



An
Bord
Pleanála

Inspector's Report

ABP-321613-25

Development	Demolition of house and construction of 7 apartments with associated site works.
Location	Poulnamuck, Muckcross Road, Killarney Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2360444
Applicant(s)	Vincent Casey
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Mary Guerin
Observer(s)	None
Date of Site Inspection	21 st February 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The proposed development is located at Poulnamuck, Muckcross Road, approximately 1.5 km south of Killarney Town Centre. The site has a stated area of 0.11ha and there is a detached two storey dwelling and garage located on the site. Site boundaries comprise hedgerows and shrubs. There is a footpath and cycle path located adjacent to the site's roadside boundary. Killarney View Guesthouse is a two storey detached building located on the neighbouring site to the north beyond which is the River Flesk. There is a recently constructed detached two storey dwelling to the rear (east) beyond which is a three storey building containing apartments associated with the Gleneagle Hotel. There is a detached two storey dwelling on the adjoining site to the south. The area is characterised by a mix of detached residential properties and tourist accommodation in the form of hotels and Bed and Breakfasts.

2.0 Proposed Development

- 2.1. Permission was sought to demolish an existing dwelling and garage and construct a four-storey apartment building containing 6 no. 2 bedroom apartments and 1 no. 3 bedroom apartment, roof garden incorporating communal amenity space, new site entrance, 12 car parking spaces, ancillary services and areas including a bin store and bicycle parking to rear. Proposed finishes include frameless glass balustrades, metal/zinc, slate cladding and rendered dark grey or black brick finish.

3.0 Planning Authority Decision

3.1. Decision

On 11th December 2024, Kerry County Council issued notification of the decision to grant planning permission subject to 20 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report dated 21/02/2024 can be summarised as follows:

- The proposed development will be much higher than the buildings on either side.
- The apartments overlook the buildings to the north and south. The guesthouse to the north is a commercial property and accordingly there are no concerns regarding loss of residential amenity. Numerous windows in the guesthouse overlook the existing house and garden on the site.
- The existing dwelling house (owned by the applicant) to the south and the permitted dwelling to the rear are screened from the proposed development by mature trees. Further information is required to establish whether these trees can be maintained on site.
- Further information is required in relation to a lighting plan to avoid additional lighting on the River Flesk; a construction management plan; provision for landscaping, nature based solutions to storm water management and biodiversity enhancement; a contiguous elevation along Muckcross Road indicating finished floor levels and overall height; a tree condition survey and proposals to protect trees from damage; and a stage 1/2 Road Safety Audit.

Following receipt of further information, the planners report dated 11/12/2024 can be summarised as follows:

- All of the issues raised in the request for further information have been addressed.
- The proposed four storey building will be visually obtrusive and incongruous with the overall scale of development in the immediate area. A reduction in height by one floor would address the issue of height and visual impact and issues relating to lighting impacts on the SAC as identified in the report from the Environmental Assessment Unit.
- A grant of permission is recommended subject to conditions.

3.2.2. Other Technical Reports

Environmental Assessment Unit: Report relates to Appropriate Assessment and following a request for further information states no objection subject to condition.

County Archaeologist: No objection

Housing Estates Unit: Report makes a number of comments and recommendations in relation to site layout, sightlines, boundary details, fire hydrants, lighting, EV charging and surface finishes.

Roads and Transportation: Following a request for further information, no objection subject to conditions.

3.2.3. Conditions

The Planning Authority attached 20 conditions in its decision to grant permission.

The majority of the conditions are standard conditions relating to apartment development. I consider the following conditions of note and these are addressed in the assessment of the appeal:

Condition 4: The proposed apartment building shall be generally in accordance with the plans and particulars received on 21/12/2023 and 07/11/2024 except for the following modification: The proposed second floor shall be omitted from the proposed development and the apartment building shall have a total of three floors.

(a) Revised drawings showing the necessary changes shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

(b) Details of materials, colours and textures of all external finishes to the apartment building shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

Condition 5: Revised plans, drawings and particulars, prepared by a suitably qualified individual with input from a lighting specialist, showing the following or suitable similar alternatives, shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of development.

(a) The frameless glass balustrades proposed for above the first-floor level on the northern elevation, shall be omitted and replaced with solid non transparent material(s), to prevent light spillage.

(b) Northern elevation windows proposed for above the first-floor level shall be fitted and maintained with internally reflective, low transmission glazing.

