the land-use zoning used in the plan.

5.4. Corca Dhuibhne Electoral Area Local Area Plan 2021-2027

- 5.4.1. Part B – Regional Town and section 3.2 refers to Dingle - Daingean Uí Chúis
- 5.4.2. Zoning - M1 – Mixed Use, General Development, Opportunity Site.
- 5.4.3. Objective – Provide for mixed use development.
- 5.4.4. Provides for a mix of uses on these lands, including both commercial and residential uses. A number of these sites are designated as opportunity sites with specific forms of development for some of these sites.
- 5.4.5. As indicated on the Zoning Matrix residential units are open for consideration within M1 zoned lands.
- 5.4.6. The future vision for Dingle / Daingean Uí Chúis is for the continued growth and development of the town as the primary urban centre for a large rural hinterland with key employment, educational, cultural, service and tourist functions. The town should develop in a sustainable manner and in a way that will improve the quality of life for residents and visitors alike.
- 5.4.7. Section 3.2.2. Strategic Issues and Strategy

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

- Sufficient population growth occurs through increasing employment opportunities and the provision of an attractive town,
 - Affordable housing is provided in order to retain permanent residents,
 - Development of residential units on vacant, derelict and infill sites is promoted ensuring that at least 30% of all new residential development takes place on brownfield and or infill sites,
- 5.4.8. Objective No: D-RES-1 – Facilitate the development of residential units on vacant, derelict and infill sites.
- 5.4.9. Objective No: D-RES-3 – Ensure that future residential development is only permitted on appropriately zoned land to ensure a sustainable and compact urban form.

5.5. Natural Heritage Designations

- Mount Brandon SAC (site code 000375) is located c.400m to the north and north-west.
- Dingle Peninsula SPA (site code 004153) is located approx. 2.6km to the south.
- Castlemaine Harbour SAC (site code 000343) is located approx. 15km to the southeast.
- Blasket Islands SAC (site code 002172) is located approx. 13km to the west.

5.6. EIA Screening

- 5.6.1. The proposed development comprises 6 residential units on a 0.1758 hectare site. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.
- 5.6.2. The number of dwelling units proposed at 6 is well below the threshold of 500 dwelling units noted above. Whilst within the town of Dingle it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.
- 5.6.3. The proposal for 6 residential units is located within the development boundary of Dingle on lands zoned Objective 'M1' – Mixed Use, General Development, Opportunity Site under the provisions of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027. The site comprises a greenfield site. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The existing wastewater treatment plant serving the town of Dingle has

design capacity of PE 12,000 and has sufficient capacity to accommodate the development. The site is not within a European site.

5.6.4. Having regard to;

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands within the development boundary of Dingle on lands zoned under the provisions of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 and the results of the strategic environmental assessment of the Corca Dhuibhne Electoral Area Local Area Plan, undertaken in accordance with the SEA Directive (2001/42/EC).
- the location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and the need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by Zinbar Grove Developments. The issues raised are as follows;

- Zinbar Grove Developments are the property owners of lands in the vicinity. There is a current application under Reg. Ref. 23/57 for a housing scheme on those lands.
- The appellant states that they appreciate the need for new housing and welcome the proposal in principle.
- They consider that the scheme as proposed is not in accordance with good design principles. They submit that it has not been demonstrated how the proposed development complies with public open space requirement of 15% of the site to be allocated to public open space.
- The appellant suggests that the Board could consider the omission of one dwelling in order that the area be provided for usable public open space.
- Regarding the proposed rear gardens concern is raised that they are inadequately sized and given the site level differences it would render sections of them unusable.
- The matter of how the scheme will be developed on site in the context of the topography of the lands is highlighted.
- The matter of the construction of retaining walls and boundary treatment. The appellant suggests that in the interest of preserving structural integrity that a stone faced structurally designed reinforced concrete boundary would be appropriate.
- The matter of car parking is raised. 7 no. car parking spaces are proposed which is short of the 15 spaces as set out in the County Development Plan. The appellant considers that on site specifically designated car parking spaces for residents should be provided.

