



An
Coimisiún
Pleanála

Inspector's Report ABP-322601-25

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| Development | Construction of 12 residential units and all associated services and site development works. |
| Location | Dun Alainn, Clieveragh, Listowel, Co. Kerry. |
| Planning Authority | Kerry County Council |
| Planning Authority Reg. Ref. | 2460829 |
| Applicant(s) | Homeland DAL |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Homeland DAL |
| Observer(s) | None |
| Date of Site Inspection | 25 July 2025 |
| Inspector | Natalie de Róiste |

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The site, measuring c. 0.42 hectares (c 4200 sqm) is located 1.7 kilometres north of Main Street, Listowel, in Co. Kerry. It is contiguous to an existing housing estate, Dún Álainn, which has 61 houses in total, arranged in two cul-de-sacs (Cashen Close to the east and Cashen Court to the west) which run north-south between the spine road to the north and an amenity green area to the south. The site borders the rear gardens of numbers 21-40 Cashen Court to the east, and borders undeveloped fields to the west. To the north it borders the spine road, and to the south it borders a fenced off pumping station associated with the existing housing development. It is a long narrow site, running north-south, overgrown and low lying. It is part of a larger landholding within the blue line boundary, including both the communal areas and access roads of the existing housing estate, and a substantial area of undeveloped agricultural land to the west.
- 1.2. It is located c. 1 km north of Listowel Business Park/Clieveragh Industrial Estate; c. 1.4 km from the edge of the town centre; and c. 2 km from the bus stops on Bridge Street with routes from Limerick to Tralee and Ballybunion to Tralee.

2.0 Proposed Development

- 2.1. It is proposed to construct 12 2-storey 3-bedroom 5-person semi-detached houses, each of 106 sqm, each with 1 car parking space to the side of the house, and with rear gardens each measuring c. 7 metres in length, and measuring between 85 sqm and 190 sqm in area.
- 2.2. It is proposed to raise site levels at the north end of the site by c. 2 metres.
- 2.3. A 5.5-metre wide road is proposed, with a 2.0 metre wide footpath, connected to the Dún Álainn estate. No public open space or communal open space is proposed, apart from incidental margins to the roadside. No visitor car parking is proposed.
- 2.4. Construction access is proposed directly off the access road to the north. A 2 metre high masonry block wall is proposed to this boundary, with no access following construction.

- 2.5. Foul drainage is proposed to connect into the existing sewerage in Cashen Court, and from there into the existing main sewer on the Ballylongford Road.
- 2.6. Surface drainage is proposed to discharge to an existing infiltration area and discharge to ground, with an overflow to the existing stream to the south.
- 2.7. Further information was requested and submitted on 18 items. Revised drawings were submitted with minor alterations to the road layout (one relocated turning area, and one new turning area).

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for two reasons:

1. The Planning Authority is not satisfied based on the detail submitted in relation to surface/ storm water drainage, that surface water can be adequately managed within the curtilage of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development with a lack of provision of adequate public open space and inadequate provision of off-street car parking, would result in substandard residential development which would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports, the first dated 6 December 2024 requesting Further Information, the second dated 23 April 2025, recommending a refusal of permission.

- The first planning report noted the location (1 km from Listowel) and context (a brownfield site on zoned lands) of the site, the third party submissions, the reports from technical departments, the lack of green area and visitor parking,

and recommended a further information request on a large number of technical matters relating to roads, drainage, and boundaries, as well as on provision of open space.

- The second planning report noted the submission of Further Information, and considered the lack of additional open space, the lack of universally accessible parking and visitor parking, and the lack of detail on drainage and on-site attenuation unacceptable, and recommended a refusal as above. They also considered the use of hedgerow as a boundary to the west to be unacceptable, and noted the drawings submitted (as an appendix to the Further Information written document) did not address the issues clearly and legibly, and there was a lack of detail overall.