(c) Internal lighting proposed for above the first-floor level and within 3m of any northern elevation window, shall consist of either surface mounted or recessed type light fittings.

(d) Details of all external lights for the proposed balcony and roof garden spaces shall be submitted. The use of lighting within these areas shall be minimised and shall not result in any upward illumination, or outward illumination beyond the site boundaries.

(e) All external lighting shall be LED in type with a 'warm' white light source (2700kelvin or lower).

Reason: In the interest of clarity, environmental protection and the proper planning and sustainable development of the area.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, prepared by a suitably qualified individual, which shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development. This plan shall include the following:

(a) No soiled water run-off shall be permitted to leave the site during the construction stage of the development.

(b) Good site management practices shall be adopted to prevent discharge of silt / hydrocarbon contaminated waters to surface waters or the storm / municipal drainage network.

(c) Monitoring of all outlet points to surface waters / storm drains shall be undertaken daily during the construction phase.

(d) Construction hours shall be within the normal range of construction working hours (07:00 – 19:00 Mon-Fri and 08:00 – 16:00 Sat).

(e) No floodlight-type lighting shall be provided or used on-site, facing northwards in the direction of the River Flesk.

(f) Details of construction stage boundary treatment, site security fencing and hoardings.

(g) Good site management practices shall be adopted to provide adequate dust control measures.

Reason: In the interest of clarity, orderly development and the proper planning and sustainable development of the area.

Condition 10: Notwithstanding the provisions of the Planning and Development Regulations 2001, no part of the proposed apartments shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission.

Reason: In the interests of orderly development and residential amenity.

3.3. Prescribed Bodies

Inland Fisheries: Recommends no addition to the wastewater treatment system that could contribute to overload and potential for poor quality effluent discharges to Lough Leane (Killarney National Park SAC); recommends use of nature based solutions for surface water drainage; recommends a condition in relation to good site management practices during construction to prevent discharge of silt/hydrocarbon contaminated waters to surface waters or storm drainage.

TII: Insufficient data has been submitted to demonstrate that the proposal will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site; The proposal would be at variance with national policy in relation to control of frontage development on national roads. A Road Safety Audit (RSA) should be carried out; It is recommended that the design of the access is submitted for the prior approval of the Kerry National Roads Design Office.

Irish Water: No objection

3.4. Third Party Observations

- 3.5. One no. third party observation was received objecting to the proposed development. The issues raised are similar to those raised in the third party appeal.

4.0 Planning History

Appeal Site:

23/529: Permission granted on 03/08/2023 by Kerry County Council to retain dwelling house and garage within revised site boundaries.

Site to Rear:

23/528: Permission granted on 03/08/2023 by Kerry County Council to construct a dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. The plan has regard to national and regional policies in respect of infill development within existing built-up areas. Killarney is identified as a key town which is described as a 'Large population scale urban centre functioning as self-sustaining regional drivers, and strategically located urban centres with accessibility and significant influence in a regional and subregional context'. In terms of the Settlement Strategy, it is an objective of the plan as stated in settlement strategy objective KC DP 3-4 to 'Deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements'. Policy Objective KC DP 4-27 seeks to prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County. Section 4.3.8 deals with residential densities and building heights and states that is an objective of the Council in KC DP 4-40 to ensure that developments have regard to national policy and Ministerial Guidelines.
- 5.1.2. Volume 2 of the Development Plan outlines Town Development Plans and includes the Killarney Town Development Plan. The appeal site is located on land zoned R2 Existing Residential: Provide for residential development and protect and improve residential amenity described as 'for existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development'.
- 5.1.3. Volume 2 includes the following objectives in relation to development in Killarney:

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

KA 22 Ensure that there is no significant increase in artificial light intensity adjacent to Lesser Horseshoe Bat roosts named in the Conservation Objective Report for the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Oct 2017) or along commuting routes within 2.5km of those roosts.

- 5.1.4. Volume 6 sets out Development Management Standards for residential development.

5.2. Ministerial Guidelines

- 5.2.1. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that it is a policy and objective of the Guidelines that residential densities in the range 30 dph-50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns/Large Towns. SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 5.2.2. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines) set out national policy and standards for apartment development including Specific Planning Policy Requirements (SPPR) in relation to housing mix, minimum floor areas and aspect. Appendix 1 includes required minimum floor areas and standards, including in relation to private amenity space and communal amenity space. Section 4.12 states that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is located c.30m from the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365, and c.950m from the Killarney National Park SPA Site Code: 004038.

