



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320090-24

<b>Development</b>	Construction of a 90 bedroom nursing home, 18 independent living units and 31 duplex/apartment units, together with all ancillary site development works.
<b>Location</b>	Lands at the junction of N22 and Ballycasheen Road, Ballycasheen, Killarney, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	23759
<b>Applicant(s)</b>	NKP Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Laune Salmon and Trout Anglers The Residents of Ballycasheen Road
<b>Observer(s)</b>	Sean O'Sullivan Darcy Laura O'Sullivan Darcy

**Date of Site Inspection**

31<sup>st</sup> October 2024

**Inspector**

Oluwatosin Kehinde

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## **1.0 Site Location and Description**

- 1.1. The site is in the townland of Ballycasheen, located at the junction of N22 and Ballycasheen Road. The site is located approximately 2.5km from Killarney Town Centre. The site is triangular and relatively flat throughout.
- 1.2. This corner site is within Killarney town boundary and is approximately 1.18Ha in area. The site is currently greenfield and bounded to the west by Musgrave Food depot. A wire fence with concrete post and a double row of tree separates these two properties. An existing hedge surrounds the site along the northern and southern boundaries.
- 1.3. The lands around the site are urban in nature, characterised by industrial, commercial and residential properties. Vehicular access to the site will be off Ballycasheen Road and pedestrian access from the N22.

## **2.0 Proposed Development**

It is proposed to construct a mixed-use development consisting of 90 bed nursing home, 18 no. independent living units (14 no. 1 bedroom and 4 no. 2 bedroom) and 31 no. duplex/apartment residential units (18 no. 2 bedroom and 13 no. 1 bedroom) and all ancillary site development works. The proposed nursing and independent living units will be accommodated within a 3-5 storey building in the eastern area of the site and the proposed duplex/apartment residential units will be accommodated within 2 no. apartment buildings ranging in height from 3-4 storeys in the western areas of the site. Ancillary site works include the provision of bin stores, bicycle stores, an ESB substation, totem signage and public realm improvements. Vehicular access to the proposed development will be provided from the Ballycasheen Road to the south with pedestrian access also accommodated from the N22 to the north.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority (PA) issued a grant of permission for the proposed development subject to thirty conditions.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The decision to grant permission by the PA was informed by three reports from the Planning Officer (PO). The first report dated the 25<sup>th</sup> of August 2023 established that having regards to the development plan, the proposal was acceptable in principle. The PO sought Additional Information as the documentation submitted, did not provide the adequate information to assess the proposal in terms of archaeology, traffic, part V, visual amenities, noise and biodiversity.
- The second and third reports dated 31<sup>st</sup> of January 2024 and 11<sup>th</sup> of June 2024 by the PO, assessed the responses by the applicant and was satisfied that the issues had been addressed. The PO recommended that planning permission be granted.
- The PO concluded that having regards to the nature, scale and location of the proposed development no requirement was necessary for EIA screening or EIA. That there was no real likelihood of significant effects on the environment arising from the proposed development.
- The PO also carried out an AA screening exercise and concluded that, given the nature of the proposed development it is reasonable to conclude with certainty that the development will have no significant effects on any European Natura 2000 site.

### **3.2.2. Other Technical Reports**

- Chief Fire Officer – Report dated 19<sup>th</sup> of July 2023 stated no objections subject to conditions
- Roads and Transportation – Report dated 7<sup>th</sup> of June 2024 stated no objections subject to conditions.
- Environmental Assessment Unit (EAU) – Report dated 22<sup>nd</sup> of December 2023 stated no objections subject to conditions.
- Environment Section – Report dated 22<sup>nd</sup> of August 2023 stated no objections subject to conditions.

- Kerry National Roads Office – Email dated 22<sup>nd</sup> of July 2023 stated no objections subject to conditions.

### 3.2.3. Conditions

The PA has attached bespoke conditions and are summarised as follows:

- Condition 11, requiring final landscaping and external lighting details to be submitted to the PA for a written approval prior to commencement of development on site.
- Condition 13 requires the applicant to enter an agreement with the Kerry National Roads Office regarding any works outside the site boundaries
- Condition 14 requires the applicant to agree and complete all works that will affect KCC properties within 6 months of submission of the Commencement Notice.
- Condition 15 requires that all upgrade works set out in Drawing No: 22107-P-022 shall be provided at the expense of the developer. Final details to be agreed and works substantially completed within 6 months of submission of the Commencement Notice.

### 3.3. Prescribed Bodies

- Uisce Eireann – Report dated 31<sup>st</sup> of July 2023 stated no objections subject to conditions
- Transport Infrastructure Ireland (TII) – Report dated 04<sup>th</sup> of August 2023 offered no objections subject to conditions.
- Inland Fisheries Ireland – Report received by the PA offered comments relating to the pollution control and protection of surface waters.

### 3.4. Third Party Observations

There were several third party observations received by the PA and can be summarised as follows:

- Height scale and bulk of the development

- Traffic issues and dangerous junction
- Environmental considerations
- Residential amenity – overlooking and loss of value of properties
- Sustainable Drainage systems and water quality
- Over development of the site and proposal is out of character
- Noise concerns

## 4.0 Planning History

No relevant planning history

## 5.0 Policy Context

### 5.1. National Policy

The following are considered to be of relevance to the proposed development.