3.2.2. Other Technical Reports

- Memo from Environment Department, requesting Further Information, dated 16 December 2024. Clarification required on importation of 2500 tonnes of soil and stone to increase ground levels, and on on-site masonry waste crushing. Standalone Resource and Waste Management Plan required, covering excavation material, waste soil and stone and/or greenfield soil and stone importation.
- Comments from Housing Estate Unit, requesting Further Information, dated . Road Safety Audit requested. Amendments to boundaries required. EV charging and Accessible parking required.
- Memorandum from County Archaeologist, dated 1 November 2024, condition recommended in the event of a grant.
- Comments from Housing Estate Unit, post-FI, dated 14 April 2025 – reiterates requirement for revised boundary treatments, including around the on-site foul pumping station. No access should be permitted between the new development and the spine road. The 'existing stone filtration area' is not fit for purpose, has not been constructed to any approved design, and needs to be redesigned and reconstructed. Flooding is an issue in the estate. Issues (boundaries, sewers, footpath) remain unresolved in the main East-West spine road which provides access to this development, which is owned by the applicant. Communal open space and visitor parking required; refusal should be considered due to lack of storm layout drawing requested under FI item 17.

- Comments from Flooding coastal & Marine Unit, dated 23 April 2025. Insufficient details provided as Further Information regarding stormwater, stone filtration area, and discharge of stormwater to ground as proposed. Refusal recommended.
- Roads Report from Listowel Roads Office, dated 25 April 2025, recommending that all works identified in the Stage 1 Road Safety Audit submitted as Further Information should be carried out.

3.3. Prescribed Bodies

Referred to Uisce Éireann – no report

Referred to DAU– no report

3.4. Third Party Observations

Four received, one from a resident of Dún Álainn, one from the Clieveragh Bedford Residents Estates Association, and two from neighbouring landowners. Issues raised are summarised as follows:

- Traffic congestion and queuing at junction, overspill parking, parking at junction causing traffic hazard. Continuous footpath, pedestrian crossing, and traffic calming required on the public road into Listowel.
- Existing sewerage issues and flooding will be exacerbated – stream has no capacity to take existing surface water. Streams and drains designed to take runoff from agricultural land are not sufficient to take surface run off from large scale developments, and neighbouring lands and premises to the southwest were flooded in 2023.
- Street lighting issues – poor lighting in estate and on main road

4.0 Planning History

The following applications are of relevance.

Development Address: Clieveragh Listowel Co. Kerry. (Irregularly shaped site measuring c. 10 hectares, largely to west of what is now Cashen Close, including road frontage to Clieveragh Road, north of the spine road)

- Reference Number: 06404032

Applicant Name: Charles Humphreys

Decision: Grant with 58 conditions by Listowel Town Council

Description: Construct 214 residential units (47 no. detached, 140 no. semi detached, 15 no. terraced, 12 no. duplex + apartment dwellings) and Permission to construct 1 no. community building, including 5 no. shops (302 sqm) 1 no. creche (361 sqm) and 7 no. offices (484 sqm) and roads, roundabout and services including effluent pump station and underground stormwater attenuation storage, also Permission for 2 no. ESB Sub Stations.

- Reference Number 07404004

Applicant Name: McInerney Homes Ltd.

Decision: Grant with conditions

Description: Revisions to development previously permitted under reg 06/4032. The revisions proposed comprise change of house type (plans and elevations) of 156 no. permitted dwellings, plus permission for 2 additional dwellings, and associated boundary and landscape revisions.

This permission was extended first to July 2017 (reg ref 07444004) and then to December 2021 (reg ref 07494004).

- Reference Number: 07404050

Applicant Name: Charles Humphreys

Decision: Split Decision.

Permission for the alterations to the proposed road layout granted, permission refused for the construction of a new entrance at Clieveragh, Listowel, Co. Kerry. This application was for amendments to the commercial element of the development, facing onto the Clieveragh Road.