5.4. EIA Screening

- 5.4.1. See Appendix 1 - Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the established urban nature of the receiving environment, to the nature, extent, characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Assessment is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One no. third party appeal has been received from Mary Guerin. The appeal includes a copy of the submission to the planning authority and the grounds of appeal can be summarised as follows:

- The footprint, scale and height of the proposed development is significant and dwarf's neighbouring residences, including the third party's property immediately to the north of the appeal site.
- Proximity to site boundaries, increased floor area and increased height is of concern.
- The proposal extends closer to the road than Killarney View House and will appear out of place.
- A review of the finished floor level, eaves level and ridge level of surrounding houses shows the average ridge height is 107.76m and the proposed

development is 8.44m higher than the average existing ridge levels of surrounding properties. The third party's property at Killarney View House has a ridge level of 105.86 suggesting that the proposed development is 10.34m higher.

- The proposal will impact privacy at Killarney View Guest House and have a negative impact over the property and business and will result in a decrease in guest numbers.
- The proposal along with the permitted house in the back garden, is more than the site can sustain in terms of density/mass and intensification of use.
- The proposal is inconsistent with the character of the neighbourhood, lacks aesthetic harmony, would have visual impacts on Killarney View House and would create an unwelcoming aesthetic at the entrance to the town and the River Flesk diminishing its attractiveness to visitors.
- It is inappropriate for the developer to rely on trees on the third party's property to mitigate the visual impact of the proposal.
- The proposal will overlook and overshadow the guesthouse and eliminate views and natural light and compromise privacy.
- Current road infrastructure does not have capacity for the increase in traffic as a result of the proposal and concerns were raised by TII in relation to the proposal and the precedent it would set.
- The noise, disruption and altered landscape would affect the appeal of the guesthouse, impact its setting and unique selling point and deter potential guests resulting in negative impacts on the business.
- The current focus on tourism is on nurturing Special Areas of Conservation, not undermining them.

6.2. Applicant Response

A response received in relation to the appeal includes a contiguous elevation drawing and can be summarised as follows:

- The proposed building is setback approx. 12m from the main front building line of Killarney View House which will prevent any overlooking or overshadowing of the balcony areas to the front and side of the guesthouse.
- Condition No. 4 of Kerry County Council's notification to grant permission requires the omission of the second floor. To demonstrate this a revised contiguous elevation drawing and front elevation drawing has been prepared showing the omission of the second floor.
- The proposal is not out of character with existing development which includes the 5 storey Brehon Hotel and 3 to 5 storey Gleneagle Hotel. A 5 storey apartment has been granted to the west of the Gleneagle Hotel.
- It is anticipated that future development in the area will comprise redevelopment of low density housing to provide for medium to high density apartments such as that previously proposed on the site of Killarney View House.
- The proposal involves the construction of high quality apartments with generous floor space and amenity areas and a hidden roof garden.

6.3. Planning Authority Response

Response received states that the relevant issues were covered in the planners report.

6.4. Observations

None received.

6.5. Further Responses

A third party response to the first party appeal can be summarised as follows:

- The revised proposal proposes a four storey development with a total potential for 44 guests.
- The use of the roof garden will invade the privacy of Killarney View House for both guests and the occupants and impact the future of the business.

- The proposal will overlook and overshadow the guest house, impact views, and decrease guest house numbers.
- The revised proposal is out of character, remains overdevelopment and obtrusive and should be reduced to a two storey development omitting the open roof deck level.
- The perimeter glass balustrade is obtrusive and will breach property rights of the guesthouse.
- The planning application incorrectly states Killarney View House has 15 bedrooms, the actual number of bedrooms is 10.
- Access to the recently constructed dwelling to the rear is through the application site.

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, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Impacts on Visual & Residential Amenities
- Traffic Impacts
- Other Matters

7.2. As outlined in section 3.2.3 above, the planning authority attached condition no. 4 which states that the proposed second floor shall be omitted from the proposed development and the apartment building shall have a total of three floors. The reason for this condition is stated to be in the interest of architectural harmony and in order to integrate the structure into the surrounding area. I note that the first party has not appealed this condition and that a contiguous elevation drawing relating to the development as permitted by the planning authority was attached to the first party response to the appeal. I therefore consider it appropriate to assess the

proposed development with the omission of the second floor as permitted by the planning authority.