- They consider that the design of the 7 no. car parking spaces would result in the realignment of the cycle lane. The realignment of the cycle lane requires works to be undertaken outside the site boundary.
- The appellant considers that the Road Safety Audit does not accurately reflect the site layout submitted as part of the further information.
- It is noted that the applicant owns lands directly across from the site, which they suggest could be used to provide car parking and a public amenity area.
- The matter of traffic generated by the proposed development is raised. The appellant considers that it would add to congestion and parking in the area.
- It is submitted that the proposed development represents over development of the site.
- The proposed location of the bin storage area adjacent to the existing dwelling is not considered appropriate. They consider the location of the bin storage area directly abutting the public footpath is not a good design solution.
- The issue of accessibility in relation to proposed dwellings was raised in terms of compliance with the Building Regulations.
- Regarding the design of the scheme the appellant considers that the front elevation is not entirely in keeping with the established unique architectural style of Dingle. They consider a revised front elevation architectural treatment to compliment the established streetscape would make a positive contribution. Therefore, they request that should the Board decide to grant permission that they would attach a condition addressing the design.
- The appellant requests that an archaeological monitoring condition be attached if permission is granted, due to the significant ground excavations proposed.
- It is submitted that the proposed development would cause overlooking and overshadowing and that it would seriously injure the amenities of the area and depreciate the value of properties.

- The site is zoned M1 – Mixed Use. The proposal is to use the site exclusively for residential use. The M1 – mixed use zoning objective is to provide mixed uses within a development, and this has not been achieved.
- The appellant notes that some landscaping is included however they consider that more substance is required due to the prominent location of the site. They stated that the site occupies a fringe area in the town and that landscaping should reflect this transition from urban to urban-rural fringe by planting suitable trees adjacent to the footpath.
- The site is visible from the N86 as you enter Dingle on the main Dingle Tralee Road therefore a suitable landscape plan should be provided to address potential visual impact.
- The appellant requests that the Board consider their appeal and incorporate the suggestion into the design revisions to improve the overall proposals.

6.2. Applicant Response

A first party response to the appeal was submitted on the 13/3/2024. The issues raised are as follows;

- They request that the appeal is reviewed under Section 138 (1)(a) (ii) of the Planning and Development Act 2000, (as amended) to address the merits of the appeal.
- The first party consider that the appellant is using the appeal process to delay the permitted development. The applicant states that they are currently party to a third party appeal by Goat Street Residents Association under ABP 316415-23 against the appellant (Zinbar Grove Development Ltd.) on a nearby site.
- They consider that the appellant is seeking to delay the project. The appellant submitted an observation to the subject application on the 11/1/24 which was subsequent to when the applicant became involved with the appeal referring to ABP 316415-23.

- The first party request that the Board review the details and dismiss the third party appeal under Section 138,1a (i)(ii) of the Planning and Development Act, 2000, (as amended).
- In relation to the principle of the development the site which has an area of 0.221 hectares is zoned M1 under the Corcha Dhuibhne Electoral Area Local Area Plan 2021-2027. The site area was increased under the revised layout as amended at the further information stage.
- Table 2.6 (zoning matrix) of the Local Area Plan outlines that residential development is open to consideration under the current M1 zoning. The site is an infill site located between existing residential uses.
- Following the completion of the Dingle Relief Road the site is now serviced. Objective D-UF-5 seeks to create an urban streetscape adjacent to the Dingle Relief Road which achieves a hard edge.
- The proposed density is equivalent to 27.15 units per hectare. Therefore, it is not in keeping with the required densities as set out in the 'Sustainable Residential Development and Compact Settlement Guidelines' for Planning Authorities (2024) for small to medium sized towns with regard to 'peripheral lands' where ideal densities are just under the proposed mid-point of 32.5 units per hectare.
- In relation to the design of the proposed development it was highlighted that the Planning Authority granted permission for a revised scheme which sought to address the concerns of the Planning Authority under the request for further information.
- The permitted development creates an urban streetscape along the Dingle Relief Road which adheres to development objective D-UF-5 of the Local Area Plan.
- It is stated in the appeal that the rear gardens are inadequate. The useable area (lawn and not terrace green area) exceeds the minimum private open space provision set out in the 'Sustainable Residential Development and Compact Settlement Guidelines' for Planning Authorities (2024). Under SPPR

2 – minimum private open space standard for 4 no. bedroom dwellings is 50sq m.