- Project Ireland 2040, National Planning Framework (2018)  
Specifically addresses the needs of older people (National Policy Objective 30) by requiring that local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)

The creation of sustainable communities also requires a diverse mix of housing and variety in residential densities across settlements. This will require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand Assessment (HNDA) where possible.

- Urban Development and Building Heights, Guidelines for Planning Authorities

It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility

- Design Manual for Urban Roads and Streets

To ensure compact, connected neighbourhoods based on street patterns and forms of development that will make walking and cycling, especially for local trips, more attractive.

- National Biodiversity Action Plan 2023 – 2030

The plan includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

## 5.2. Development Plan

The Kerry County Development Plan 2022 – 2028 is the pertinent statutory Plan and Section 6.2.6 reinforces the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by the universal design and improved urban amenities, including public spaces and parks as well as direct and accessible walking routes.

Section 6.2.3 of the plan also seeks to provide housing for sustainable communities. It is a policy to encourage and foster the creation of attractive mixed-use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm, and residential amenities.

Chapter 7 of the Kerry County Development Plan contains strategy to ensure that everyone in the County have access to a home.

Objective KCDP 7-18 will “Facilitate the development of housing for older people in accordance with Housing for All across Kerry’s towns and villages as well as rural areas which is appropriate in order to improve the quality of living for our ageing population. Any new residential development should be fully aligned to the targets of national policy as enumerated under Housing Options for Our Ageing Population: Policy Statement or any subsequent guidance or national policy issued by the Department for Housing, Local Government and Heritage”



Volume 2 of the Kerry County Development Plan 2022-2028 contains the Killarney Town Development Plan. The site is zoned M1 – Mixed use.

Section 2.5 of the Town Development Plan relates to sustainable land use development. The section states that “in accordance with RPO 43 Regeneration, Brownfield and Infill Development a number of sites have been identified for potential redevelopment. An increased level of density will be permitted on these sites subject to appropriate design and integration. Additional incentives to develop these lands also apply such as reduced development contributions and parking requirements”.

Section 2.5.1 of the Town Development Plans states the site is “is a strategic gateway site adjoining Musgraves Food depot on the south-eastern entrance to the town”. That “the design and massing of new proposals at this location is important and the use of perimeter blocks is encouraged”.

Objective KA 41 – Require the preparation of masterplans prior to the redevelopment of all opportunity sites identified in the plan to ensure their development in a cohesive and integrated manner.

Objective KA 43 – Ensure that a Traffic Impact assessment shall be carried out as part of any proposals for the opportunity site

### **5.3. Natural Heritage Designations**

Special Area of Conservation: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC is located approximately 67m east of the site.

pNHA - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment is located approximately 87m south west of the site.

Killarney National Park SPA is located approximately 2.5km west of the site.

### **5.4. EIA Screening**

- 5.4.1. The proposed development is sub-threshold in terms of EIA criteria set out in Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). The Planning and Development Regulations provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

5.4.2. The subject development is for the construction of 18 no. independent living units, 31 no. duplex apartments and a 90 bed nursing home on a 1.18Ha site. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.

5.4.3. I have given consideration to the requirement for sub-threshold EIA. The site is located on mixed use zoned land and is within a suburban setting. The site is vacant greenfield and is bounded by largely residential sites, and it is also serviced. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. 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 proposed development would use the public water and drainage services of Uisce Eireann and Kerry County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- 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), and

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

5.4.4. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) attached to this Report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Residents of Ballycasheen Road

- The development of the vacant site is welcomed but there are concerns regarding the height and density of the development. The proposed finishes and materials of the primary façade facing the junction has the potential to impact on energy performance of the building in terms of airtightness and insulation.
- There is an extensive area of impermeable landscaping proposed and there are concerns that the existing infrastructure cannot suitably cater for the scale of development particularly at construction phase. River Flesk, into which the Woodford River feeds have a high probability of flooding and that this has not been assessed as part of the application.
- It is submitted that there are no public transport services in Killarney town and the lack of sufficient parking for the development will add to the volume of traffic in the area. Despite the applicant proposing a shuttle bus service, there is no bus shelter provided for within the development.
- Information provided by the applicant does not satisfactorily deal with the traffic and parking concerns. It is submitted that it is KCC policy to use the

Ballycasheen Road as a bypass, subject to a Road Safety Audit. There is no prove that the audit has been completed.

- It is submitted that Ballycasheen is a local road but carrying traffic akin to a Regional Road status and the proposed development will exacerbate the existing traffic.
- No Electric Vehicle Charging has been considered in the application in line with Section 1.20.7.1 Volume 6- Development Management Standards of the county development plan.
- There are concerns regarding the population density, scale and density of the development.
- The third party does not agree with the opinions expressed in the AA Screening Addendum regarding the Lesser Horseshoe Bat (LHB) and the Landscape Protection Zone (G3). It is submitted that it is common to sight deer, badgers, otters, hedgehogs and foxes in the general area and the potential impact the development warrants assessment.
- The minimum requirements for a construction and logistics plan has been recommended and the third party is not satisfied that the condition attached by the PA on construction plan has addressed their recommendations.
- A similar case for a mixed-use development has been referred to and notes An Bord Pleanála's reasons to refuse permission in that instance.
- The residents remain proactive in arriving at an agreeable proposal for the development of the site and are open to public consultation on alternative proposals.