Development Address: Dun Álainn Clieveragh, Listowel, Co. Kerry (3.44 hectares' site comprising existing site, and part of one field to the rear)

- Reference Number: 211222

Applicant Name: Homeland DAL Ltd

Decision: Refused, due to the site being largely zoned agricultural.

Description: Construct 36 no. residential dwelling units, involving a change of layout and design to development permitted under planning reg. nos 06404032 and 07404004 and extended by reg. ref. nos. 07444004 and 07494004. the revision will comprise new house types and changes to site layout, levels, roadways, public open space, and car parking.

Applications on site to the east, now known as Cashen Close

- Reference Number: 04404009

Applicant Name: Tom Sayers

Decision: Grant with conditions

Description: Construction of 18 dormer bungalows, facilitated by demolition of one existing dwelling house.

- Reference Number: 07404018

Applicant Name: McInerney Homes Ltd

Decision: Grant with conditions.

Description: change of house type of 8 dormer bungalows, plus 4 additional dwellings, (increase from 18 dwellings to 22 dwellings) revisions to vehicular access, link road, open space and associated boundary and landscape revisions.

- ABP-309959-21 Reference Number: 20762

Applicant Name: Homeland DAL Ltd

Decision: Grant with conditions

Description: Construct 8 no. two bed semi-detached single storey dwellings, the completion of the associated estate road and services and all associated site works. The proposed dwellings replace 8 no detached dwellings units 11-18 as previously permitted under register references 07404018 and 04404009.

5.0 Policy Context

5.1. National Planning Context

Project Ireland 2040 - National Planning Framework (2018, updated 2025)

- 5.1.1. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth, and these are reflected in the subsequently adopted Development Plans.

- 5.1.2. The following Section 28 Ministerial Guidelines are of relevance to the application:

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 5.1.3. These guidelines set out SPPRs on separation distances; private and semi-private open space; and car and cycle parking. The standards are aimed at consolidating existing settlements and avoiding sprawl, and creating compact settlements. They replace the *Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas* (2009) which are referred to in the Development Plan, which was adopted in 2022.

SPPR 3 sets out maximum (rather than minimum) standards for car parking, while SPPR 4 sets out minimum standards for cycle parking. For intermediate and peripheral locations such as this one, the maximum rate of car parking provision, shall be 2 spaces per dwelling. All new housing shall include safe and secure cycle storage – for units with ground level open space such as this one, no special provisions are mandated, and the presumption is that storage is provided in the garden.

Section 5.3.3 Public Open Space notes that open space provides for passive and active recreation, nature conservation, pedestrian and cycle connection, and visual amenity. All residential developments are required to provide a reasonable quantum of public open space, with a focus on quality. The spaces should form an integral part of the design and layout of a development, and provide a connected hierarchy of

spaces, with suitable landscape features, including seating and provision for children's play.

Policy and Objective 5.1 Public Open Space sets out that development plans shall not require less than 10% or more 15% of net site area as public open space in new residential developments, save in exceptional circumstances. However, Planning Authorities may set aside the requirement for on-site public open space, should a site be constrained, and may seek financial contributions under Section 48 for provision or upgrade of a public open space or park in the vicinity for the benefit of the residents.

Section 5.3.4 Car Parking – Quantum, Form and Location notes that the approach to car parking should take account of proximity to urban centres and sustainable transport, to promote more sustainable travel choices. In areas where car parking is reduced, planning authorities '*should be satisfied that the mobility needs of residents and workers can be satisfied (e.g. through shared mobility solutions such as car and bike share). On-site or proximate spaces should also be prioritised for use by mobility impaired persons and leased on a demonstrated needs basis rather than being sold with units.*' It notes that on-street car parking, as preferred by DMURS, supports a greater turnover of spaces.

DMURS (2019)

5.1.4. This sets out statutory guidance and standards in relation to the design of individual streets and urban roads to promote safer and more vibrant streets.