- Due to topography of the site the slope of which inclines to west it is necessary to undertake some excavation on site to provide the streetscape type development in accordance with policies and objectives set out in the LAP.
- In relation to the retaining wall the Project Architects advise that “the retaining walls as proposed are designed to provide adequate guarding to the neighbouring properties on the east and west at 1.8m and allow for proper retention for the proposed development.
- The retaining wall structural build will be either mass concrete or blockwork this will be assessed at the tender/construction stage to better develop the requirements needed for the site, it will include appropriate reinforcement and will allow for the retention of all backfill effectively.
- It is also highlighted that none of the adjacent property owners submitted comments in relation to the development.
- In relation to the rear gardens, it is confirmed that the gardens receive sufficient natural sunlight during the course of the year.
- The design of the scheme is such that excavation is limited to the footprint of the dwellings and lawn area to the rear. The terraced area of private open space to the rear will be enhanced with native planting providing an east-west ecological corridor.
- The grounds of appeal referred to an accessible WC on the ground floor. It is confirmed by the Project Architect that “the wet room as located on the ground floor plan of the proposed scheme can accommodate an Accessible WC within the parameters as set out in Diagram 36 of 3.4.2 Accessible WC, this can be seen in Diagram 36 of Part M – WC Cubicle for Visitable Housing.
- Regarding the overall design, each of the units has adequate floor space with a larger than required private open space provision, bin storage provision and private and secure bicycle parking. The units also have incorporated SUDS measures.

- The grounds of appeal refer to the location of the proposed bin storage area. The bin storage area is hidden from public view behind a 1.8m stone clad wall. It is designed as a privately shared area that is only accessible to the future occupants. It is not considered that it would unduly impact the adjoining property to the east.
- In relation to the suggestion in the appeal to use lands opposite the site on the opposite side of the public road, it is highlighted that there is a separate permission on those lands to construct a dwelling. In any case the lands are separated from the subject site by the road and therefore would not be suitable to be used in conjunction for parking or public open space.
- In relation to the potential visual impact, the site remains the last plot of land on the northern section of the Dingle Relief Road to be developed. The site is located between a stretch of existing residential units and the revised design has incorporated reduced ridge heights to integrate the dwellings successfully at this location.
- New housing developments have been constructed along the new relief road which set the precedent of continuation of a streetscape along the edge of the relief road. Therefore, it is submitted that the proposed development will not have a negative visual impact on the approach as the area has already been extensively developed. There are no protected views or vistas in which the site impacts or detracts from.
- Regarding the design of the front elevation of the scheme it is suggested in the appeal that it is not in keeping with the character of the Dingle streetscape. The first party disagree with this assertion.
- The scheme was designed to create a sense of place and identity associated with the local vernacular which includes stepped roof profiles, plain white render and stone bay elements. The continuation of stone in the elevational treatment will create a harmonious architectural rhythm. This will tie in with the local stone used in the newly constructed wall bounding the entire length of the relief road.

- The first party have submitted an alternative front elevation as part of the appeal response for the Board to consider. However, the first party consider that there is more character in the permitted elevations.
- The grounds of appeal raised the matter of road safety in relation to the undertaking/resulting measures of the Road Safety Audit Stage 1 & 2. The Road Safety Audit was carried out under the criteria and standards as set out in TII Publication: TII GE-STY-01024, 2017. MHL Consulting Engineers were appointed by the applicant to undertake the RSA and are independent of the designers of the scheme.
- The layout that was assessed by the RSA differs from the end scheme as the 'solutions' to the 'problems' identified in the earlier draft layout had to be updated to reflect the findings in the RSA.
- The RSA recommended that the cycle lane should pass on the inside of the on-street parking area so cars parking on the street would be separated from cyclists using the bicycle lane. This would create a safer environment for cyclists. The inclusion of the buffer means that people when exiting their vehicles will not hit any cyclist as they are separated by the buffer.
- The proposed design is the safest layout as determined by the RSA and best practice under the Cycle Design Manual. It is highlighted that the Planning Authority were satisfied with the proposed design and layout in terms of vehicular, cyclist and pedestrian safety considerations.
- In relation to the proposed on-street parking this in keeping with existing development along Dingle Relief Road.
- The RSA did not identify any further impact that the proposed development would have on nearby junctions.
- Condition no. 3 as attached by the Planning Authority required the payment of a contribution of €48,000 to offset 12 no. car parking spaces. It is noted that 12 no. car parking spaces would be the maximum number required under the provisions of 'Sustainable Residential Development and Compact Settlement Guidelines' for Planning Authorities (2024).

