



An
Coimisiún
Pleanála

Inspector's Report

ABP-322725-25

Development	Construct 72 houses and all associated site works.
Location	Grove, Dingle, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24/60764
Applicant	Social Housing Company
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant of Permission
Appellant	Irene Flannery
Observer(s)	None
Date of Site Inspection	26 th August 2025
Inspector	Anthony Kelly

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1.0 Site Location and Description

- 1.1. The site is located in the north east area of Dingle in Co. Kerry, immediately north of the grounds of Pobalscoil Chorca Dhuibhne and west of the Ard na Gréine housing estate.
- 1.2. It is a greenfield site with ground levels increasing in a south-north / south west-north east direction. To the north is Na Gorta Glasa housing estate and Áiseanna na hÓige, a family support and childcare facility. To the east is an internal vehicular circulation road and the Ard na Gréine housing estate. To the south east are houses in the Cluain Árd housing development. A GAA pitch for the Pobalscoil is to the south west and there is an undeveloped area of land adjacent to the west with existing housing further to the west. The houses in Na Gorta Glasa, Ard na Gréine and Cluain Árd are predominantly two-storey semi-detached houses. Site boundaries along the east, south, and west are generally low field boundaries with some vegetation. There is also low wall with a grass verge and some tree planting along the eastern boundary while there is some fencing along the northern boundary.
- 1.3. The site has an area of 2.76 hectares.

2.0 Proposed Development

- 2.1. Permission was originally sought for 69 residential units in two phases: 56 single and two-storey semi-detached and terraced social houses in phase 1 and 13 single-storey semi-detached and terraced aged assisted houses in phase 2, as well as common car and bicycle parking, open space, bin storage, connection to public services and all associated site works.
- 2.2. As part of the response to the further information request the aged assisted living units were removed and were replaced by houses with an increase in the overall number of houses to 72 and a revision to the site layout.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 12th May 2025 Kerry County Council (KCC) granted permission subject to 29 conditions. Notable conditions include the following (summarised):

2 (i) – Creation of a future connectivity point to the north west of the site.

6 (a) – Each house shall be first occupied as a place of permanent residence for seven years.

7 (a) and (b) – Each house shall be a primary year-round residence and shall not be used as a holiday or second home.

8 – 66% of the houses shall be reserved for fifteen years for Irish speakers to a fluency assessed by KCC.

15 – No house shall be used for overnight guest accommodation.

- 3.1.2. I consider each of these in sub-section 8.6.

3.2. Planning Authority Reports

- 3.2.1. Three Planning Reports were prepared by the planning authority; the first on foot of the original planning application, the second subsequent to the applicant's response to a further information request, and the third on foot of the applicant's response to a clarification of further information request.

- 3.2.2. The first report, dated 28th November 2024, contained, inter alia, a site description, site photographs, planning history, planning policy framework, summary of internal department reports and those from third parties, and an assessment. No issue was raised in relation to zoning, density, visual impact, appropriate assessment (AA) and environmental impact assessment (EIA). Some concern was raised in relation to other aspects of the proposed development and further information was sought regarding the rationale for providing aged-living units at this relatively peripheral location, connectivity, aspects of the site layout, boundaries, surface water, Uisce Éireann, and comments of the Housing Estates unit.

- 3.2.3. Further information was sought on 29th November 2024 and a response to same was received on 16th January 2025. Revised public notices were received on 29th January 2025.
- 3.2.4. The second Planning Report, dated 24th February 2025, noted the significant alterations to the site layout and the increase in the number of units to 72. Commentary was also provided in relation to omission of the aged assisted living units, connectivity, and submitted and omitted drawings. Updated reports were also referenced. Clarification of further information was recommended in relation to Uisce Éireann and layout and floor plan and elevation drawings.
- 3.2.5. Clarification of further information was sought on 25th February 2025 and a response to same was received on 15th April 2025.
- 3.2.6. The third Planning Report, dated 12th May 2025, considered the proposed development to be appropriate to the location and had regard to existing residential development, traffic safety, and future connectivity. It was considered to be acceptable having regard to the zoning and availability of services and would not seriously injure the amenities of the area or property in the vicinity. Permission was recommended subject to 29 conditions.