5.1.5. Section 3.3 Permeability and Legibility

3.3.1 Street Layouts The movement towards more integrated and sustainable forms of development will result in a shift away from dendritic street layouts to highly connected networks which maximise permeability, particularly for pedestrians and cyclists. When designing new street networks designers should implement solutions that support the development of sustainable communities. In general, such networks should:

- be based on layouts where all streets lead to other streets, limiting the use of cul-de-sacs that provide no through access.*
- maximise the number of walkable/ cycleable routes between destinations.*

- 5.1.6. Section 4.4.9 sets out the benefits of on-street car parking (including traffic calming, providing a buffer between pedestrians and the road, reducing the temptation to park on the pavement). On-street parking spaces which aren't allocated to individual dwellings allow for a more efficient turnover of spaces, with fewer spaces required overall. Off-street parking is required as a supplementary provision in denser developments. It notes the need for balance in the quantum of parking provided, with too much parking being visually dominant and conflicting with sustainability objectives, and an under provision encouraging poor parking practices such as kerb mounting, parking on footpaths and on open spaces.

5.2. Regional Spatial and Economic Strategy for the Southern Region 2019 – 2031

- 5.2.1. The Strategy notes the role of Listowel in the North Kerry/West Limerick/Shannon Estuary/Clare network of towns, along with Abbeyfeale, Newcastle West, and Kilrush, and notes the strategic opportunity for further collaboration and enhanced economic growth.

5.3. Kerry County Development Plan 2022-28

- 5.3.1. Chapter 3 deals with the Core & Settlement Strategy. Listowel is one of 8 Regional towns, which is the second highest level in the hierarchy, just below the Key Towns of Tralee and Killarney, and above District Towns, Villages, and Small Village Settlements.
- 5.3.2. The housing target for Listowel is 415 units over the course of the plan, as set out in *Table 3.7: Population & Housing Growth 2022-2028*.
- 5.3.3. Chapter 4 concerns Towns and Villages
- 5.3.4. Section 4.2.4 Placemaking

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

KCDP 4-15 Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets'

(2019) and promote a more pedestrian friendly environment through the provision of traffic calming measures and improved pedestrian infrastructure.

KCDP 4-17 Facilitate the development of sustainable compact settlements with the “10-minute” town concepts, whereby, a range of community facilities and services are accessible in short walking and cycle timeframes from homes, with walkways and link routes to Greenways or are accessible by high quality public transport services connecting people to larger scaled settlements delivering these service.

KCDP 4-18 To prioritise walking routes and to deliver a high level of priority and permeability for walking, cycling and public transport modes, in accordance with the principles of movement, place and permeability as laid out in the Design Manual for Urban Roads and Streets 2019, to ensure the creation of accessible, permeable links to places of work, retail, services, educational and community facilities.

KCDP 4-27 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.

5.3.5. Chapter 13 deals with Water and Waste Management.

5.3.6. Section 13.2.4 Stormwater Management notes that Sustainable Drainage Systems (SuDS) allow water to be either infiltrated to ground or conveyed more slowly to water courses using porous surface treatments, ponds, swales, filter drains, or other installations, rather than hard engineering options (concrete gullies, pipes, drains etc). The benefits are not just flood risk management, but also improved water quality, biodiversity, and climate adaptation and mitigation. SuDS should be considered in the early design stages, including at zoning and masterplanning stages.

The Council will require the application of SuDS in new developments and proposals to extend existing developments. At a minimum surface water runoff will be restricted to greenfield runoff rates.

KCDP 13-21 Improve sustainable drainage and reduce the risk of flooding in the urban environment in accordance with the CIRIA SuDS Manual 2015.

KCDP 13-22 It is an objective of the Council to identify opportunities for nature-based SuDs in tandem with the preparation of masterplans for urban areas and plan level Strategic Flood Risk Assessments.

KCDP 13-23 Promote greater rainwater harvesting by households and businesses for the diversion of storm water from combined sewers.

