



An
Bord
Pleanála

Inspector's Report

ABP-320644-24

Development	Construction of 7 houses and associated site works.
Location	West of Fortfield, Killerisk, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2498
Applicant(s)	HRP Construction Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Fortfield Residents Association
Observer(s)	None
Date of Site Inspection	25 th November 2024
Inspector	Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.176 hectares, is located to the immediate north-west of the Fort Field residential estate in Killerisk in the south-east environs of Tralee town. The estate is accessed from the Killerisk Road (R919) to south-east.
- 1.2. The site is adjoined by undeveloped lands to the north and west and shares a boundary with the rear garden of No. 29 Fort Field to the south, with the 2-storey detached residential dwellings at No's 14 and 20 Fort Field being located to its immediate east. The latter dwelling is currently in operation as a pre-school and day care centre.
- 1.3. The wedge-shaped site is accessed directly from the estate access road serving no's 7-14 and 20-24 Fort Field which is located next to its eastern boundary. The estate's footpaths do not continue as far as the site, terminating as they reach the vehicular entrances to No's 14 and 20 Fort Field. The site is fully enclosed by metal fencing on its east side, adjoining the existing housing, and is in an overgrown condition with a number of trees and tall hedging lining its perimeter.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of 7 no. houses (2 no. 3-bed semi-detached units and 5 no. 2-bed units in a terraced arrangement), the provision of 12 no. car parking spaces, drainage, landscaping, boundary treatments and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 22 no. relatively standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2 no. reports formed the basis of the Case Planner's assessment of the proposal.

Planner's Report (02/05/2024) – Initial Application Stage

The report sets out the planning history, location and policy context, summary of issues raised in the submissions, internal departmental reports and by prescribed bodies, EIA Preliminary Examination, AA Screening and the planning assessment.

Points of note raised include:

- Principle of development – site residentially zoned with history of permissions.
- Proposal's compliance with Kerry County Development Plan 2022-2028 (KCDP) parking standards/ proposed foul drainage arrangements. Cycle/ foul drainage proposals deemed satisfactory but shortfall in car parking noted.
- Insufficient consideration given to connectivity with existing Fort Field estate pedestrian infrastructure and future zoned development lands to the west.
- Insufficient information provided on surface water drainage/ SuDS arrangements – given stormwater discharge to local combined network is not permitted.
- Future residential amenity – shortfall in 15% private open space required.
- Existing residential amenity – design, visual impact, density etc. all acceptable.

A request for Further Information (FI) comprising 3 no. items was recommended on 02/05/2024:

- Item 1 – Layout to provide sufficient parking/ facilitate future access to lands to west.
- Item 2 – Integrate existing and proposed footpaths. Provide lighting & turning area.
- Item 3 – Comply with sustainable drainage policy.

The applicant's response to the FI request was submitted on the 10/06/2024 and included changes to the parking and open space arrangements.

The FI response was deemed significant and the applicant was instructed to re-advertise the proposal.

Planner's Report (31/07/2024) – Post-Receipt of Further Information Stage

The planner's report includes an assessment of FI received. Points of notes include:

Item 1 –

Site layout revised to satisfactorily provide future connection to development lands and car/ bike parking proposals acceptable on basis of proximity to Tralee town centre.

Item 2 –

Proposal to provide a suitable turning area, public lighting standards, and paving to connect into existing estate footpath network deemed acceptable to the PA.

Item 3 –

Proposal to provide soakaways to cater for storm water discharge accepted by PA.

The planner's report concluded by recommending permission be granted subject to 22 no. conditions (as per Section 3.1 of this report).

3.2.2. Other Technical Reports

Initial Application Stage

- Water Services Dept. (04/04/2024) – sought further information on how surface/ storm water would be dealt with.
- Housing Estates Unit (21/03/2024) – identifies a number of issues with/ shortfalls in the information submitted in respect to surface water drainage, footpath connections, boundary treatments, the lack of a bin/ fire truck turning area, public realm finishes, public lighting, estate naming and, need for a development bond.