Other Technical Reports

- 3.2.7. Environmental Assessment Unit – Further information was initially recommended in relation to biodiversity enhancement and nature based solutions to stormwater management. On foot of the further information response it was stated that the proposal was not likely to adversely impact biodiversity interests.
- 3.2.8. Housing Estates Unit – Comments were initially set out relating to e.g. the site layout, roads, open space, and surface water. On foot of the further information response comments were set out relating to similar issues.
- 3.2.9. County Archaeologist – Condition recommended for monitoring of groundworks.
- 3.2.10. Flooding, Coastal and Marine Unit – On foot of the further information response should permission be granted a condition should be included.

3.3. Prescribed Bodies

- 3.3.1. Uisce Éireann – An updated pre-connection enquiry was requested on foot of both the initial planning application and the response to further information as the enquiry submitted was dated 15th June 2022.

3.4. Third Party Observations

- 3.4.1. Ten submissions were received by KCC on foot of the initial planning application (including a submission from Conradh na Gaeilge and a brief second submission from the appellant clarifying a reference number in the original submission). The main issues raised are largely covered by the grounds of appeal received by the Board as summarised in sub-section 6.1. The main issues raised that are not referenced in the grounds of appeal are:
- Objections to proposed connectivity points 1 and 2.
 - Unsuitability for elderly residents.
 - Limited green spaces, footpaths, cycle paths in the wider area.
 - A number of issues were set out in the Conradh na Gaeilge submission including the requirement for an independent language impact assessment and recommendations relating to language, sale/letting of units, and signage conditions should permission be granted.
- 3.4.2. The application was re-advertised on foot of the receipt of significant further information but no additional submission was received.

4.0 Planning History

- 4.1.1. The relevant recent planning history of the area is as follows.

On Site

- 4.1.2. P.A. Ref. 22/533 / ABP Ref. ABP-315615-23 – In 2024, following both first and third party appeals against the grant of permission by the planning authority, the Board refused permission for the construction of 91 units (seven three-storey apartment

buildings containing 62 units, 21 terraced houses, and eight detached houses), common car parking, open space etc. The site had an area of 1.876 hectares and occupied the central and eastern area of the site subject of the current application plus the area subject of P.A. Ref. 24/383 (referenced below). The three (summarised) reasons for refusal were: (i) the excessive scale and density would fail to respond to established development and would be contrary to the policy objectives of the Compact Settlement Guidelines (2024) and Kerry County Development Plan (KCDP) 2022-2028, (ii) poor quality public realm and private amenity spaces would seriously injure the residential amenity of future occupants and would be contrary to the Apartment Guidelines (2020) and policy objectives of the KCDP 2022-2028, and (iii) non-compliance with the Childcare Guidelines (2001). The three reasons are set out in full in sub-section 8.5.

Adjacent to North

- 4.1.3. P.A. Ref. 24/383 – In 2025 the planning authority granted permission for the construction of 30 car parking spaces and an additional entrance at the rear/south west of the existing family support and childcare facility. No development had commenced on my site inspection.
- 4.1.4. P.A. Ref. 23/472 / ABP- 318830-24 – In 2024, following a third party appeal of a grant of permission, the Board granted permission for demolition of a study room, a new ground and first floor extension, and nine car parking spaces at Áiseanna na hÓige. No development had commenced on my site inspection.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

- 5.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.
- 5.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 7 – Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

NPO 9 – Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

NPO 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

NPO 12 – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 20 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

- 5.2.1. This is the government's housing plan to 2030. It aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

5.3. Climate Action Plan (CAP) 2025

- 5.3.1. CAP 2025 is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. It lays out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and

climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. It should be read in conjunction with CAP 2024.

5.4. Ireland's 4th National Biodiversity Action Plan 2023-2030

- 5.4.1. This aims to deliver the transformative changes required to the ways in which we value and protect nature. It strives for a 'whole of government, whole of society' approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to 'act for nature'.

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

- 5.5.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, inter alia, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.
- 5.5.2. As defined by the Guidelines, Dingle can be categorised within the 'Small and Medium Sized Towns (1,500-5,000 Population)'. Table 3.6 states in relation to the small/medium town edge (as opposed to the centre of the town), 'The edge of small to medium sized towns are the lower density housing areas constructed around the centre, while urban extension refers to greenfield lands at the edge of the built-up area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns'.
- 5.5.3. I further address the issue of density in sub-section 8.2.