KCDP 13-24 Support the incorporation of Sustainable Urban Drainage Systems (SUDs) in all public and private development in urban areas.

KCDP 13-25 Work alongside Irish Water to ensure the separation of foul and surface water drainage networks where feasible and undertake drainage network upgrades to help remove surface water misconnection and infiltration.

KCDP 13-26 Promote and support the retrofitting of Sustainable Urban Drainage Systems (SuDS) in established urban areas. Where possible incorporate nature-based solutions.

- 5.3.7. Volume 2 of the Development Plan contains the Town Development Plans for Tralee, Killarney and Listowel. The site is within the Listowel town development boundary, and zoned R2, 'to protect and improve existing residential areas'. The areas immediately to the north, and west are zoned P1, agriculture.

- 5.3.8. Section 3 of this volume includes a large number of objectives specific to Listowel.

LIS 11 Facilitate the development of 415 residential units within the town boundary.

LIS 12 Facilitate the provision of a range of housing solutions, to cater for the diverse housing demand within the town, catering for individuals and families at appropriate scales and attractive alternatives to urban generated housing in rural areas.

LIS 32 Ensure that future development in the town takes place on infill, brownfield and greenfield sites contiguous with the built-up area and consolidates the compact urban form of the town making it an attractive and sustainable settlement.

LIS 35 Implement the Town Centre First Approach as a mechanism to regenerate and sustain the urban core area.

LIS 96 Facilitate the enhancement of Listowel as a 10-minute town.

- 5.3.9. Volume 6 of the Development Plan deals with Development Management Standards in Section 1.

- 5.3.10. Section 1.5 Residential Development contains several sections of interest, including 1.5.1 Urban Design, 1.5.2 Density, 1.5.3 Dwelling Design, Size & Mix, 1.5.4 General Residential Development Design Standards, (including 1.5.4.1 Pedestrian and Vehicular Movement, 1.5.4.2 Estate Design, 1.5.4.4 Public Open Space, 1.5.4.5 Landscape Plans, 1.5.4.6 Private Open Space, 1.5.4.7 Privacy, 1.5.4.10 Minimum Separation Distance).
- 5.3.11. *Section 1.5.4.1. Pedestrian & Vehicular Movement* notes as part of a longer section that *'all new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of the 'Urban Design Manual – A Best Practice Guide' (2009), 'Sustainable Urban Housing: Design Standards for Apartments' (2018) the 'Design Manual for Urban Roads and Streets' (DMURS, 2019) and the Permeability Best Practice Guide (2015).'*
- 5.3.12. *Section 1.5.4.4 Public Open Space* sets out that public open space should be provided at a minimum rate of 15% of total site area.
- 5.3.13. *'The open space should be designed to complement the residential layout and be informally supervised by residents. The spaces should generally be centrally located within groupings, and be visually and functionally accessible, of a suitable gradient, useable and overlooked by a maximum number of dwellings. Incidental pieces of unusable land shall not be considered to fulfil or partially fulfil the 15% requirement; for example, narrow tracts of open space, which are difficult to manage, will not be acceptable.'*
- 5.3.14. In brownfield sites or infill sites, a minimum of 10% may be provided, and developments of 5 units or less may be exempt, considered on a case-by-case basis.
- 5.3.15. *Section 1.20.2 Parking* notes as part of a longer text that while the plan *'promotes a modal shift away from the private car to more sustainable modes of transport, the car will continue to be an important mode of transport, and therefore there will normally be a requirement to provide car parking as part of a development'*.

It notes parking may be provided on- or off-street, with a preference for on-street car parking and shared parking clusters to facilitate increased housing densities, and

notes that *“in relation to infill sites and sites adjacent to public transport corridors or civic parking facility, a flexible application of standards will be considered”*.

Section 1.20.7 *Car Parking Standards and Table 4: Parking Requirements* set out that for dwelling houses in sites such as this one, outside of town centres (zoned M2) and retail core areas in Tralee, Killarney and Listowel, a maximum of two car parking spaces should be provided.