Post-Receipt of Further Information Stage

- Housing Estates Unit (25/06/2024) – note that earlier queries in respect to SuDS, turning area and public lighting have been addressed by applicant and recommend that outstanding issues be addressed by condition. Also recommend that additional conditions in respect to site development works and DMURS etc. are attached in the event of a grant of permission.
- Water Services Dept. – no response given.

3.3. Prescribed Bodies

Initial Application Stage

UE (19/04/2024) – stated that discharge of surface water to the UE combined/ foul network at this location would not be permitted and sought that applicant pursue

relevant SuDS measures or discharge run-off to existing storm water network. Also sought that UE standard conditions attached in the event of grant of permission.

Post-Receipt of Further Information Stage

None.

3.4. Third Party Observations

3.4.1. Initial Application Stage

1 no. third party submission (27/03/2024) was received from the Fortfield Residents Association. The submission raised the following concerns in respect to the proposal's impact on neighbouring residential amenity and sought that permission be refused:

- Proposal is out of character with existing estate and constitutes overdevelopment.
- Unit siting arrangements are out of alignment with existing dwellings.
- Site parking arrangements are discordant and give rise to overlooking.
- The proposal cannot rely on Fort Field's green area as its public open space.
- Additional details required on traffic management/ turning area for large vehicles.
- Proposal is overdevelopment of site and may lead to uncontrolled parking in neighbouring estate which could conflict with commercial operation of No. 20 and give rise to child endangerment.
- Proposal will give rise to increased traffic volumes which will negatively impact Fort Field estate and the Killerisk Road and will exacerbate traffic issues arising from recent developments in area.
- Insufficient details provided on drawings in respect to storm water and waste water drainage and issues flagged with capacity of local storm drainage and sewerage system.

3.4.2. Post-Receipt of Further Information Stage

1 no. third party submission (dated 04/07/2024) on the significant further information (SFI) was received from a Kay Karim on behalf of the Fortfield Residents Association. The submission reiterated the organisation's objection to the proposal and raised the following additional issues in respect of the SFI proposal:

- Revisions to proposed siting of unit no's 3-7 has rendered them further out of kilter with the established building line in the Fort Field estate and, together with the car parking arrangements, will give rise to discordant development and further overlooking of the adjoining properties' rear gardens.
- Concerns remain re: deficiency of proposed turning area.
- Given site geology, concerns raised about proposal to use soakaways for stormwater drainage given existing local drainage issues.
- Existing local sewerage and water supply systems are deficient and don't have capacity to serve scheme.

4.0 Planning History

4.1. Site

P.A. Ref. 10/307914 – Permission granted to (a) extend the existing service road to include a turning area and (b) to construct 4 no dwelling houses complete with all connections to the mains sewer and all associated ancillary site services, subject to 14 no. conditions.

P.A. Ref. 10/307913 – Permission granted on 18/01/2011 for the construction of a dwellinghouse complete with all connections to the mains sewer and all associated ancillary site services, subject to 12 no. conditions.

P.A. Ref. 09/307839 – Outline permission granted for the erection of 3 no. dwellings with connections to the mains sewer and the carrying out of associated site works and services, subject to 11 no. conditions.

5.0 Policy Context

5.1. National Policy Guidance

5.1.1. National Planning Framework (2018)

- NSO 1: Compact Growth
- NSO 9: Sustainable Management of Water, Waste and Environmental Resources

5.1.2. Section 28 Guidance/ Other National Guidance

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) – Section 3.3.3 (Key Towns and Large Towns), Subsection (ii) (Table 3.5 - Areas and Density Ranges Key Towns and Large Towns (5,000+ population))

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007).

5.2. Local Policy

5.2.1. Kerry County Development Plan 2022-2028 (KCDP)

Volume 1 – Written Statement

Chapter 2 - Climate Change & Achieving A Sustainable Future

Objectives KCDP 2-5 (nature-based solutions), KCDP 2-11 (active travel), KCDP 2-18 (sustainable drainage).