7.3. Principle of Development

- 7.3.1. The site is located within the Killarney Settlement Boundary and is located on lands zoned R2 – Existing Residential wherein ‘Residential Unit’ is permitted in principle. The site is located within walking distance of the town centre, being approximately 1.5 km from the centre of town. The appeal site is currently in residential use and is surrounded by residential development and tourist accommodation.
- 7.3.2. The proposal for 5 apartments (as permitted by the planning authority) provides for a density of 45 units per hectare and this is in accordance with Section 3.3.3 ‘Key Town and Large Towns (5,000+ population)’ of the Sustainable and Compact Settlements Guidelines which set out a density of 30 dph to 50 dph in suburban and urban extension parts of Key Towns such as Killarney. I am therefore satisfied that the nature of the development is acceptable in principle in terms of the Kerry County Development Plan 2022 – 2028, and that the overall density at 45 units per hectare is also acceptable. I note the concerns of the third party that an infill dwelling has recently been constructed to the rear, however I do not consider the proposal, when taken with existing development would result in an excessive density at this location.
- 7.3.3. In relation to the third party’s concerns that a proposal for apartments is inappropriate for the site, I note residential development in the area is characterised by large detached dwellings and I consider the proposal will provide for variety in dwelling tenure in this area.
- 7.3.4. Having regard to the above I am satisfied that the proposal is acceptable in principle.

7.4. Impacts on Visual and Residential Amenities

- 7.4.1. The appeal raises concerns in relation to visual amenity impacts as a result of the height, scale, massing and proximity to boundaries and resulting residential amenity impacts including overlooking, overbearing, loss of light and overshadowing.
- 7.4.2. The proposed development as permitted by the planning authority will be a three storey flat roof building with the third storey set back 6m from the second floor eaves and with a fourth floor extension to the rear containing a lift and stairwell with access to the roof garden. The second floor eaves height will be 7.2m in height, the set back

third floor will be 9.975m high and the fourth floor extension will be 13.150m high. The site, with a proposed finished floor level of 100.2m, is slightly elevated above the level of the neighbouring property Killarney View House which has a stated finished floor level of 98.8m. The proposed building will have an overall width of 12.5m and length of 30m. Proposed separation distances from the main side elevations to the site boundaries are approximately 3m to the north, 5m to the south and 5m to the east. The apartment building will be set back 22m from the roadside boundary and will be set back behind the front building line of existing buildings to the north and south. The closest dwellings are located approx. 5m to the north at the closest point (Killarney View House which comprises a stated 10 bedroom bed and breakfast and owners residence), 17m to the south which is in the applicant's ownership, and a recently constructed dwelling located approx. 13m to the east (rear). Proposed material finishes include dark grey or black brick and cladding, render, dark grey/black metal and frameless glass balustrades. A roof garden is proposed incorporating communal amenity space.

- 7.4.3. Surrounding development includes large detached dwellings to the south and east and on the opposite side of Muckcross Road, and tourist accommodation which includes the third party's bed and breakfast property immediately to the north, self catering holiday apartments to the rear (east) and the Brehon Hotel and Gleneagle Hotel further south.

Visual Amenity Impacts

- 7.4.4. The existing dwelling on the appeal site to be demolished has a ridge height of 7.850m and Killarney View house to the north has a ridge height of approximately 8.4m. I note the pattern of development in the vicinity of the appeal site and I consider the height and scale of the proposed development, which has a flat roof with a height of 7.2m at second floor, and a setback third floor height of 9.9m, along with an extension at roof level to the rear, does not result in a significant departure from that of neighbouring properties and I note the presence of buildings of increased height in the wider area. I note the difference in ground levels resulting in the proposed development being situated at a level above the appellants property to the north. However, I consider the omission of the second floor as permitted by the planning authority results in a development which is of an appropriate scale for the site. I note the main front elevation is set back from the building line of Killarney View

House and I note the separation distances proposed from the side elevation of Killarney View House which are between approximately 5m and 8.5m which I consider acceptable. The site is narrow in width and the building has a length of 30m which I consider is appropriate for the site having regard to the pattern of development on adjoining sites which are of a similar length. I consider the design and layout, including separation distances are acceptable and that the proposal will not result in unacceptable overbearing or visual impacts on neighbouring properties.

7.4.5. In relation to concerns regarding loss of views from Killarney View House, I note that Volume 4 of the development plan includes views and prospects. An area on the opposite side of the road to the appeal site is designated 'Visually Sensitive Area' on Landscape Designations Map N. There is no scenic or protected view in the vicinity of the appeal site with the closest View and Prospect included in the development plan is located approximately 1.5km to the south. While the proposal has the potential to alter views from Killarney View House, having regard to existing development on the appeal site and in the surrounding area, and to the scale of development proposed, I do not consider the proposed development would have a significant negative visual impact and I do not agree with the concerns of the third party that the proposal will alter the landscape at this location and negatively impact the guesthouse business.