Section 1.20.9 *Bicycle Parking Standards* sets out that 1 private secure cycle parking space should be provided per bed space.

5.4. Natural Heritage Designations

Lower River Shannon SAC – 1 km south

5.5. EIA Screening

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.6. Water Framework Directive Screening

- 5.6.1. The subject site is located on the outskirts of the built up area of Listowel, c. 550 metres south of the Tyshe River, within the Derra_West_10 sub basin (IE_SH_23D090580). The site is located on top of the ground water body Ballybunnion (IE_SH_G_027).
- 5.6.2. The proposed development comprises the provision of 12 houses.
- 5.6.3. No water deterioration concerns were raised in the planning appeal.
- 5.6.4. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status

(meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

5.6.5. The reason for this conclusion is as follows:

- the relatively small scale and nature of the development
- the connection to mains drainage
- the location of the site on the edge of the built-up area

5.6.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from the first party against the refusal.

This appeal contained a number of revised drawings, showing more details on drainage, materials, and roads. Issues raised are summarised as follows:

- The development is justified on the basis of the urgent requirement for housing on zoned and serviced sites in Kerry.
- This proposal completes development on the remaining zoned land under the control of the applicant.
- The proposal complies with road safety standards and the Compact Settlement Guidelines, with each house having well in excess of 40 sqm private open space, and all dwellings in excess of 16 metres from the houses they back onto.

- The public open space for the development is that in the adjoining Dún Álainn estate, which comprises 18.5% of the site, is under the control of the developer. This complies with the Compact Settlement Guidelines.
- Further details are provided on surface water/storm drainage. A catchment and surface type study has been carried out. Permeable paving is proposed for the car parking areas and filter drains are proposed to the rear gardens. Between these SuDS measures and the oversized drains proposed (750 mm), a total storage volume of 92.64 sqm is provided, while the storage volume required is approximately 56 sqm.
- Regarding car parking, the provision of 1 space per unit is appropriate given the site's walkable location, availability of public transport, and alignment with policy objectives such as DMURS and the Council's policies TR-4 and TR-5.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

6.4. Further Responses

None received.

7.0 Assessment

7.1.1. 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 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
- Drainage

- Public Open Space
- Car Parking
- Site levels (new issue)

7.2. Principle of development

7.2.1. The site is a greenfield one, previously undeveloped. It is contiguous with the built up area, within the town boundary, and was previously the subject of a planning permission (partly implemented, now lapsed). It is zoned R2. Residential development can be considered, in light of Objective LIS 11 and Objective LIS 32 of the Listowel Town Development Plan.

7.3. Drainage

7.4. Regarding drainage, it is proposed to discharge surface water from the development through new drains into an existing drain which leads to an existing 'stone filtration area' which already serves the existing estate, with this discharging via an existing pipe to an existing land drain/stream to the south-west. This is shown on the Proposed Storm Outfall Layout drawing submitted with the appeal. Rainwater from the existing estate also discharges to a land drain at the north end of the site, and a short stretch of new pipe is proposed here, to accommodate the new development.

7.5. The applicant did not submit details on this stone filtration area as part of a Further Information request, and has not submitted any details of it with the appeal. The planning authority noted it was outside the red line boundary, and no conditions could be attached pertaining to it. However, as the existing drainage infrastructure is within the blue line boundary, a condition could be attached regarding its operation and maintenance, as per Section 34(4)(a)(i) of the Planning and Development Act 2000 (as amended). I further note that were it not designed in line with granted planning permissions, enforcement proceedings are a matter for the council.

7.6. Nonetheless, I have concerns about the drainage proposals. The design of the drainage does not comply with the principle of SuDS, which is intended to provide not just flood prevention and water attenuation, but also increased water quality, amenity, and biodiversity. There is an over-reliance on oversized pipes and water

storage, and no provision of amenity measures or biodiversity improvements such as rain gardens, raised rainwater planters, or rainwater harvesting. The stated SuDS elements – the filter drain proposed for the rear gardens as part of the appeal, and the permeable paving to the car parking spaces – provide water attenuation only.