- The first party notes the wording of the condition no. 3 which specified that “The developer shall pay a sum of money equivalent to the value of €48,000 at the time of grant permission” The first party requests that should the Board decide to grant permission for the proposed development and they attach such a condition that the wording be amended to specify that it state “prior to commencement the developer shall pay a sum of money equivalent to the value of €48,000 updated in accordance with the Consumer Price Index to the value pertaining at the time of payment in respect of the provision of car parking in order to offset the loss of 12 car spaces to facilitate the proposed development.”
- In conclusion, it is put forward that the revised layout as submitted to the Planning Authority is a suitable development for this location and that it adequately deals with the constraints of the site. The residential use is appropriate to the zoning provisions, infill sites are preferred locations for residential development. The development facilitates the creation of a streetscape along the relief road. The number of units is appropriate to the density guidance for the location. The proximity and connectivity of the site will ensure that future occupants can easily walk to schools and access shops and services without the use of cars.
- It is acknowledged that there is no private open space provision with the scheme. But as noted in the relevant guideline this is acceptable in circumstances relating to the constraints of the site. In this regard it is highlighted that the site located in close proximity to amenity walks and trails and that there is a dedicated children’s playground and town park within 10 minutes’ walk from the site. Furthermore, larger private rear gardens are provided within the development.

6.3. Planning Authority Response

6.3.1. A response from Kerry County Council was received on the 2nd of May 2024.

- The proposed development comprises 6 no. two-storey dwellings in a terrace along Dingle Relief Road.

- This is considered an appropriate residential development for this infill type plot.
- It is stated that the policy contained in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 advocates street front development along the Relief Road.
- In relation to the proposed layout of the development it is deemed appropriate to the location which is in close proximity to the town centre of Dingle.
- Regarding private amenity space per dwelling, it is considered appropriate and over the amount per dwelling which is generally required for this urban site location.
- Given that no significant public open space is proposed within the development it is considered that the extra on-site private amenity space allows for the lack of public open space within the development.
- The site configuration would not lend itself to the provision functional open space because it would realistically limit the development potential for the site and overall creation of a terrace type development for this infill site along the Relief Road.
- The application has been assessed in depth by the Road's Department, Dingle and changes were made during the course of the assessment of the application and through the submission of further information to address any roads issues.
- In conclusion, it is considered that the development proposed is a suitable and appropriate scale and type of development for this urban location.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. The issues can be dealt with under the following headings:

- Compliance with policy and design

- Impact upon residential amenity
- Impact upon visual amenity
- Vehicular access and traffic
- Other issues

7.1. Compliance with policy and design

- 7.1.1. The proposed development seeks permission for the construction of 6 no. two-storey townhouses, on-street car parking and all associated site works. The site at Farranflaherty, Chapel Lane, Dingle is located within the town boundary of Dingle. Under the provisions of the Corc Dhuibhne Electoral Area Local Area Plan 2021-2027 the appeal site is zoned Objective M1– Mixed Use, General Development, Opportunity Site. As indicated on the Zoning Matrix residential units are open for consideration within M1 zoned lands. The site is an infill site located between existing residential uses. Objective No: D-RES-1 contained in the LAP seeks to facilitate the development of residential units on vacant, derelict and infill sites. Therefore, the proposed residential use is in accordance with the zoning objective and is also in line with Objective No: D-RES-1.
- 7.1.2. The appeal states that the proposal would represent over development of the site. In relation to the matter of the proposed density I note that it is equivalent to 27.15 units per hectare. The first party in their response highlighted that the density would be under the required densities as set out in the ‘Sustainable Residential Development and Compact Settlement Guidelines’ for Planning Authorities (2024) for small to medium sized towns with regard to ‘peripheral lands’ where ideal densities are just under the proposed mid-point of 32.5 units per hectare. In relation to the provisions of the Corc Dhuibhne Electoral Area Local Area Plan 2021-2027 it advises that there is no reference in this plan and the land use zonings to residential densities and that the appropriate density for applications for housing developments will be considered by the Planning Authority on a case by case basis and will be based on the density of the surrounding development and the proximity to the town centre. I note that the Kerry Development Plan 2022 – 2028 and also do not provide specific densities requirements. Accordingly, having regard to the infill nature of the site and the proximity to the town centre and the specific constraints of the site in terms of its