Chapter 4 - Towns and Villages

Objectives KCDP 4-15 (DMURS) & KCDP 4-40 (S.28 Guidance).

Chapter 11 – Environment

Objectives KCDP 11-66 (flood risk).

Volume 2 - Town Development Plans and Volume 4 – Maps

Part 1 – Tralee - Town Map F and Part 1 - Tralee, Killarney & Listowel Zoning Maps

The site is zoned 'R2' Existing Residential with the objective to 'Provide for residential development and protect and improve residential amenity'. The undeveloped lands to the west and north are zoned 'M4' Built-Up Area.

Volume 6

Part 1 - Development Management Standards & Guidelines

Section 1.4.5.17 (Naming of Residential Development)

Section 1.5 (Residential Development)

Sections 1.5.1 (Urban Design), 1.5.2 (Density), 1.5.3 (Dwelling Design, Size & Mix)

Section 1.5.4 (General Residential Development Design Standards) – re: pedestrian & vehicular movement, public open space, private open space, privacy, separation distances etc.

Section 1.5.4.2 (Estate Design)

Section 1.20 (Transport, Movement & Parking Standards)

Sections 1.20.6 (Parking in Residential Areas), 1.20.7 (Car Parking Standards), 1.20.8 (Accessible Car Parking) and 1.20.9 (Bicycle Parking Standards).

Part 2 – Land Use Zoning

Sections 1.3.2 Development in Existing Residential/ Built Up Areas (R2/M2/M4) and 2.3.1 Land Use Zoning/ Myplan Classification

5.3. Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites and Natural Heritage Areas in close proximity to the appeal site are as follows:

- Tralee Bay Complex SPA (Site Code 004188) – approx. 2.4km to west.
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070) approx. 2.4km west.
- Tralee Bay And Magharees Peninsula, West To Cloghane pNHA (Site Code 002070) approx. 2.4km to west.

5.4. EIA Screening

See completed Form 2 (Preliminary Examination) in Appendix 2 which concludes that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was received. The grounds of appeal can be summarised as follows:

Overdevelopment

- Housing density is excessive and deviates from that previously permitted on site.

Traffic & Parking

- Proposal will lead to additional traffic and overspill parking which will give rise to child endangerment/ pedestrian safety issues.
- Proposal will increase volume of traffic exiting the Fort Field estate onto the Killerisk Road and will exacerbate existing capacity/ road safety issues at this junction.
- Proposed vehicular turning area for large vehicles within the estate is inadequate.

Infrastructural Capacity

- Local sewerage system does not have sufficient capacity to cater for 7 no. additional housing units whose foul drainage may need to be pumped (re: levels).
- Concerns raised re: soakaway stormwater drainage proposals on account of site geology and potential to exacerbate existing local surface water flooding issues.

Other

- Concerns raised over future estate naming and numbering re: postal delivery/ emergency service accessibility. Appellant recommends the continuation of the numbering of the adjoining Fort Field estate.

The appeal submission was accompanied by an untitled and undated land registry map which appears to relate to Fortfield Estate.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

6.5. Further Responses

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, and having inspected the site, and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Overdevelopment
- Traffic & Parking
- Infrastructural Capacity
- Other

7.1. Principle of Development

7.1.1. The proposed development is located on lands zoned for residential development (R2 – Existing Residential). The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Overdevelopment

7.2.1. The appellant submits that the residential density of the proposal is excessive having regard to the planning history of the site (as detailed in Section 4.1 of this report) and seeks a reduction in the total number of properties proposed.

7.2.2. In considering the issue of density, the PA noted that whilst the density of the proposal, at 40 dwellings per hectare (dph), was comparatively higher than the density of the existing Fort Field estate, it was acceptable and in keeping with the 2024 Compact Settlement Guidelines.

7.2.3. I would note that the previous residential permissions on site are relatively historic (i.e. they relate to applications made in 2009 and 2010) and were determined under previous County Development Plans. On balance, having considered this fact and

each of the aforementioned views on the matter, it is my opinion that the residential density as proposed is appropriate given the requirements of Section 1.5.2 (Density) of the current KCDP and contemporary national policy – specifically Section 3.3.3 (ii) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) which states that it is a policy objective that residential densities in the range 30 dph to 50 dph (net) shall generally be applied to the suburban and urban extension locations of Key Towns, including Tralee.