5.6. Quality Housing for Sustainable Communities Best Practice Guidelines (2007)

- 5.6.1. The aim of the Guidelines is to identify principles and criteria that are important in the design of housing.

5.7. Design Manual for Urban Roads and Streets (DMURS) (2019)

- 5.7.1. The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the Manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

5.8. Regional Spatial and Economic Strategy for the Southern Region (2020) (RSES)

- 5.8.1. This is a strategic regional development framework which establishes a broad framework for the way in which society, environment, economy, and the use of land should evolve.

5.9. Kerry County Development Plan (KCDP) 2022 – 2028

- 5.9.1. Dingle / Daingean Uí Chúis is identified as a Regional Town.
- 5.9.2. Table 3.7 (Population & Housing Growth 2022-2028) of volume 1 gives a 2016 population of 2,050 with an estimated 2022 population of 2,181. A population growth of 282 between 2022 and 2028 is cited with a housing target of 221 units.
- 5.9.3. In relation to density, sub-section 3.11 (The Zoning of Land for Residential Development) states 'In general housing densities will be higher closer to the town and village centre and lower towards the edge of settlement'. No specific density range is set out in the Plan though reference is made in sub-section 4.3.8 (Residential Densities and Building Heights) to the Sustainable Residential Density Guidelines (2009), Building Height Guidelines (2018), and Apartment Guidelines (2020) (objective KCDP 4-40). Objective KCDP 6-16 (Housing for Sustainable Communities) states it is an objective to 'Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 (DoEHLG)'. Similarly, objective KCDP 7-8 (Housing Policies) states it is an objective to 'Have regard to and promote

increased residential densities in the towns and other appropriate locations in accordance with the policies of the NPF, RSES, Housing for All and the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 (DoEHLG)'. I address density in sub-section 8.2.

- 5.9.4. An objective of relevance to this application, identified as condition 8 of the planning authority decision, is:

KCDP 8-8 – Ensure that a minimum of 66% of Housing Developments on R1 and R4 zoned lands within the Gaeltacht areas shall be reserved for Irish Speakers. The standard of Irish required shall be determined and assessed by Kerry County Council. A language Enurement Clause (LEC) will be applied for a duration of 15 years from the date of first occupancy of the unit .

5.10. Corca Dhuibhne Electoral Area Local Area Plan (LAP) 2021-2027

- 5.10.1. The purpose of this LAP is to set out a comprehensive local planning framework with clear policies and objectives including land use zoning in the interests of the common good for the towns and villages of the Electoral Area.

- 5.10.2. The subject site is zoned 'R1 (New/proposed Residential)' on the zoning map on page 80 of the LAP. Residential units are permitted in principle on this zoning as per table 2.6.

- 5.10.3. Dingle / Daingean Uí Chúis is addressed in sub-section 3.2 of the LAP under a number of headings such as strategic issues and strategy, sectoral strategies and objectives, infrastructure, residential development, social infrastructure and amenity, and built environment.

- 5.10.4. Objectives of note in sub-section 3.2 include:

D-RES-2 – Ensure that residential development on lands zoned proposed residential (R1) shall be for permanent places of residence only.

D-UF-1 – 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.

D-CG-4 – Ensure that an Irish language condition is placed on permissions for housing developments.

5.10.5. It is stated in sub-section 3.1.1.2 that 'There is no reference in this plan and in the land use zonings to residential densities. The appropriate density for applications for housing developments will be considered by the Planning Authority on a case by case basis and will be based on the density of the surrounding development if any and the proximity to the town centre'.

5.11. Natural Heritage Designations

5.11.1. The nearest designated area of natural heritage is Mount Brandon Special Area of Conservation (SAC) (site code 000375) approx. 300 metres to the north west. This is also a proposed Natural Heritage Area (pNHA) (Mount Brandon pNHA – site code 000375). The nearest special protection area (SPA) is Dingle Peninsula SPA (site code 004153) approx. 2.7km to the south. The area is one of a number of separate areas that combined make up the SPA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Irene Flannery, a resident of the Ard na Gréine housing estate adjacent to the east of the subject site. The main issues raised can be summarised as follows:

- Housing must be more than numbers delivered. It must be thoughtfully located, safely accessed, and well-integrated into the town's structures and services.
- The proposed development has the same core problems as that refused under ABP-315615-23. Changes made are internal to the site layout and do not address the core reasons for refusal i.e. the peripheral location, the lack of safe pedestrian and cycle access to the town centre, and traffic hazards arising from a single access point through existing residential streets and the Spa Road corridor. Relevant excerpts from the Inspector's Report (IR) for ABP-315615-23 are cited.