sloping topography I would consider that the proposed density of 27.15 units per hectare would be acceptable in this context.

- 7.1.3. The appeal refers to the lack of open space to serve the proposed scheme. The first party in their response acknowledged that while there is no private open space provision with the scheme that the site is located close to amenity walks and trails and that there is a dedicated children's playground and town park within 10 minutes' walk from the site. The first party also noted that larger private rear gardens are provided within the development.
- 7.1.4. In response the Planning Authority stated that the site configuration would not lend itself to the provision of functional open space because it would realistically limit the development potential for the site and overall creation of a terrace type development for this infill site along the Relief Road. The Planning Authority highlighted that while no significant public open space is proposed within the development, they considered that the extra on-site private amenity space allows for the lack of public open space within the development. Section 1.5.4.4 of Volume 6 of the Kerry County Development Plan refers to public open space. It sets out that generally that public open space should be provided at a minimum rate of 15% of a total site area. In relation to infill sites it states that a minimum of 10% may be provided as public open space. The appellant has suggested that the Board could consider the omission of one of the dwellings in order to facilitate the provision of public open space. I would note that this could be conditioned should the Board consider it appropriate. However, in relation to this matter, I would concur with the Planning Authority that having regard to the proximity of the site to the town centre and the infill nature of the site and its topography that an absence of public open space would be acceptable in the context of the planning gain of the development of this infill site which is in accordance with Objective No: D-RES-1 of the LAP which seeks to facilitate the development of residential units on vacant, derelict and infill sites.
- 7.1.5. The appeal raised concerns in relation to the provision of private amenity space to serve each dwelling in terms of their size and the matter of site level differences it would render sections of them unusable. In response to the matter the first party stated that the proposed useable area lawn and not terrace green area exceeds the minimum private open space provision set out in the 'Sustainable Residential Development and Compact Settlement Guidelines' for Planning Authorities (2024).

Under SPPR 2 – minimum private open space standard for 4 no. bedroom dwellings is 50sq m. The provisions of the SPPR's contained in the guidelines means they will supersede any conflicting provisions in Development Plans. Accordingly, a minimum private open space provision of 50sq m for the dwellings proposed within the scheme can be considered. In relation to the private amenity space proposed for each dwelling this is set out and illustrated on Drawing no. 2201_215 which was submitted at further information stage. I note that each dwelling is served by a private rear garden of well in excess of 50sq m and also when the terraced green area is excluded. Therefore, I am satisfied that adequate private amenity space is provided for each dwelling.

- 7.1.6. The grounds of appeal raised the issue of the design of the dwellings and specifically the proposed elevational treatment. The appellant considers that the front elevation is not entirely in keeping with the established unique architectural style of Dingle. They consider a revised front elevation architectural treatment to compliment the established streetscape would make a positive contribution.
- 7.1.7. The first party in response to the matter stated that they would disagree with this assertion in relation to the elevational treatment. They submit that the scheme was designed to create a sense of place and identity associated with the local vernacular which includes stepped roof profiles, plain white render and stone bay elements. The continuation of stone in the elevational treatment will create a harmonious architectural rhythm and that it will tie in with the local stone used in the newly constructed wall bounding the entire length of the relief road. In relation to the design of the proposed dwellings I note that as originally proposed they comprised three-storey townhouses and following the submission of revised plans the design was changed to two-storey terraced dwellings. I consider this design as granted by the Planning Authority represented an improvement which ensured that the design was more in keeping with the surrounding development.
- 7.1.8. The first party have submitted an alternative front elevation as part of the appeal response for the Board to consider. However, the first party consider that there is more character in the permitted elevations. I note the revised plans submitted by the first party with the appeal response. In relation to those plans I note that the main difference is that a rendered finish is proposed to the full extent of the front elevations as opposed to the proposed design feature of natural local stone facing to

the front bays. This is detailed on drawing no: 2201_213 which was submitted as part of the further information. I would concur with the first party that the revised design as granted provides more variety and would integrate with the existing natural stone walls along Dingle Relief Road. However, should the Board consider this further revised elevational treatment more appropriate then the matter can be addressed by condition.