7.3. Traffic & Parking

Child/ Pedestrian Safety

- 7.3.1. The grounds of appeal submit that the proposed vehicular turning area for large vehicles within the estate is inadequate to cater for large refuse/ emergency vehicles and raise concerns that the proposal will give rise to uncontrolled overspill vehicular parking within the Fort Field estate that would conflict with the operation of a childcare facility at No. 20, leading to child endangerment and pedestrian safety issues.
- 7.3.2. The applicant's response to item 2 of the FI response, where they provided a new turning area within the site for fire/ refuse trucks, was deemed acceptable to the PA, with a memo from the Council's HEU (dated 25/06/2024) indicating that they were satisfied that the abovementioned large vehicles would no longer have to reverse to collect bins etc. as an on-site turning area was now proposed.
- 7.3.3. Having considered the applicant's response to item 1(b) of the FI request which put forward revisions to the site layout to provide for sufficient parking and smarter travel measures, the PA determined that the proposal for 10 no. car parking spaces and 10 no. bike parking spaces was sufficient having regard to the maximum parking standards set out under the KCDP and the proximity of the site to Tralee town centre.
- 7.3.4. Having visited the site and reviewed the drawings I note that the existing estate carriageway caters for 2-way traffic flow with a c. 1.8m wide footpaths on either side which terminate as they reach the vehicular accesses to No's 14 and 30 Fort Field. I also note that the entrances to these properties are splayed on their east side, thereby offering good pedestrian and vehicular visibility. I am of the opinion that the continuation of the pedestrian pathway alongside the carriageway into the proposed estate, together with the provision of new public lighting, will avoid conflict between pedestrians and vehicles and will ensure that no traffic hazard arises.

7.3.5. Furthermore, in terms of the child safety concerns raised by the appellant, I note that No. 20 already appears to provide for in-curtilage childcare drop-off to the front of the property. I consider this facility, when combined with the applicant's measures for improved public lighting and integration with the existing footpath network, will provide for good a satisfactory level of driver visibility and will therefore not lead to child endangerment.

Impact on R919 Junction

7.3.6. The appellant contends that the additional traffic generated by the proposal will exacerbate road safety issues at the junction of the Fort Field Estate and the Killerisk Road (R919), which it is stated is operating at over its vehicular capacity on account of recent incremental developments within the estate and adjoining the junction itself.

7.3.7. Operational traffic management and road safety matters fall within the remit of the PA who did not make any comment on the above-mentioned concerns in their assessment of the proposal. Notwithstanding, having considered the modest scale and character of the scheme for 7 no. housing units and 10 no. car parking spaces in the context of the much larger extent of existing residential development within the Fort Field estate (c. 50 houses) and recently developed Forest Lane estate (c. 15 units), I do not consider that it has the potential to give rise to levels of trip generation that are likely to have a material impact on the safe/ efficient operation of the junction to such a degree as would cause concern. On this basis, I consider that the proposal does not have the potential to exacerbate existing peak traffic or road safety issues at the estate's junction with the R919.

7.4. Infrastructural Capacity

7.4.1. The appellant raises concerns with the capacity of the local foul sewer network and its ability to take the loading from an additional 7 no. houses. They also note that the submitted drainage drawings indicate that the fall of the proposed foul pipe may be going against the fall of the ground, which may lead to flood risk issues in the longer term. Given the limestone geology of the site, the appeal also raises a further concern about the FI proposal to deal with surface water run-off using soakaway pits which may fail and exacerbate existing surface water flooding issues within the Fort Field estate.