#### Laune Salmon & Trout Anglers' Association

- Killarney Town Sewage Treatment System operates as a combined sewer in many parts of the town and the development will result in significant increase in the daily load into the network.
- It is submitted that when heavy rain falls the sewage treatment plant on occasions is unable to cope with the volume and consequently untreated raw effluent enters the Lough Leane catchment.

- It is submitted that there are 8 storm water overflows from parts of the foul sewer network infrastructure which either discharges to Lough Leane directly or via the River Flesk, the Folly stream or other small streams
- It is stated that in the EPA's 2012 publication on Urban Waste Water Discharges in Ireland, that there is a high probability that the Killarney treatment system is the main cause of pollution in the River Flesk. It is also identified concerns that large quantities of untreated sewage which are overflowed to storm water tanks in wet weather lead to excessive flows in the Folly Stream.
- The Folly Stream, River Flesk, Lough Leane and River Laune all form part of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. The EPA water quality 2022 report indicates that the River Laune water quality has significantly deteriorated in recent years.
- It is stated that from the EPA Wastewater Discharge licence portal that the Killarney wastewater treatment plant is overloaded. The environmental assessment carried out as part of the application failed to seek relevant information to inform proper decision. The applicant did not assess the status of the Waste water treatment plant and the effect of the development and whether or not it contravenes National Law and European Directives.
- It is the opinion of the third party that careful consideration should be given to new developments in the town and improvements to the storm water network must be included in development plans.
- Alternatively, Kerry County Council and Irish Water should carry out upgrades to the storm and foul systems in Killarney and proposals should be considered pre-mature pending the upgrade of the network.
- The third party listed the six Natura 2000 sites within 15km of the development and opined that significant ecological impact cannot be ruled out in relation to Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC on the basis of proximity, hydrological connections and potential for direct/indirect water quality.

- Deterioration of water quality during construction and operational phase could result in adverse effects on the qualifying interest and species of the SAC. There is also potential disturbance from artificial lighting on the Lesser Horseshoe Bats (LHB) associated with the SAC.
- The proposed development fails to appropriately address site context in terms of its treatment of the riparian corridors within proximity of the site.
- The proposed development has failed to adequately demonstrate that there will be no adverse effects on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC.

## 6.2. Applicant Response

- The applicant refers to the Sustainable Residential Development and Compact Settlement guidelines and 2018 height guidelines. It is submitted that for compact growth to be achieved greater densities and higher buildings will need to be constructed. That these cannot be accommodated without some impact on the residential amenities of existing properties.
- It is stated that the guidelines support taller and denser buildings at suburban locations. That the zoning objective dictate that the site be developed at a scale and density greater than the existing properties along Ballycasheen Road.
- It is submitted that the concerns regarding the scale and density of the development was not ignored by the Planning Authority (PA) and this was evident in the further set back from the boundaries of the site to ensure that the development would sit better within the site.
- There is a significant separation distance between the nursing home and the closest property on the opposite side of Ballycasheen Road and it is submitted that the proposed development will not cause any undue overlooking.
- The applicant has stated that to develop site consistent with the scale of the receiving environment will be unsustainable and contrary to national policy and the site-specific zoning objective. It is submitted that the issues regarding

visual impact are formed from a strong belief that the site should not be developed at the scale proposed but to match the scale of the existing properties in the area.

- The issue of visual impact was addressed by the Planning Authority in terms of providing further set back, revised finishes, materials for the building updated and the design of the corner nursing home building.
- It is stated that the tourism season had been taken into account in the Traffic Assessment report submitted with the initial planning application to the PA which was considered acceptable.
- Concerns about vehicle turning areas addressed by the further information requested by the PA. The turning bay was re-designed to be 23m width to ensure easy turns and exit in a forward facing position.
- In terms of car parking, it is submitted that 31 car parking spaces are to be provided for the residential units, 45 spaces to serve the assisted living and nursing home and 29 spaces to serve the Independent Living Units (ILU). The applicant considered that the quantum of car parking to serve the development was acceptable given the site location and proximity to Killarney town.
- The AA Screening Addendum concluded that there will be no impact on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC as a result of the proposed development.
- Wastewater from the proposed development will enter the public sewer serviced by the Killarney Wastewater Treatment Plant which has the capacity to accept wastewater from the development. This is confirmed by the Pre-Connection Enquiry response and the observation made on the application by Uisce Eireann.
- The applicant has noted that the Uisce Eireann Capacity Register for the Killarney Wastewater Treatment Plant's status is green therefore confirming that capacity is available within the network.
- Surface run-off during construction is possible and it is unlikely to be significant as there are no hydrological connections from the site to any

existing water features. Once development is operational, surface water from the development will be disposed off via a petrol/oil interceptor and a sediment chamber before being attenuated in a tank, therefore negating any risk to River Flesk and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. This approach was acceptable to the PA Ecologist.