7.4.6. In relation to the third party's concerns that a proposal for apartments is out of character with the established pattern of development, I note there is a mix of dwelling styles in the area and I am satisfied that the design and siting proposed is appropriate for the site. The third party also raises concerns that the development relies on landscaping outside the appeal site to reduce the visual impact of the development. I note that a Landscape Plan was submitted with the further information response and I am satisfied that this provides for appropriate landscaping proposals without relying on landscaping outside of the appeal site.

Residential Amenity Impacts

7.4.7. The third party appeal raises concerns in relation to overlooking from the proposed apartments and roof garden. The rear elevation is located approximately 14m from the recently constructed dwelling to the rear (east). No windows serving habitable rooms or balconies are located to the rear. The southern elevation is located

approx. 17.5m from the side elevation of the dwelling to the south which is in accordance with the SPPR 1 of Compact Settlements Guidelines which requires a minimum separation distance of 16m between windows serving habitable rooms above ground floor. The proposed north elevation is located approx. 2m from the northern boundary at its closest point and between 5.5 and 8.5m from the southern elevation of Killarney View House which contains windows facing the appeal site. Noting the use of this property for tourist accommodation, I do not consider the proximity of the proposed apartment windows on the northern elevation is likely to result in residential amenity impacts. However, I note the proposal includes glass balcony balustrades on the balconies and a wraparound balcony at third floor level and roof level serving the open space area in relation to which the third party raises concerns regarding overlooking. I consider it appropriate that if the Board decides to grant permission that a condition be attached requiring that all balconies shall be screened with obscure glazing in order to protect the residential amenity of future occupants and reduce potential overlooking on surrounding properties.

7.4.8. I share the concerns of the third party that the proposed roof garden has the potential to result in overlooking on adjoining properties having regard to its location on the roof above the third floor of the building and proximity to adjoining properties. I note that all proposed apartments are provided with wrap around balconies which have dual aspect and are substantially above the minimum private open space standards set out in the Apartment Guidelines. I also note the availability of public open space in close proximity to the appeal site, including a linear park on the opposite side of the River Flesk to the appeal site approximately 150m north of the appeal site and I refer the Board to Section 4.12 of the Apartment Guidelines which states that on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole. Having regard to the above and to the potential impacts of overlooking from the roof garden, if the Board decides to grant permission I consider the roof garden should be omitted in order to protect the residential amenity of surrounding properties.

7.4.9. The proposed apartment building is located south of Killarney View House. No Shadow or Daylight Impact Assessment was submitted with the planning application. Having regard to the increase in height and footprint above that existing on the appeal site, I consider the proposed development has the potential to result in some

additional overshadowing on Killarney View House beyond that which already exists. However, having regard to the scale of development and separation distances proposed I am satisfied that adjoining properties will continue to receive adequate sunlight and daylight in accordance with the standards set out in Site Layout Planning for Daylight and Sunlight (BRE 2022) and that any impacts on adjoining properties would be minor. I do not consider a technical assessment of daylight and sunlight is required in relation to the proposed development.

7.4.10. In relation to concerns raised that the proposal will have an occupancy of 44 people, I note the proposal for 4 no. 4 person 2 bed units and 1 no. 5 person 3 bed unit would have a potential occupancy of 21 people based on the floor plans submitted. I am satisfied that the internal standards, car and bicycle parking and open space provision are appropriate for the occupancy proposed and I do not consider the proposed intensification of residential use on the site will give rise to unacceptable impacts on neighbouring properties.

7.4.11. Having regard to the design and layout of the proposed development, and to the pattern of development in the vicinity of the appeal site, I am satisfied that the proposal is appropriate for the site and will not give rise to unacceptable visual or residential amenity impacts and I do not consider the proposal will result in the creation of an unacceptable precedent.

7.5. Traffic Impacts

7.5.1. Vehicular access is proposed from Muckross Road to serve the development. 12 no. car parking spaces will be located to the front of the apartments and a bike shelter to the rear providing for bicycle parking. I note the concerns raised by the third party in relation to the capacity of the road network to serve the development, inadequate sightlines and reference to the concerns raised in TII's submission to the planning authority.