7.2. Impact upon residential amenity

- 7.2.1. The grounds of appeal raise potential impacts on residential amenity in terms of potential overlooking and overshadowing. In relation to the context of surrounding residential development I note that the closest dwelling to the north-east would be situated 10m from the side elevation of the neighbouring townhouse. The rear elevation of the townhouse faces west and therefore will not cause any direct overlooking of that dwelling. Having regard to the separation distance provided it would not result in overshadowing of that dwelling.
- 7.2.2. The closest dwellings to the south-west of the proposed development would be situated a minimum of 11.5m from the side elevation of the neighbouring townhouse. Having regard to the siting and orientation of the proposed townhouses relative to these two existing dwellings I consider that there would be no direct overlooking or overshadowing of these neighbouring properties.
- 7.2.3. Accordingly, having regard to the siting and design of the scheme and the separation distance proposed to the closest residential properties to the south-west and north-east, I am satisfied that there would be no undue overlooking or overshadowing

7.3. Impact upon visual amenity

- 7.3.1. The appeal refers to the site being visible from the N86 as you enter Dingle on the main Dingle to Tralee Road. It is stated in the appeal that a suitable landscape plan should be provided to address potential visual impact.
- 7.3.2. In response to the matter of potential visual impact of the scheme, the first party highlighted that the site is located between a stretch of existing residential units and that it is the last plot of land on the northern section of the Dingle Relief Road to be developed. Regarding the design of the scheme the first party noted that the revised

design has incorporated reduced ridge heights to integrate the dwellings successfully at this location. Regarding the wider context surrounding the first party in their response noted that new housing developments have been constructed along the Dingle relief road and this development has set the precedent of continuation of a streetscape along the edge of the relief road. The first party highlighted that there are no protected views or vistas in which the site impacts or detracts from.

- 7.3.3. Accordingly, I am satisfied that the height and design of the proposed dwellings are in keeping with that of the surrounding development and that it would not unduly impact upon the visual amenities of the area.

7.4. Vehicular access and traffic

- 7.4.1. The grounds of appeal refer to the Road Safety Audit. It is stated in the appeal that the Road Safety Audit does not reflect the site layout which was submitted with the response to the further information. Item no.1 of the further information required that the applicant submit a revised Site Layout indicating one access onto the Dingle relief road and that the layout should take cycle lanes into consideration. A Stage 1 and Stage 2 Road Safety Audit was also required under the further information.
- 7.4.2. In response the matter the applicant stated that the Road Safety Audit was undertaken by MHL Consulting Engineers and that they are independent of the designers of the scheme. They confirmed that the Road Safety Audit was carried out under the criteria and standards as set out in TII Publication: TII GE-STY-01024, 2017.
- 7.4.3. The grounds of appeal raised the matter of road safety in relation to the undertaking/resulting measures of the Road Safety Audit Stage 1 & 2. The Road Safety Audit was carried out under the criteria and standards as set out in TII Publication: TII GE-STY-01024, 2017. MHL Consulting Engineers were appointed by the applicant to undertake the RSA and are independent of the designers of the scheme. Regarding the layout of the scheme assessed by the Road Safety Audit, the applicant confirmed that layout differed from the final layout proposed on the basis that the 'solutions' to the 'problems' identified in the earlier draft layout had to be updated to reflect the findings in the RSA.

