



An
Bord
Pleanála

Inspector's Addendum Report ABP-320288-24

To: The Board

From: Paul O'Brien, Inspectorate

Re: Construction of 224 residential units in the form of 76 houses and 148 apartments and all associated site works. The application is accompanied with an NIS.

Location: Port Road and Saint Margaret's Road, Coollegrean, Inch, Knockreer, Ardnamwelly and Derreen, Killarney, Co. Kerry

Type of Appeal First and Third Party

Date: 31st October 2024

Introduction:

Further to the Board Direction BD-018010-24 dated 30th October 2024 with regards to the need to 'complete the assessment of the first party appeal', the following additional assessment is provided. This addendum report should be read in conjunction with my report dated 15th October 2024. The nature of the appeal is outlined in Section 7.1 of my original report and Section 8.5.9 refers to the First Party Appeal, includes an assessment and a recommendation for the Board to consider.

Additional Comments:

Under Condition 3 as issued by the Planning Authority, a contribution of €460,000 was to be levied towards the provision of public infrastructure and facilities. Specific reference was made to shared space along New Road to allow for a cycleway along the Folly Stream and shared space along Rock Road to provide for a cycleway and traffic calming. The Planning Authority estimate that 80% of the usage of these facilities would be by residents of the proposed development. A table is included with the condition, and which breaks down what the contribution is for and a justification for this.

The applicant, through their appeal, referred to discussions with the Education Training Board, who own the lands to the south of the site, to provide for a connection between the site and New Road without any success to date. The first party appellants submit that the works listed under Condition 3 are not specific and could be covered under the General Contributions Scheme 2017. The first party appeal seeks to remove this condition.

I refer the Board to Section 8.5.9 of my report dated 15th October 2024, where I set out that I concur with the First Party Appeal and consider that this condition should be omitted as it is not clear how the figure of 80% of use to be allocated to this development is calculated. The proposed works, as described in the condition, would benefit the wider area providing for improved infrastructure and improved

permeability in this part of northern Killarney. Considering the location of the site and its proximity to Killarney Town Centre, the figure of 80% allocation of use would seem excessively high in my opinion. It has not been demonstrated that there are an exceptional reason for the inclusion of such works/ the proposed contribution levy.

I note an omission in my report under Section 7.0 on the section on the First Party Appeal – third bullet point: ‘The proposed works are on lands that within the applicant’s control and were not raised as a requirement by the Planning Authority to date....’ This should state: ‘The proposed works are on lands that **are not** within the applicant’s control and were not raised as a requirement by the Planning Authority to date....’

The applicant is unable to provide for connections between their site and the Rock Road and New Road, due to the issue of ownership and also third parties have made clear that they do not wish for these connections to be provided. The applicant has made provision for such links to be provided in the future. As part of the development, connections are proposed to the Port Road to the west and to Millwood to the north.

Whilst the maximum amount of permeability possible in an urban area should be provided, I am satisfied that this site is appropriately accessible. The proposed works listed in the condition would not be specific in that they were necessary for the development to progress. As per my report, I am satisfied that the proposed site/ development provides for good access.

There is no requirement for condition no. 3 as improvements to existing infrastructure can be provided by way of condition no. 2 which includes an allocation of €153,475.37 for Roads & Transport and as reported in the First Party Appeal statement, part of the Killarney Hub Levy of €244,100.80 may also go towards improved infrastructure.

Conclusion:

I have considered in full the issues raised in the First Party Appeal, and I consider it appropriate to omit Condition No.3. I have not included it as one of the recommended conditions for that reason.

Paul O'Brien
Inspectorate

31st October 2024