7.5.2. There is an existing vehicular entrance to serve the dwelling to be demolished. The site is located within the settlement boundary of Killarney town in a 60km speed limit close to where the speed limit reduces to 50kmh. There is an existing footpath and cycle path located on the road fronting the site. A Sight Distance Plan submitted with the planning application indicates sightlines in excess of 90m are available in both directions. Following a request for further information, the Roads and Transportation

Section report of the local authority states no objections to the proposal, subject to conditions, including that the recommendations of the Stage 1/2 Road Safety Audit shall be implemented, and that a Stage 3 Road Safety Audit shall be carried out.

- 7.5.3. Having inspected the site and reviewed the documents submitted with the planning application I am satisfied that the proposed vehicular entrance is acceptable. I note the concerns raised by TII in their submission and the reference to these concerns in the third-party appeal. I note the site is located on the N71 route, however, having regard to the residential zoning objective of the site and the location of the site within an urban area, I do not consider the proposal is likely to result in an unacceptable precedent and I am satisfied that the proposal is acceptable with regard to traffic impacts. If the Board decides to grant permission I recommend the inclusion of a condition requiring that the recommendations of the Stage 1/2 Road Safety Audit shall be implemented, and that a Stage 3 Road Safety Audit shall be carried out.

7.6. Other matters

- 7.6.1. In relation to concerns regarding potential impacts on the third party's bed and breakfast business as a result of reduced guests arising from the proposed development, I note that no evidence has been submitted to support these concerns. Having regard to my assessment outlined above I consider the proposal is acceptable at this location and I do not consider the proposal is likely to have unacceptable residential or visual amenity impacts on neighbouring properties. I therefore see no reason to conclude that the proposal would have a negative impact on the appellants bed and breakfast business.
- 7.6.2. The planning authority attached condition no. 10 prohibiting overnight commercial guest accommodation without a prior grant of permission. I note that the first party has not appealed the inclusion of this condition. Having regard to the location of the proposed development I consider it appropriate in the event of a grant of permission that the Board include a condition to this effect.
- 7.6.3. In relation to concerns relating to noise and disturbance I am satisfied that these issues can be addressed by standard conditions relating to construction hours and submission of a construction management plan.

8.0 AA Screening

- 8.1. I have considered the proposed development of demolition of a dwelling and construction of an apartment building in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.2. A detailed description is presented in Section 2 of my report. In summary, the proposed development site is a brownfield site within a suburban environment, surrounded by housing and tourist accommodation in the immediate vicinity. The development as permitted comprises of demolition of an existing two story dwelling and construction of a three story building containing 5 apartments and associated site works on a stated area of 0.11ha. Surface water from the development will connect into the public storm water sewer via an oil separator and attenuation tanks located in the car park. Wastewater is proposed to be connected to the public foul sewer.
- 8.3. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Kerry County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kerry County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out. Conditions were attached to the grant of permission as outlined in Section 3.2.3 above.
- 8.4. The grounds of appeal refer to the need to nurture Special Areas of Conservation.

European Sites

- 8.5. The proposed development site is not located within any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). 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.
- 8.6. The closest sites are Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC [000365] located 30m north of the site and Killarney National Park SPA [004038] located 1km from the site to the north, west and south.

- 8.7. There are no watercourses or other ecological features of note on the site that would connect the site directly to European Sites in the wider area. The River Flesk is located approximately 30m north and separated from the appeal site by existing development including a detached two story structure comprising a bed and breakfast to the north and a recently constructed two story dwelling to the east. The site contains an existing two story detached dwelling and garden area. The River Flesk flows into Lough Leane which is located approximately 1.4km to the west.
- 8.8. A summary of these European Sites is presented below.

European Site	Qualifying Interests (summary)	Distance	Connections
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC [000365]	<p>Habitats:</p> <p>Oligotrophic Waters containing very few minerals, Oligotrophic to Mesotrophic Standing Waters, Floating River Vegetation, Wet Heath, Dry Heath, Alpine and Subalpine Heaths, Juniper Scrub, Calaminarian Grassland, Molinia Meadows, Blanket Bogs (Active), Rhynchosporion Vegetation, Old Oak Woodlands, Alluvial Forests, Yew Woodlands.</p> <p>Species:</p> <p>Kerry Slug (<i>Geomalacus maculosus</i>), Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) Marsh Fritillary (<i>Euphydryas aurinia</i>) Sea Lamprey (<i>Petromyzon marinus</i>), Brook Lamprey (<i>Lampetra planeri</i>), River Lamprey (<i>Lampetra fluviatilis</i>), Twait Shad (<i>Alosa fallax</i>), Atlantic Salmon (<i>Salmo salar</i>), Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>), Otter (<i>Lutra lutra</i>), Killarney Fern (<i>Trichomanes speciosum</i>), Slender Naiad (<i>Najas flexilis</i>)</p>	30m	No direct connection
Killarney National Park SPA [004038]	<p>Merlin (<i>Falco columbarius</i>);</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)</p>	1km	No direct connection

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those listed above.