- 7.4.2. In response to Item 3 of the FI request, the applicant submitted a pre-connection inquiry confirmation of feasibility letter from Uisce Eireann (dated 10/11/2023) which stated that water and wastewater connections are technically feasible without infrastructure upgrades. I note that this letter made no comments in respect to foul capacity within Tralee's sewerage system. The applicant proposes to manage surface water on site via infiltration SuDS measures – i.e. roof water using soak aways in the unit's rear gardens and run-off from common areas via gullies leading to soakaways in the communal green areas - thereby reducing the overall rate of run-off from the site.
- 7.4.3. On account of the site's topography, it was proposed to flow all foul sewerage by gravity to discharge to an existing foul sewer manhole located in the roadway to the east of the site. However, in respect to foul capacity, I note that the submitted civil engineering report goes on to state that the applicant was still awaiting confirmation from Uisce Eireann (UE) in respect to whether their existing sewer network can accommodate the additional foul load as proposed.
- 7.4.4. Whilst no further submissions (on the SFI) were received from either KCC's Water Services Department or UE, having considered the applicant's response to item 3 of the FI request, the PA were satisfied that the matters of foul and surface water management had been satisfactorily addressed and proceeded to attach a standard water and wastewater compliance condition.
- 7.4.5. Overall, having regard to the information provided, I am satisfied that foul sewerage outfall by gravity is achievable and will not therefore give rise to a flood risk. Furthermore, having consulted the UE Wastewater Treatment Capacity Register (on 19/12/2024), which states that the Tralee Waste Water Treatment Plant has been assigned a 'green' status, it is apparent that there is available capacity in the system to accommodate the proposal. Therefore, in line with standard practice, I consider that a condition can be attached in the event of a grant of permission to require the developer to enter into a wastewater connection agreement with UE which would also require the developer to comply with that organisation's design requirements/ code of practice.
- 7.4.6. In respect to the proposed surface water management proposals, whilst I note that the FI civil engineering report did not provide any specific details on the site's geology or

soil conditions, the FI surface water drawing states that the specific design and depth of the soakaway pits is to be determined following the completion of a percolation test – i.e. once works commence on site. Given that the PA did not raise any concerns in respect to the applicant's proposed surface water management strategy, I consider the detail of the SuDS measures to be used on site could be addressed through a suitable condition in the event of a grant of permission.

7.5. Other

7.5.1. The appellant seeks that the proposed estate continues the numbering of the adjoining Fortfield Estate in order to avoid future postal delivery and emergency service accessibility issues arising. As per the guidance set out under Section 1.4.5.17 (Naming of Residential Development) of the KCDP, the naming and numbering of residential estates falls under the jurisdiction of KCC and is typically addressed through the use of an appropriate condition, if permission is forthcoming.

8.0 Appropriate Assessment Screening

8.1. I have considered the proposed development, which is located to the west of Fortfield, in Killerisk, Tralee, in light of the requirements of S177U of the Planning and Development Act 2000 (as amended).

8.2. The subject site is located directly adjoining a mature residential estate on serviced lands. It is located approx. 2.4km to the east of 2 no. European Sites:

- Tralee Bay Complex SPA (Site Code 004188) where the qualifying interests are Whooper Swan (*Cygnus cygnus*) [A038], Light-bellied Brent Goose (*Branta bernicla hrota*) [A046], Shelduck (*Tadorna tadorna*) [A048], Wigeon (*Anas penelope*) [A050], Teal (*Anas crecca*) [A052], Mallard (*Anas platyrhynchos*) [A053], Pintail (*Anas acuta*) [A054], Scaup (*Aythya marila*) [A062], Oystercatcher (*Haematopus ostralegus*) [A130], Ringed Plover (*Charadrius hiaticula*) [A137], Golden Plover (*Pluvialis apricaria*) [A140], Grey Plover (*Pluvialis squatarola*) [A141], Lapwing (*Vanellus vanellus*) [A142], Sanderling (*Calidris alba*) [A144], Dunlin (*Calidris alpina*) [A149], Black-tailed Godwit (*Limosa limosa*) [A156], Bar-tailed Godwit (*Limosa lapponica*) [A157], Curlew (*Numenius arquata*) [A160], Redshank (*Tringa totanus*) [A162], Turnstone (*Arenaria interpres*) [A169], Black-

headed Gull (*Chroicocephalus ridibundus*) [A179], Common Gull (*Larus canus*) [A182], Wetland and Waterbirds [A999].

- Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070) where the qualifying interests are Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Coastal lagoons [1150], Large shallow inlets and bays [1160], Reefs [1170], Annual vegetation of drift lines [1210], Perennial vegetation of stony banks [1220], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], *Salicornia* and other annuals colonising mud and sand [1310], Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330], Mediterranean salt meadows (*Juncetalia maritimi*) [1410], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) [2170], Humid dune slacks [2190], *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410], Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0], *Lutra lutra* (Otter) [1355], *Petalophyllum ralfsii* (Petalwort) [1395].

8.3. The proposed development comprises of the construction of 7 no. houses together with all associated site works.

8.4. No nature conservation concerns were raised in the context of the appeal.

8.5. 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 minor nature of the development.
- The urban and serviced nature of the site.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the appropriate assessment screening undertaken by the PA.

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

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

9.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the 'R2 - Existing Residential' zoning objective of the site the objective for which is 'provide for residential development and protect and improve residential amenity', and to the planning policies, objectives and development standards of the Kerry County Development Plan 2022-2028, the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, 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 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 10th day of June 2024 and the 5th July 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>Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or</p>

	<p>replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.</p> <p>Reason: In order to prevent overdevelopment of the site in the interest of residential amenity.</p>
3.	<p>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 (all external finishes shall be neutral in tone, colour and texture and roofs shall be covered with slates or tiles which shall be either black, dark grey or blue black. The colour of the ridge tiles shall match the colour of the roofs).</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
4.	<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 on lands 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.</p> <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 for the area.</p>
5.	<p>(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 relevant residential units permitted, to first occupation by individual purchasers i.e. those not</p>

	<p>being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(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.</p> <p>(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.</p> <p>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</p>
6.	<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/ or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>The attenuation and 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>Reason: To prevent flooding and in the interests of sustainable drainage.</p>

8.	<p>All service cables associated with the proposed development (such as electrical, public lighting, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>The site shall be landscaped in accordance with the Site Layout Plan received on 10/06/2024. All landscaping shall be implemented prior to the first occupation of any dwelling. All trees shall have a minimum height of 1.5 metres when planted.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>Site development and building works shall be carried out between the hours of 0700 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>Good site management practices shall be employed by the developer during the site construction and development to prevent discharge of contaminated waters. Measures shall be put in place during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road. Silt traps and/or inceptors shall be maintained at regular intervals during the course of construction work. During construction all site vehicles shall be parked within the boundary of the development.</p> <p>Reason: In the interests of orderly development and environmental protection.</p>
12.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development</p>

	<p>shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of proposed trees as per the Site Layout Plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
14.	<p>Proposals for an estate 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. 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 orderly development and urban legibility.</p>
15.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
16.	<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</p>

	<p>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.</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>
17.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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.

Emma Gosnell
Planning Inspector

23rd December 2024

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320644-24		
Proposed Development Summary	Construction of 7 houses and associated site works.		
Development Address	West of Fortfield, Killerisk, Tralee, 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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(i) (infrastructure – Dwelling Units)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	500 units – proposal is for 7 no. units.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	✓	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320644-24
Proposed Development Summary	Construction of 7 houses and associated site works.
Development Address	West of Fortfield, Killerisk, Tralee, Co. Kerry.
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development	<p>The proposed development requires the clearance of scrub, brambles and some trees and hedging in order to facilitate the construction of 7 no. houses</p> <p>The standalone development does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development	<p>The development is situated on an undeveloped site which directly adjoins the north-west side of the Fort Field residential estate in the south-east environs of Tralee town. It is surrounded on its north and west sides by a landbank of undeveloped zoned land. It is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the KCDP.</p>
Types and characteristics of potential impacts	<p>Having regard to the modest nature of the proposed development, its location relative to 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</p>

		environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
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.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date: _____

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____