- It is submitted that having regards to the location of the site outside the SAC, there would be an unlikely impact by the development on the Lesser Horseshoe Bats. It is proposed to use sensitive lighting to allow bats travel through the site to get to the SAC.
- It is submitted that the proposed development practises in relation to surface water adheres to the environmental protection standards and considered acceptable. The site is outside the flight paths and foraging zone for the Bats and as such the proposed development will not impact on the species.
- The applicant refers to a similar appeal made by the Laune Salmon and Trout Anglers Association to a Case located at Upper Park Road Killarney. That the same issues relating to surface water drainage, overloading of the Killarney WWTP with associated impact on the SAC were made.
- The applicant consider that the proposed development represents an appropriate and sustainable development of a gateway site. That the proposed development is consistent with national and local policies.

### **6.3. Observations**

- The proposed 4-5 floor height will be in direct line of sight from primary resident on Ballycasheen Road and result in blocking and reduction of sunlight.
- The proposed placement of the nursing home at the outer limits of the site will overshadow and have direct view onto the observer's 2<sup>nd</sup> floor balcony.
- The upper floors of the nursing home may interfere with the enjoyment of the front garden of the house. The structure proposed significantly overshadows the boundary wall built for privacy.



- There is no mitigation proposed for construction noise taking place above the height of existing and proposed treelines. Given the proposed weekly duration of construction it is likely that there will be prolonged excessive noise from the development.
- Traffic congestion during and after construction will exacerbate the congestion and delays currently experienced daily at the junction.

## 7.0 **Assessment**

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

- Principle of Development
- Height and Density
- Impacts on Visual and Residential Amenities
- Traffic Congestion
- Surface water Drainage
- Biodiversity

7.2. Principle of Development

7.2.1. Volume 2 of the Kerry County Development Plan 2022-2028 under Killarney Town Plan considers the site an “Opportunity site” and attributed with M1 – Mixed use zoning objective. The plan considers the site to be of prime importance to the economic regeneration and urban fabric enhancement of the town.

7.2.2. The proposal is for a nursing home facility, independent living units and residential units. The development intends to provide accommodation for Kerry County’s growing elderly population. The Kerry Development Plan 2022-2028 recognises that Kerry has an ageing population and is likely that the population over 80 will quadruple by 2040. It is policy of the Council to encourage and foster the creation of attractive mixed-use sustainable communities which contain a variety of housing

types and tenures with supporting community facilities, public realm, and residential amenities.

7.2.3. I note that the County Development Plan is generally supportive of the development proposed and the plan seeks to provide housing for all persons including accommodating the needs of older people by encouraging the provision of suitable housing that will allow them to remain in their local communities. I am of the opinion that the development proposed at this location is appropriate and would be consistent with the strategy of Kerry County Council.

7.2.4. In terms of national policy, I refer the Board to the National Planning Framework (NPF), in particular NPO 30, which seeks to meet the needs and opportunities of ageing population. It is stated in the documentation submitted that there is a shortage of 'elderly-specific' accommodation in the area and that the proposed development will contribute to the housing needs of the region. The development will also provide opportunities for the local elderly and those in need of specialised accommodation to remain in the local area. In addition, the Board is referred to Regional Spatial and Economic Strategy (RSES) for the Southern Region, in particular RPO 182 which relates to an ageing population and seeks to support Smart Ageing and National Positive Ageing policies that meets the needs and opportunities of ageing population. Having regards to all the above, I consider that the proposal is in compliance with national and regional policy.

7.2.5. I consider that the proposed mixed-use development would be generally acceptable at this location subject to the usual development assessment criteria. I am satisfied that the proposal is acceptable in principle and is considered as an appropriate use of the site.

### 7.3. Height and Density

7.3.1. The third party appeal has stated that the development is dominant and overbearing. It states that the 4 – 5 storey buildings significantly change the streetscape on arrival to Killarney. The appeal states there are no buildings of similar scale within the area.

7.3.2. The County Development Plan allows for higher buildings subject to compliance with the Urban Development and Building Height guidelines. Section 3.4 of the guidelines looks at the criteria for building heights in suburban/edge locations and Specific Planning Policy Requirement 4 (SPPR 4) requires that housing developments must

ensure a greater mix of building heights, typologies and to avoid mono-type building typologies. The policy also requires density to be consistent with the Sustainable Development and Compact Settlements guidelines 2024, here after referred to as the compact settlements guidelines.

- 7.3.3. The proposal provides building heights that ranges from a single storey to five storeys and it is articulated on site by presenting a 3-4 apartment block on the north western side of the site, a 1-5 storey nursing home/independent living on the eastern corner and a 3 storey duplex apartment block on the south western side of the site. The taller elements of the development are provided along N22 Road which is approximately 16.2m wide and then steps down to 3 storeys along Ballycasheen Road.
- 7.3.4. There is a variety of typologies in the proposal including apartments, duplexes, nursing homes and independent living units. I consider that the development provides for a mix of building heights that responds to this suburban location. The 3 – 5 storey buildings will provide a strong urban edge along N22 and will help frame the streetscape at this location. The buildings along this boundary will further reinforce the urban character of the area. The proposed blocks along Ballycasheen road are set back behind the boundary and similar to the scale of the existing properties on the south side of Ballycasheen Road. I consider that the heights proposed reflects the context and setting of the area, therefore I am satisfied that the development is consistent with the Urban Development and Building Height guidelines.
- 7.3.5. The third party appeal contends that the density proposed is excessive. I note that while the Kerry County Development Plan does not provide specific density requirement for the site, the Council encourages well designed high-density apartments or residential units, subject to high quality living accommodation, adequate provision of amenity space and refuse storage.
- 7.3.6. The Kerry County Development Plan identifies Killarney as a Key Town and under the compact settlements guidelines, net densities in the range of 30dph to 50dph shall generally apply. The guidelines state that when calculating net densities for shared accommodation that four bed spaces shall be the equivalent of one dwelling. The development would therefore comprise of a total of 59 dwellings having regards