- 8.9. Due to the enclosed nature of the development site and the presence of a buffer area (existing buildings and gardens) between the brownfield site and the River Flesk, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

Likely Effects of the Project

- 8.10. The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed apartment building and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.11. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to 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.
- 8.12. In their Appropriate Assessment Screening Report, Kerry County Council noted that the proposal is located upstream of the River Flesk, which supports qualifying interest species and habitats of which water quality is of importance and that the River Flesk is known to be used as a commuting and foraging corridor by Lesser Horseshoe Bats (LHB) which are a qualifying interest species in the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC. The screening report noted that a proposal of this nature has the potential to effect Lesser Horseshoe Bats by way of light pollution, and aquatic interests/water quality by way of construction stage soiled water run-off. It was considered that standard silt management measures should be applied. Having regard to the height of the proposed structure it was considered that works should be limited to normal construction hours of operation and measures for management of lighting was required which Kerry County Council considered would be standard in nature. Conditions were attached which included Condition 6 relating to a construction

management plan and restrictions on hours of construction (condition 6(d)) and that during construction no floodlight-type lighting shall be provided or used on-site, facing northwards in the direction of the River Flesk (condition 6(e)).

- 8.13. The NPWS Conservation Objectives Report in relation to Lesser Horseshoe Bats states that the Conservation Objective for the species is to maintain the favourable conservation condition. In relation to light pollution, the documents notes that Lesser Horseshoe Bats are very sensitive to light pollution and includes a target of no significant increase in artificial light intensity adjacent to named roosts or along commuting routes within 2.5km of those roosts. The roosts are identified on map 10 of the Conservation Objectives Report and the appeal site is located within the foraging range of two of the roost locations on Map 10.
- 8.14. I consider the inclusion of a construction management plan is a standard condition and does not amount to mitigation measures. I consider the inclusion of Condition 6(d) and 6(e) in relation to construction hours and flood lighting were included for the purpose of avoiding construction related impacts on the Lesser Horseshoe Bat, a Qualifying Interest in the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and that the measures amount to mitigation measures. I note that the decision of Kerry County Council included a condition that the second floor be omitted thereby reducing the overall height of the development for reasons relating to visual impact. I also note the presence of a buffer between the appeal site and the River Flesk in the form of existing dwellings to the north and east. Having regard to the reduced height of the permitted development I do not consider it necessary to include a specific condition relating to restrictions on construction hours and prohibiting the use of floodlighting during construction as I consider these conditions are no longer relevant. I also do not consider floodlighting, if used during construction, has the potential to impact the Lesser Horseshoe Bat having regard to the distance from the site, the height of the proposed development, and the presence of existing two storey dwellings between the appeal site and the river. I note that a standard condition should be applied restricting construction hours in the interests of residential amenity of the area and I am satisfied that such a condition is not required for the purpose of avoiding impacts on a qualifying interest in the SAC.
- 8.15. In relation to operational stage impacts. Kerry County Councils AA Screening Report noted that an amount of light is present on the River Flesk associated with street

lighting etc. and that Lesser Horseshoe Bat are sensitive to light pollution. The report also noted that the proposed development is separated from the River Flesk by the Killarney view guest house building on adjoining lands to the north. Notwithstanding this, the report notes that the proposed apartment building is elevated over the adjoining guest house and has potential to emit light and glare from upper floor windows, balcony spaces and roof garden areas. The report recommended the inclusion of conditions relating to balcony materials, windows, internal light fittings and lighting of the proposed balcony and roof garden areas to ensure that additional lighting of the River Flesk is avoided. I note that in their decision to grant permission Kerry County Council reduced the overall height of the building by including a condition requiring the omission of the second floor for reasons relating to architectural harmony and in order to integrate the structure into the surrounding area and that this reduction in height was not considered in the AA Screening Report.