- The language used in condition 2 (i) for the connection point to the north west is speculative and non-binding and its provision would undermine the amenity space through which it would be located.
- The condition fails to meet Objective 4-17 of the KCDP 2022-2028 which seeks to promote the creation of 10-minute towns and section 12.1.2 which requires development proposals to be considered within the context of surrounding infrastructure and permitted schemes.
- The development was assessed without considering the impact of the recently completed Gort na Glasa, 34 units under construction in Ballybeg, and the permitted extensions to Áiseanna na hÓige. The extensions will increase traffic volumes intensifying pressure on Spa Road and the access through Ard na Gréine. Not referencing or assessing these is contrary to good planning practice.
- The site is not accessible by public transport, lacks a safe pedestrian route to the town, and is removed from key services. Spa Road is narrow, winding and inconsistently foot pathed. This locks in car dependency and is contrary to NPF Objective 27¹, DMURS, and KCDP objective 4-17.
- KCC has designated the Dingle Peninsula as a decarbonisation zone but has approved a peripheral housing development.
- There is no guarantee of meaningful connectivity beyond the estate boundary.
- The submitted Road Safety Audit focuses on internal features and not the external access network. It is insufficient as a safety justification.
- The development is not safely accessed, well located, or planned in alignment with national and local policy.

6.2. Applicant's Response

- 6.2.1. The applicant's response can be summarised as follows, using the headings in the response:

¹ The appellant is referring to the original NPF. The objective being referred to is NPO 37 in the NPF First Revision.

The need for this development

- As of May 2025 there are 546 social housing approved applicants on the Dingle Peninsula, and a total of 1066 within the Castleisland – Corca Dhuibhne Municipal District Area, with a housing need which justifies the proposed number of houses.
- The applicant has a strong record in delivering social housing with their preferred housing partner, Cluid Housing, including the 20 houses in Na Gorta Glasa adjacent to the north.
- It is unfortunate and unfair that one person can stand in the way of such a positive proposal.

The principle of development of this site

- The site is fully serviced, is residentially zoned, is within the footprint of the existing built-up area, and it is served by a good road network. The principle of development was reinforced within the IR for ABP-315615-23 and an excerpt from this is set out.
- The proposed density has been revised to 26 units per hectare (uph) having regard to the IR for ABP-315615-23.

Site access and possible connectivity

- KCC acknowledged that the existing road network has sufficient carrying capacity, width, and alignment to accommodate the proposal.
- Excerpts from the IR for ABP-315615-23 are set out which state that implemented measures, which are maintained in the current application, would address safety concerns at the site and that there is not sufficient justification to refuse the application because of junction and pedestrian connectivity issues outside the site boundary.
- A development contribution of €108,728 was applied which can be used to undertake road improvements on the approach road if required.
- Since the previous application a car park has been granted at Áiseanna na hÓige.
- Connection points are possible to the west of the site which would achieve a more direct pathway to the town centre, and it is hoped KCC would ensure facilitation of

this with any development on the adjoining land. There are also linkages to the Pobalscoil, Áiseanna na hÓige, and existing housing.

- There are inclines and declines in the town. The approach footpath is not overly steep and residents of existing estates have managed. If future permeability is achieved existing residents will benefit as a result of the proposed development.

Response to the points raised by Irene Flannery

- There is only one appellant despite the scale of the application and the number of people living in the immediate surrounds. The appeal contains typical nimbyism statements.
- The site is not car dependant or disconnected from the town. There are a number of amenities within a ten minute walk of the site entrance including Main Street². The public footpath to the town centre is no different from a typical footpath in any town and has been used by residents of the existing estates.
- No housing development in Dingle is served by public transport.
- The speculative/proposed connectivity to the west is highly likely to be developed allowing KCC to accommodate access to the inner relief road/town centre.
- KCC did not assess the application in isolation. KCC recommended the provision of land to Áiseanna na hÓige to resolve congestion and overspill parking which the applicant facilitated. Numerous meetings have been held with the planning authority.
- In terms of decarbonisation this is a needs driven development, which is the most sustainable form of development. It is not speculative.
- This is the only large plot on which a significant number of social houses can be provided. Sites closer to town and in more desirable locations will not be developed for social housing as financial returns are greater for private housing.