- 7.4.4. Regarding the matter of the cycle lane, it is highlighted in the appeal response that it was recommended in the Road Safety Audit that the cycle lane should pass on the inside of the on-street parking area so cars parking on the street would be separated from cyclists using the bicycle lane. This layout is confirmed by the applicant as being determined as the safest layout in terms of accommodating the cycle lane and on-street parking as set out in the Road Safety Audit and it is best practice under the guidance set out in the Cycle Design Manual.
- 7.4.5. In relation to the revised design of the scheme, the response from the Planning Authority to the appeal stated that the application has been assessed in depth by the Road's Department, Dingle and changes were made during the course of the assessment of the application and through the submission of further information to address any roads issues. Accordingly, I note that the Planning Authority were satisfied with the proposed design and layout in terms of vehicular, cyclist and pedestrian safety considerations.
- 7.4.6. Regarding the traffic which would be generated by the proposed development, I would note that it would result in an increase in traffic movements generated by the proposed 6 no. new dwellings. However, I note that the Planning Authority had no concerns in relation to the level traffic generated and that Road Safety Audit did not identify any further impact that the proposed development would have on nearby junctions. Accordingly, I consider that the existing local road network is capable of carrying the additional traffic.
- 7.4.7. The matter of car parking is raised in the grounds of appeal. The appeal refers to the shortfall of car parking proposed to serve the scheme on the basis that 7 no. car parking spaces are proposed and that 15 no. spaces are required in accordance with the Development Plan provisions. It is stated in the appeal that on site specifically designated car parking spaces for residents should be provided.
- 7.4.8. In relation to the siting and design of the proposed car parking, I would note that the site constraints in terms of its size and sloping nature mean that it would not be feasible to provide on-site designated spaces as suggested in the appeal.
- 7.4.9. Car parking standards are set out in the Kerry County Development Plan 2022-2028, Appendix 6, Section 1.20.7 Car Parking Standards – car parking requirements in the town and villages in the County should be reflective of the anticipated parking

demand. Under these requirements the proposed development would require 2 no. parking spaces per dwelling and the provision of 0.5 spaces per dwelling for visitors. Accordingly, this would equate to a requirement for 15 no. spaces. The scheme as proposed indicates the provision of 7 no. car parking spaces. Therefore, there would be a shortfall of 8 no. spaces to serve the scheme and the provision of on-street parking to serve the proposed development would result in the loss of existing on-street parking to serve the existing parking generated.

- 7.4.10. Table 4 illustrates the car parking standards for different types of development. (It should be noted that a flexible approach to these standards may be applied where such a case is substantiated, there is no traffic safety issue, and it is clearly demonstrated to the Planning Authority in the interest of proper planning and development, that the standard should be adjusted to facilitate the site-specific context).
- 7.4.11. The shortfall of parking has been addressed by the Planning Authority with the attachment of a condition which specified that a contribution of €48,000.00 be paid.
- 7.4.12. As set out in the Kerry County Council – Development Contribution Scheme 2017, in relation to Car Parking Contributions it is detailed that a development is required to provide parking spaces in accordance with the County and Town Development Plans. Where there is a shortfall in the provision of car parking spaces as required in the Development Plan the Planning Authority may decide to impose a contribution as per Table 1 of this Scheme. Dingle is listed as a settlement which is covered by this provision of the development contribution scheme. As detailed under Table 1 a rate of €4,000 per space is imposed in respect of Dingle. On that basis the Planning Authority charged a rate of €48,000.00 for a shortfall of 12 no. spaces which I would infer comprises a shortfall of 8 no. spaces generated by the proposed development along with 4 no. on-street spaces which were previously provided. Accordingly, I would consider that it is reasonable to attach a similar worded condition requiring the payment of the amount as required by the Planning Authority to address the matter of the shortfall of car parking in accordance with the provisions of the Kerry County Council – Development Contribution Scheme.

7.5. Other Issues

- 7.5.1. The first party response to the grounds of appeal refer to Section 138 (1)(a) (ii) of the Planning and Development Act 2000, (as amended). The first party requested that the Board have regard to Section 138 (1)(a)(ii). They consider that the appeal has been made with the intention of delaying the development.
- 7.5.2. In relation to the content of the third party appeal, the following grounds of appeal are raised, the design and layout of the scheme, public open space provision, private amenity space provision, impact upon residential amenity, impact upon visual amenity, car parking provision and traffic generation. Therefore, the grounds of appeal refer to a number of planning considerations.
- 7.5.3. Accordingly, I consider that the grounds of appeal as detailed in the third party appeal are valid planning grounds and that it is not appropriate in this instance to dismiss the appeal under the provisions of Section 138 (1)(a) (ii) of the Planning and Development Act 2000, (as amended).