7.7. Public Open Space

- 7.8. Regarding open space, I have noted the relevant provisions of the Development Plan and of the Compact Settlement Guidelines above. Both policy documents give guidance on qualitative as well as quantitative measures. I note the quantum of open space provided as part of the existing development measures some 18% of the amalgamated site (the new row of houses, Cashen Court with the long central green, and Cashen Close to the east). However, the proposal to use the existing open space as provision for the new houses does not comply with the qualitative provisions of the Development Plan or the Ministerial Guidelines.
- 7.9. Both these standards note that open spaces should be designed in conjunction with residential units, and should be visually and functionally connected to housing. The existing open spaces are at some remove from the proposed development, and not within sight of them. The proposed development would not have any visual connection to the green areas. As well as the lack of visual amenity, the new development has no area for communal children's play in sight of the houses. Given the lack of front gardens, appropriately designed and located open space in line with the qualitative requirements of the Compact Settlement Guidelines is of increased importance.
- 7.9.1. A large proportion of the existing open spaces included in the 18% are largely incidental green spaces which lack functionality, with minimal landscaping, no designated sitting out areas with benches, and minimal opportunities for play (a small play area is indicated in Cashen Close). Condition 20 of Schedule 2 of the parent permission (reg ref 06/4032) mandated additional street furniture, seating, bins, and tables to be provided in the central green area (which formed part of the development which was not completed). Although the existing green areas are under the control of the applicant, no proposal has been put forward to provide seating areas in compliance with the Compact Settlement Guidelines.

7.10. Car Parking

- 7.11. One car parking space is provided per house, within the curtilage of the house. The revised drawings submitted with the appeal show one additional car parking space (3.5 metres wide) located off the turning head in a somewhat unorthodox manner. There is no other visitor parking. The planning authority considered the lack of sufficient off-street car parking grounds for refusal.
- 7.12. I do not consider the lack of off-street parking (as opposed to on-street parking) to be of concern. As noted above, on-street parking is the preferred model in national policy, and capable of providing greater parking capacity due to its flexibility and higher turnover, so long as spaces are unallocated and used on a first-come-first served basis.
- 7.13. However, I do consider the provision of car parking to be inadequate in the context of the proposed development. The site is a peripheral one, and the mix of uses granted in the parent permission was never completed. As a result, the site is located c. 1.4 km (19 minutes' walk) from the nearest convenience shop, or the nearest creche. It is c. 1.8 km (25 minutes' walk) from the nearest school, and circa 2 km (26 minutes' walk) from the bus stops in the town. I do not concur with the appellant's characterisation of the site as a walkable location with availability of public transport. Third party submissions have noted their dissatisfaction with the pedestrian environment on the road to town, which lacks footpaths. The development would be a car dependent one.
- 7.14. There is no provision in the proposal for car sharing, bike sharing, or cargo bike storage.
- 7.15. The provision of one space per house, in an inflexible in-curtilage model, with no visitor parking, and in the absence of any mobility management measures to encourage more sustainable modes of transport, would be likely to lead to overspill parking to the detriment of residential amenity and road safety. The appellant states that additional visitor parking and bicycle storage can be accommodated within the site layout, but has not amended the design to do so. The link road is wide enough to accommodate some car parking without inconveniencing other road users, but it would not be conveniently accessible to the development, as discussed below.

7.16. **Site levels (new issue)**

7.17. It is proposed to raise the levels of the site towards the north end, by the importation of 2,500 tonnes of soil and stone. This would lead to a level difference of c. 2.4 metres between the new road and the existing spine road to the north. It would preclude any possibility of a pedestrian or vehicular connection with the spine road, in contravention of standards and recommendations set out in DMURS. It would limit permeability and accessibility, requiring a 300-metre walk between houses that are back to back. This contravenes objectives *KCDP 4-15*, *KCDP 4-17*, and *KCDP 4-18* of the Development Plan.