to the 112 nursing home/Independent Living Units bed spaces and the remainder of the 31 duplex/apartments. Accordingly, the density of the proposed development would be 50dph. I consider that the proposed density is consistent with the compact settlements guidelines.

- 7.3.7. The third party has raised concerns about the population density and the scale of development. It is submitted that the density of the immediate area is 17dph and the proposed development will be 41.5dph (apartments and independent living). That the density constituted an excessive development for the suburban area. Having regards to the compact settlements guidelines and the provisions of the Kerry County Development Plan, I consider the provision of 18 no. independent living units, 31 no. duplex apartments and a 90 bed nursing home on a 1.18Ha site not to be excessive. I believe that the proposed development is consistent with local and national policy on increasing residential densities in settlements.

#### 7.4. Impacts on Residential and Visual Amenities

- 7.4.1. The third party appeal highlights that the scale of the development is excessive and will overlook their properties to the front. The compact settlements guidelines provide that minimum separation distances shall not exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. The guidelines also added that there shall be no requirements for minimum separation distances to the front of houses, duplexes and apartments. The development has a maximum height of 17.550m at the corner of N22 and Ballycasheen Road and a maximum height of 11.150m along Ballycasheen Road. the building blocks are set back by at least c. 2.9m away from the site boundary wall. I also note that the separation distance between the development and the closest property on the south side of Ballycasheen Road is c. 26.8m. Having regards to the site orientation, the configuration of the blocks proposed and separation distances to surrounding residential properties, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. I am satisfied that the proposal will not impact on the amenities of the area, including by way of overlooking, overshadowing or loss of sunlight. There is an acknowledged need for accommodation of older people and this is a serviceable site in an established urban area where adequate services and facilities exist.

7.4.2. The appellant also submitted that the materials and arrangements of the primary façade facing N22 has the potential to impact the energy performance of the buildings in terms of airtightness and insulation. The issue of whether the arrangement and/or use of materials on the façade of the building will impact its energy performance is a matter for Building Regulations Part L – Conservation of Fuel and Energy under a separate legal code and thus not for the Board to consider. However, I note the Building Life Cycle Report submitted by the applicant as part of the PA application describing the materials to be used and their maintenance regime.

7.4.3. In terms of visual amenity, I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. Accordingly, having regard to the siting and design of the proposed development, and setting of the area I am satisfied that the proposed development would not be out of character with existing development in the vicinity.

#### 7.5. Traffic Congestion

7.5.1. The development would be accessed off Ballycasheen Road with pedestrian connection through the site from N22 to Ballycasheen Road. The grounds of appeal have raised concern regarding the additional vehicular traffic the scheme would generate and the impact it would have on Ballycasheen Road.

7.5.2. As part of the PA further information, the applicant submitted details relating to traffic counts, vehicle turning, revised site layout, pedestrian/cycle path and parking arrangements to serve the development which has been raised again by the appellant. It is also stated that the average staffing numbers during daylight hours is 33 and estimated that around 25 percent of the staff will use cars to work. The applicant also asserts that majority of staff in social care roles tend to live in close proximity to their place of work and so do not use vehicular modes of transport. The Council Roads and Transportation department reviewed the information and I note that they have no objections to the development. Therefore, I am satisfied that the traffic design and arrangements associated with the development is acceptable.

- 7.5.3. Upon site visit I observed that there was some traffic on Ballycasheen Road leading to the N22 – Ballycasheen Road junction. It appeared that the traffic experienced was because of vehicles trying to gain access onto N22. I am of the opinion that the traffic issues around this junction is associated with the road infrastructure. This junction is located at a pinch point where the speed limit transitions from 80km/h to 60km/h. I note that Kerry County Council intends to carry out improvements works along N22 under the N22 MD O'Shea Roundabout to Ballycasheen Road Upgrade project. It is proposed to upgrade the N22 – Ballycasheen junction by providing a signalised junction. I believe that the upgrade works at this junction will address the traffic issues. Regarding the use of Ballycasheen Road as a bypass raised by the appellant and whether a Road Safety Audit is completed, this is a matter for Kerry County Council and not for the Board to consider.
- 7.5.4. The proposed development includes 31 no. parking spaces for the apartment units and 45 spaces for the nursing home and independent living units. The development managements standards for parking set out in the Kerry County Development Plan requires a maximum of 137 spaces for the development and it is submitted that the lack of sufficient parking will add to the volume of traffic in the area.
- 7.5.5. The site is c. 30 minute walk from town centre and the applicant has submitted that the future operator of the nursing home does not envisage a significant demand for car usage within the development. The applicant submits that the number of car parking spaces needed for the nursing home and Independent Living Units (ILU) is based on the experience of the future operator and that less than half of the ILU residents will use vehicles and when ILU communities are located just outside of town, the use of a shuttle bus is more desirable by residents. The applicant is proposing to provide a shuttle bus to serve the development with drop off/collection points at five locations within the town. I also note that the applicant is proposing 78 bicycle spaces to serve the development.
- 7.5.6. In respect of the proposed car parking spaces, I note that the Planning Authority in their assessment of the scheme were generally satisfied. Having regards to the urban location of the site and its proximity to Killarney town centre, I am satisfied that the quantum of parking spaces provided for the development is acceptable.