8.0 AA Screening

8.1. Introduction

- 8.1.1. I have considered the housing scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The nearest Natura 2000 site is the Mount Brandon SAC (site code 000375), which is located approximately 400m to the north and north-west of the appeal site. Having regard to the topography of the area there is no direct pathway between the appeal site and Mount Brandon SAC.
- 8.1.3. The proposed development comprises 6 no. houses. No nature conservation concerns were raised in the planning appeal.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The residential nature of the development

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

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

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

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

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1.1. Having regard to the provisions of the Kerry County Development Plan 2022 – 2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-202, and in particular the M1 – Mixed Use, General Development, Opportunity Site Zoning Objective and provisions of Objective No: D-RES-1 which seeks to facilitate the development of residential units on vacant, derelict and infill sites and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of December 2023 and the 21st day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a

particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

3.

(a) A minimum of 66% of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.

(b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

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

Reason: To ensure that the proposed housing units are used to meet the state relevant development plan policy or applicant's stated housing needs and that development in this area is appropriately restricted to meeting essential local need to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

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

Reason: In the interest of public health.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6.
 - (a) The design and layout of parking areas, footpaths and kerbs, shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).
 - (b) All the recommendations of the Stage 1/2 Road Safety Audit for the development shall be implemented.

Reason: In the interest of pedestrian, cyclist and traffic safety.

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

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

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

Reason: In the interest of visual and residential amenity.

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

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

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

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

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

Reason: In the interests of amenity and public safety.

- (h) The landscaping scheme shown on drawing number 2201_215, as submitted to the planning authority on the 14th day of December, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the

sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- (i) The boundary treatment shown on drawing number 2201_214, as submitted to the planning authority on the 14th day of December, 2023 shall be construction unless otherwise revised and agreed in writing by the Planning Authority. Boundary walls (apart from those indicated to be finished in native stone) shall be plastered and capped.

Reason: In the interest of residential and visual amenity.

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

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

- (k) 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.

- (l) The developer shall pay the sum of € 48,000.00 (forty eight thousand 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, in respect of the shortfall in car parking in accordance with the provisions of the Kerry County Council Development Contribution Scheme 2017, specifically Table 1 which refers to Dingle. This contribution shall be paid prior to commencement of 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 An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the shortfall in car parking in accordance with the provisions of the Kerry County Council Development Contribution Scheme 2017.

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

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

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

Siobhan Carroll
Planning Inspector

21st August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 319054-24		
Proposed Development Summary	Construct 6 no. townhouses, on-street car parking and all associated site works.		
Development Address	Farranflaherty, Chapel Lane, Dingle, Co. Kerry.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		Conclusion	
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold - 10(b) (i) Construction of more than 500 dwelling units.	Proceed to Q.4

		(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)		
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 319054-24	
Proposed Development Summary	Construct 6 no. townhouses, on-street car parking and all associated site works.	
Development Address	Farranflaherty, Chapel Lane, Dingle, Co. Kerry.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is a residential scheme of 6 no. dwellings. The site at Chapel Road, Dingle is a small greenfield site which is situated between existing residential properties to the north. There are also residential properties to the east of the site on the opposite side of Chapel Lane. Therefore, proposal is not exceptional in this context.</p> <p>No significant emissions resultant.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>	<p>No, the proposed development entails the construction of 6 no. dwellings. The proposal is comparable to surrounding development but would not be described as exceptional.</p> <p>No significant emissions resultant of this project combined with any existing or permitted</p>	No

considerations having regard to other existing and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location or protected species? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	It is located over 400m to any ecologically sensitive sites. Having regard to the topography of the area it does not provide a direct pathway to the closest ecologically sensitive site. Having regard to the nature and scale of the proposal which comprises a residential scheme of 6 no. dwellings to connect to public foul sewer with attenuation of surface on site, it does not have the potential to significantly affect other significant environmental sensitivities in the area.	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A information required to enable Screening Determination to be carried out	There is a real likelihood of significant effects on the environment. EIA not required

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)