- 8.16. I consider that the measures included in condition 5 attached by Kerry County Council would be mitigation measures included for the purposes of avoiding operational impacts of light pollution on the Lesser Horseshoe Bat, a qualifying interest in the SAC. Having regard to the reduced height of the permitted development, and noting the presence of existing lighting in the area including street lighting and lighting from existing properties between the appeal site and the river, having regard to the reduction in height of the permitted development, and to the location of the appeal site which is separated from the Flesk River by the existing building to the north (Killarney View House) and a recently constructed two storey dwelling to the east, and I note the presence of existing lighting at these properties and in the form of street lighting located on the bridge over the Flesk and on the roads in the vicinity of the bridge and the appeal site. I also note that in my assessment in section 7 above I have concluded that the proposed roof garden should be omitted to avoid overlooking on adjoining properties in the interests of residential amenity. Having regard to the above I consider that the inclusion of condition 5 as proposed by the planning authority is not necessary to avoid any significant effect on the conservation objectives of the SAC.

- 8.17. Surface water from the development will connect into the public storm water sewer via an oil separator and attenuation tanks located in the car park. Wastewater is to be disposed of to the public foul sewer.
- 8.18. I consider the construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.
- 8.19. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development.
- 8.20. No mitigation measures are required to come to these conclusions. I consider the provision of the oil/petrol interceptor and requirement for a construction management plan are standard measures to prevent ingress of vehicle pollutants and ensure good construction practices and are not mitigation measures for the purpose of avoiding or preventing impacts to the SAC or SPA.

In combination effects

- 8.21. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

Screening Determination

- 8.22. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Killarney namely, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC or Killarney National Park SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.23. This determination is based on:
- Taking into account the screening determination by the local authority.
 - 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 and the absence of meaningful pathway to any European site

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions.

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Kerry County Development Plan 2022-2028 including the R2 Residential land use zoning of the site and objectives of the Killarney Town Development Plan contained in Volume 2 of the Development Plan in relation to the delivery of new housing within the existing urban footprint of settlements, to the pattern of development in the area, to the infill nature and size of the site, and to the design of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design and access. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 07th day of November 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed second floor shall be omitted and the apartment building shall have a total of three floors.
 - (b) The roof garden shall be omitted and access to the roof shall be restricted for maintenance purposes only.
 - (c) Obscure screening shall be included on all balconies.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interests of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), no part of the proposed apartment shall be used for the provision of overnight commercial guest accommodation without a prior grant of planning permission.

Reason: In the interests of orderly development and residential amenity.

8. Proposals for a naming/numbering scheme for the development shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of urban legibility.

9. A plan containing details for the management of waste 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 agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

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

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

11. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted

to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

14. (a) All findings of the stage 1/2 Road Safety Audit shall be closed out, signed off and incorporated into the development
- (b) A Road Safety Audit (Stages 3/4) shall be submitted to, and agreed in writing with, the planning authority prior to the completion of development, in order to demonstrate that appropriate consideration has been given to all relevant aspects of the development in accordance with the Design Manual for Urban Roads and Streets (DMU RS).

(c) The measures recommended by the audit shall be undertaken, unless the planning authority approves any departure in writing. Detailed drawing(s) showing all accepted proposals and a feedback report shall also be submitted.

Reason: in the interests of public safety and residential amenity.

15. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs

(iv) Details of screen planting

(v) Details of roadside/street planting

(vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

16. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on 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.

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.

18. 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.

Reason: To ensure the satisfactory completion and maintenance of this development.

19. 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 of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

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

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

Bernadette Quinn
Planning Inspector

07th April 2025

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321613-25		
Case Reference			
Proposed Development Summary	Demolition of house and construction of 7 apartments with associated site works.		
Development Address	Poulnamuck, Muckcross Road, Killarney 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	X
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	Class 10 (b) (i) and Class 10 (b) (iv).	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b) (i) and Class 10 (b) (iv).	Preliminary examination required (Form 2)

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

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321613-25
Proposed Development Summary	Demolition of house and construction of 7 apartments with associated site works.
Development Address	Poulnamuck, Muckcross Road, Killarney 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>	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The site comprises an urban infill site within an existing suburban area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European</p>	<p>The site is not located within, or immediately adjoining, any protected areas. The development would be located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other</p>

<p>sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The closest European Sites are Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) located 30m south of the site and Killarney National Park SPA (SiteCode 004038) located 950m south of the site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<p>Conclusion</p>	

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: _____

Date: _____

(only where Schedule 7A information or EIAR required)