7.5.7. Regarding the provision of Electric Vehicle (EV) charging points for the development in accordance with the Kerry County Development Plan, should the Board be minded to approve the proposed development, I recommend a condition be attached requiring the applicant to provide for EV charging points to serve the development.

7.6. Wastewater capacity and Surface Water drainage

7.6.1. The proposed development is connecting to the existing public water supply network and existing wastewater treatment plant. The appellant submits that the existing Killarney Wastewater Treatment Plant (WWTP) is operating at capacity and that the proposal poses a risk to the status of local water bodies. The applicant disagrees with this claim and points out that Uisce Eireann have issued a confirmation of feasibility to connect and to the fact that the Uisce Eireann Capacity register for the Killarney WWTP's status is green therefore confirming that capacity is available within the network to serve new developments.

7.6.2. Uisce Eireann report dated 31<sup>st</sup> of July 2023, submitted to the PA provides confirmation of feasibility to make a water and wastewater connection, subject to 360m and 160m of network upgrade. Uisce Eireann's Annual Environmental Report (AER) 2023 identifies that there is spare capacity within the existing WWTP within the plant having a pe of 54,000m<sup>3</sup> and with 31,631m<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 and that it is not known if it is or is not caused by the WWTP. That other causes of deterioration in water quality in the area are unknown. The report also states that the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status of any water body. Having regards to the above it is reasonable to conclude that the proposed development, by connecting to the Killarney WWTP will not significantly impact the status of any water body in the area. I note that Uisce Eireann has no objections to the proposed development.

7.6.3. The appellant also submits that on the EPA Wastewater Discharge licence portal the Killarney WWTP is overloaded. That the environmental assessment carried out failed to seek relevant information to inform proper decision. Upon visiting the EPA portal

in November 2024, it is observed that the latest Killarney WWTP AER has been approved and the report stated that there is capacity in the plant.

- 7.6.4. There are concerns that deterioration of water quality at operational phase could result in adverse effects on the qualifying interest and species of the SAC. The proposal when operational, will connect to the existing network. Accordingly, I am satisfied that based on the information available, the existing wastewater treatment plant has sufficient capacity to cater for the proposal and its associated loading and that the proposed development would not cause any significant impact in water quality given its connection to the water and the Killarney Wastewater Treatment Plant.
- 7.6.5. Regarding surface water run-off from the development, the applicant proposes to connect to the foul sewer network at operational stage. The appellant submitted that there is an extensive area of impermeable landscaping proposed and that the existing infrastructure cannot cater for the scale of development particularly at construction phase. The applicant asserted that surface water run-off is a possibility during construction stage and that it is unlikely to have significant impact on any water body as there are no hydrological connections from the site to any existing water features. That once the development is operational, surface water from the site will be disposed off via a petrol/oil interceptor and a sediment chamber before being attenuated in a tank thereby negating any risk to any water body and ultimately Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC. I note the PA report dated 22<sup>nd</sup> December 2023 stating that the storm water discharge proposals at operational stage is unlikely to significantly affect water quality and that hydrological impacts are considered to be negligible having regards to the nature, scale and location of the proposal.
- 7.6.6. While the applicant is providing some surface water management regime for the development, I consider that nature based Sustainable Drainage Systems (SuDS) measures can also be integrated into the scheme. I am of the opinion that the development will benefit from a sequence of SuDS measures that work together in a Management Train to control the flow, volume and frequency of run-off as well as preventing or treating run-offs. Should the Board be minded to approve the proposed development, I recommend a condition be attached requiring the applicant to provide nature based SUDs solution.



## 7.7. Biodiversity

- 7.7.1. The appeal site a greenfield site in an urban setting. The site is delineated by trees and hedgerows. The third party does not agree with the opinion expressed in the submitted AA addendum regarding the Lesser Horseshoe Bat (LHB). The applicant submitted in the addendum report that the proposed development is unlikely to impact the LHB as the proposed development is outside the SAC and beyond the likely foraging distance of any known roosts. I agree that the proposal is outside the SAC and any Landscape Protection Zone. Based on the information available, I am satisfied that the proposal will not significantly impact the LHB. In terms of LHB travelling through the site to get to the SAC, the applicant is providing sensitive lighting to ensure that LHB will not be impacted. While the site is close to the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and Landscape Protection Zone (G3), I am of the opinion that the measures proposed by the applicant in their landscaping masterplan would enhance biodiversity in the area.
- 7.7.2. With the benefit of Nature-Based Sustainable Drainage systems and the landscaping proposed, there will be an enhanced biodiversity value on the site. Overall, the proposed development is located on a site identified for mixed-use development. Having regard to all of the above, I am satisfied that the proposed development is in accordance with the zoning objective of the Kerry Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.
- 7.7.3. The appellant has submitted that the proposed development fails to address the site context in terms of the riparian corridors close to the site. As established earlier the site is in a built-up area. The riparian corridors within proximity of the site and their associated water bodies are protected under both national and EU designations and the applicant has considered these corridors in their environmental assessment considerations for the development proposed.