7.18. The increase in level differences here would also lead to steeply sloping rear gardens to the houses at the north end, as shown in Section C-C of *drawing no. 24057-OSLB-10-00-DR-A-0017 Site Section*. This section shows house number 4: the rear gardens of houses 1-3 would likely be more affected, with the site being raised higher at this end. The gardens are of adequate area, but the steep slope due to the short length of the gardens due to the narrowness of the site, and the level differences between the existing houses and the proposed houses, would seriously limit their useability, accessibility and amenity. The increase in level differences would also lead to increased overlooking and overbearing impacts from the new houses over the existing houses; however, no long section has been provided showing the interface between the existing and proposed houses at the north end. Nor has a contiguous elevation showing the new street been provided.

7.19. The issue of site levels was not raised in the planner's report. The Commission may wish to seek the views of the parties. However, having regard to the substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.20. **Other Issues**

7.20.1. The policies TR 4 and TR 5 referred to in the appeal are specific to Tralee, and not of relevance to the matter in hand.

8.0 AA Screening

- 8.1.1. The Planning Authority's report screened out appropriate assessment. The site is located on the outskirts of Listowel, approximately 1.1 kilometres north of the Lower River Shannon SAC 002165. It is considered that the hydrological connection to this SAC is indirect, weak and sufficiently remote. Foul runoff will ultimately be drained through the public sewerage system. Residual surface runoff is drained through an existing drain, which drains to a stream, with drains to the River Galey, through a circuitous and meandering route.
- 8.1.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of pathways between the application site and any European site it is possible to screen out the requirement for the submission of an NIS at an initial stage.

9.0 Recommendation

I recommend a refusal on the following grounds.

10.0 Reasons and Considerations

1. The proposed development, is not in compliance with Section 13.2.4 of Volume 1 of the County Development Plan, which requires the application of SuDS in new developments and proposals to extend existing developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its inadequate provision of quality public open space would conflict with the provisions of the current Development Plan for the area and the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*.
3. It is considered that the parking provision for the proposed development, with one in-curtilage car parking space for each three-bedroom house, and no visitor car parking, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed residential

development in a peripheral location, leading to conditions which would be prejudicial to public safety by reason of traffic hazard in the vicinity, and which would have negative impacts on residential amenity.

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.

Natalie de Róiste
Planning Inspector

29 August 2025

Form 1 - EIA Pre-Screening

| | |
|---|--|
| Case Reference | ABP-322601-25 |
| Proposed Development Summary | Construction of 12 houses |
| Development Address | Dun Alainn, Clieveragh, Listowel, Co. Kerry |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road | |

| | |
|--|---|
| <p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | <p>State the Class and state the relevant threshold</p> |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold</p> <p>Class 10(b)(iv) [Urban Development – 10 hectares – sub threshold]</p> |

| 4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)? | |
|--|--|
| Yes <input type="checkbox"/> | <p>Screening Determination required (Complete Form 3)</p> <p><i>[Delete if not relevant]</i></p> |
| No <input checked="" type="checkbox"/> | <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> <p><i>[Delete if not relevant]</i></p> |

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

| | |
|---|---|
| Case Reference | ABP-322601-25 |
| Proposed Development Summary | Construction of 12 houses |
| Development Address | Dun Alainn, Clieveragh, Listowel, Co. Kerry |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (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). | The proposed development is 12 houses in a suburban area, connected to public services. The development would not result in the production of significant waste, emissions, or pollutants. |
| Location of development (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 sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | The development adjoins the built up 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 sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments. |
| 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). | The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments. |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |

| | |
|--|---|
| There is no real likelihood of significant effects on the environment. | <p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p> |
|--|---|

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)