## 8.0 AA Screening

- 8.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Appropriate Assessment Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

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

The Killarney WWTP has sufficient capacity to cater for the proposal and its associated loading and the development would not lead to any likely significant impact on any European Site.

## **9.0 Recommendation**

- 9.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the nature and scale of the proposed development, within the settlement boundary of Killarney town and on a site with an 'M1 – Mixed use' zoning objective, it is considered that the proposal would be in accordance with the Kerry County Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of

the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out 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 04<sup>th</sup> day of July 2023, 18<sup>th</sup> day of December 2023 and 15<sup>th</sup> day of May 2024 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>(a) Surface water drainage system shall be designed in terms of incorporating a sequence of SuDS techniques that work together in a Management Train to control the flow, volume and frequency of run-off as well as preventing or treating pollution as surface water flows through the development.</p> <p>(b) SuDS design shall maximise nature-based solutions and the systems shall be designed, inspected, and supervised by a qualified engineer who shall certify the works as compliant with regard planning compliance, design and construction.</p>

	<p>(c) A SuDS maintenance plan shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interests of sustainable drainage</p>
3.	<p>Final landscape proposals and external lighting arrangements shall be submitted to the planning authority and written agreement received, prior to the commencement of development. All planting shall be native Irish species of Irish provenance and in consultation with the recommendations from the All Ireland Pollinator Plan, Pollinator Friendly planting Code Guidelines. All landscaping and screening shall be carried out within the first growing season following occupation of the development.</p> <p>Reason: In the interests of orderly development, biodiversity and the proper planning and sustainable development of the area.</p>
4.	<p>The applicant shall enter into an agreement with Kerry National Roads Office with regard to any works which extend outside the established property boundaries onto the N22 or the L3907 Ballycasheen Road.</p> <p>Reason: in order to protect public property.</p>
5.	<p>Prior to the commencement of the proposed development all works affecting the properties which are in the charge of Kerry County Council shall be agreed in writing with Kerry County Council. All works which impact on the public road/footpath shall be substantially completed within 6 months of submission of the Commencement Notice and shall be fully completed prior to the occupation of any units within the development.</p> <p>Reason: in order to protect public property and in the interest of pedestrian and traffic safety.</p>
6.	<p>The Upgrade to the infrastructure highlighted in red as outlined in the "Site Layout &amp; Extent of Upgrade to be Delivered" (Drawing No. 22107-P-022) received on 15/05/2024, shall be provided at the expense of the developer. The final detailed design shall be agreed in writing with the Planning Authority. This infrastructure shall be substantially complete within 6 months of submission of the Commencement Notice and fully completed prior to the occupation of any units within the development. The infrastructure shall be in</p>

	<p>accordance with the Standards and Specifications of Cycle Design Manual as set out by the National Transport Authority. Once completed to the satisfaction of Kerry County Council, the infrastructure shall fall within the charge of Kerry County Council.</p> <p>Reason: in the interest of pedestrian and traffic safety.</p>
7.	<p>Details of the materials, boundary treatments, 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.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
8.	<p>(a) The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>(b) EV charging points shall be provided in accordance with the Kerry County Development Plan</p> <p>Reason: In the interests of public safety and residential amenity</p>
9.	<p>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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>

10.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network. Adhere to any other specific requirements.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
14.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within</p>

	<p>the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
15.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Management Company. Confirmation that this company has been set up shall be submitted to the planning authority prior to the first occupation of the building.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
16.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
17.	<p>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.</p>

	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 of the area.
18.	<p>Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
19.	<p>Prior to the 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 of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
20.	<p>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</p>



	<p>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.</p> <p>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.</p>
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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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Oluwatosin Kehinde  
Senior Planning Inspector

16<sup>th</sup> December 2024

## Appendix 1A - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>			
<b>Case Reference</b>	320090-24		
<b>Proposed Development Summary</b>	Construction of a 90 bed nursing home, 18 no. independent living units and 31 no. duplex/apartment residential units and all ancillary site development works.		
<b>Development Address</b>	Lands at the junction of N22 and Ballycasheen Road, Ballycasheen, Killarney, Co. Kerry		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<input checked="" type="checkbox"/>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<input checked="" type="checkbox"/>	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<input checked="" type="checkbox"/>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	<input checked="" type="checkbox"/>	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

## Appendix 1B - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP- 320090-24</b>
<b>Proposed Development Summary</b>	Construction of a 90 bed nursing home, 18 no. independent living units and 31 no. duplex/apartment residential units and all ancillary site development works.
<b>Development Address</b>	Lands at the junction of N22 and Ballycasheen Road, Ballycasheen, Killarney, Co. Kerry
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The proposal is a mixed-use development for a nursing home, independent living units and duplex/apartments unit on a 1.18Ha site in an urban area of Killarney town. The proposal ranges from 1-5 storeys in height and comes forward as a standalone project.  The development does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The development is situated in an urban setting with woodlands area to the

natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	north. The development is in a built-up area that is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the Kerry County Development Plan.	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Oluwatosin Kehinde      Date: 16/12/2024

## Appendix 2 - AA Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### Step 1: Description of the project

I have considered the proposed mixed-use development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The site is in the townland of Ballycasheen, located at the junction of N22 and Ballycasheen Road. The site is located approximately 2.5km from Killarney Town Centre. The site is triangular and relatively flat throughout. The nearest European Site is located approximately 67m east of the site.

A full description of the proposed development is detailed in Section 2 of the report above. The development will be served by public mains connections. Wastewater from the development will be dealt with by the Killarney WWTP. SuDS measures are proposed and augmented by way of condition, should the Board decide to approve the development.

The grounds of appeal raised issues which related to the impact of the proposal on the QI of a European Site

#### Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The proposed development will not result in any habitat loss of any European Site. The proposed project is not directly connected with or necessary to the management of any Natura 2000 site.

Examples of Indirect impacts and effect mechanism

- Potential risk of contaminated runoff during earth-moving works to facilitate the construction of the proposed development.
- Increased activity and noise emissions during construction works
- Use of heavy equipment, vehicles and plant and the associated potential for hydrocarbon contamination
- The risk of accidental spillages of fuels/oils during construction activities.

#### Step 3: European Sites at risk

With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

**Table 1 European Sites at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Impairment of water quality	No direct hydrological link. Indirect risk because of construction works	Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]  Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]  Water courses of plain to montane levels with the <i>Ranunculum fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]  Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]  European dry heaths [4030]  Alpine and Boreal heaths [4060]  <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]  Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]  <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]  Blanket bogs (* if active bog) [7130]  Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]  Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]  Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salicion albae</i>) [91E0]  <i>Taxus baccata</i> woods of the British Isles [91J0]  <i>Geomalacus maculosus</i> (Kerry Slug) [1024]  <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]  <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]  <i>Petromyzon marinus</i> (Sea Lamprey) [1095]  <i>Lampetra planeri</i> (Brook Lamprey) [1096]  <i>Lampetra fluviatilis</i> (River Lamprey) [1099]  <i>Salmo salar</i> (Salmon) [1106]  <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]  <i>Lutra lutra</i> (Otter) [1355]  <i>Trichomanes speciosum</i> (Killarney Fern) [1421]  <i>Najas flexilis</i> (Slender Naiad) [1833]  <i>Alosa fallax killarnensis</i> (Killarney Shad) [5046]</p>
Habitat Loss and Alteration	Development located outside any European Site and works restricted to the development site.		
Habitat Fragmentation	Indirect risk because of potential construction surface water runoff		
Disturbance of species	Having regards to the distances between the European Sites and the development, disturbance or displacement of species is highly unlikely		
		Killarney National Park SPA	<p>Merlin (<i>Falco columbarius</i>) [A098]  Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>

Having regards to nature and scale of the development, the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and the Killarney National Park SPA are the only European Sites considered to be potentially impacted by the development.

#### Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Water quality	Habitat Loss	Habitat Fragmentation	Disturbance
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC	To restore and maintain the favourable conservation condition of QIs. See full details as of November 2024 below. <a href="#">ConservationObjectives.rdl</a>	N	N	N	N
Killarney National Park SPA	To restore and maintain the favourable conservation condition of Qis. See full details as of November 2024 below <a href="#">CO004038.pdf</a>	N	N	N	N

The proposed development would not have direct impacts on any European site. There are no spatial overlaps with any Natura 2000 site.

The proposed development is connecting to the existing public water supply network and existing wastewater treatment plant. The Killarney WWTP has sufficient capacity to cater for the proposal and its associated loading.

During site clearance and construction of the proposed development, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. However, the contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA. Further AA screening in-combination with other plans and projects is required.

#### **Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

The activity that could potentially impact ecological and water quality in combination with the planned development including other development/construction projects in the area is the N22 MD O'Shea Roundabout to Ballycasheen Road Upgrade project.

**Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.**

e.g. approved but uncompleted, or proposed



Project	Effect mechanism
N22 MD O'Shea Roundabout to Ballycasheen Road Upgrade project	Water quality Habitat Loss Fragmentation Disturbance

**Table 4: Could the project undermine the conservation objectives in combination with other plans and projects?**

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/N)?			
		Water quality	Habitat Loss	Fragmentation	Disturbance
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC	To restore and maintain the favourable conservation condition of QIs. See full details as of November 2024 below. <a href="#">ConservationObjectives.rdl</a>	N	N	N	N
Killarney National Park SPA	To restore and maintain the favourable conservation condition of QIs. See full details as of November 2024 below <a href="#">CO004038.pdf</a>	N	N	N	N

The project was approved in 2023 and has not yet commenced. It is a road improvement works that comprises for most part the reallocation of existing public road space for pedestrians and cycling infrastructure.

works are confined to within the existing road boundaries. Excavations associated with the construction phase can generate unconsolidated material which could potentially make its way to watercourses and reduce water quality (sedimentation) – though the risks of same are considered to be low.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on [examples- as relevant]:

- Objective information presented in the Screening Report

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

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

**Inspector: Oluwatosin Kehinde      Date: 16/12/2024**