6.3. Planning Authority Response

6.3.1. The main issues raised can be summarised as follows:

² The applicant identifies a route that took 10 minutes and 17 seconds to walk. The same route on Google Maps cites a 15 minute walking time.

- The site is deemed to be an infill site on residential zoned land.
- The application was made following pre-planning subsequent to a previous refusal of permission.
- The current proposal, the revisions made during the course of the assessment, and the conditions attached, will result in an appropriate residential development at this out of town centre location. The development has had regard to residential development in the vicinity, traffic safety, provision of a connection point to the adjacent school, and the Compact Settlement Guidelines (2024). Provision is made for future pedestrian/cycle connectivity though this would be dependent on the willingness of adjoining landowners.
- The development is under the threshold for provision of a childcare facility.
- The decision to grant permission subject to the conditions was the correct decision.

6.4. Observations

6.4.1. None.

7.0 Environmental Impact Assessment (EIA) Screening

7.1. The proposed development has been subject to preliminary examination for EIA (refer to appendices 1 and 2). 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 EIA screening and an Environmental Impact Assessment Report (EIAR) is not required.

8.0 Planning Assessment

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- Zoning
- Density
- Site Location
- Site Layout, Design, and Impact on Existing and Future Residential Amenity
- Previous Reasons for Refusal Under ABP-315615-23
- Kerry County Council Decision Conditions

8.1. Zoning

- 8.1.1. The subject site is in an area zoned 'R1 New/Proposed Residential' on the Dingle/Daingean Uí Chúis zoning map on page 80 of the Corca Dhuibhne Electoral Area LAP 2021-2027. These areas 'are intended primarily for housing development but may also include a range of other ancillary uses ...' (page 50). Residential units are 'Permitted in Principle' on this zoning as per the Zoning Matrix table on page 53.
- 8.1.2. Therefore, I consider that the principle of the proposed development is acceptable on site.

8.2. Density

- 8.2.1. The proposed development has a density of 26uph.
- 8.2.2. No specific densities are set out in the KCDP 2022-2028 though objective KCDP 4-40 (Residential Densities and Building Heights) states that developments shall have regard to the Apartment Guidelines (2020), the Building Height Guidelines (2018), and the Sustainable Residential Development in Urban Areas Guidelines (2009). Objective KCDP 6-16 (Housing for Sustainable Communities) states it is an objective of the Council to have regard to and promote increased residential densities in towns in accordance with the 2009 Guidelines.

- 8.2.3. There are no apartments proposed so the 2020 Apartment Guidelines are not relevant to this application. Similarly, as two-storey houses are proposed, consistent with the existing pattern of development in the vicinity, building height is not an issue. In the context of the 2009 Sustainable Residential Development Guidelines, paragraph 6.11 states that a density range of 20-35uph will be appropriate at edge of centre sites in small towns. In this context I consider the site to be edge-of-centre given that it is within the built-up footprint of the town, it is approximately 250 metres from the town centre zoned area, and it is adjacent to Pobalscoil Chorca Dhuibhne.
- 8.2.4. Page 57 of the Corca Dhuibhne Electoral Area LAP 2021-2027 states 'There is no reference in this plan and in the land use zonings to residential densities. The appropriate density for applications for housing developments will be considered by the Planning Authority on a case by case basis and will be based on the density of the surrounding development if any and the proximity to the town centre'.
- 8.2.5. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) have replaced the 2009 Sustainable Residential Development Guidelines. As per paragraph 5.5.2 of this report, Dingle can be categorised within the 'Small and Medium Sized Towns (1,500-5,000 Population)'. As a town edge site a density of 25-40uph is appropriate under these Guidelines.
- 8.2.6. Having regard to the foregoing, the proposed density of 26uph is comfortably within the density range referenced in the KCDP 2022-2028 through the 2009 Guidelines and, notwithstanding the replacement of these by the Compact Settlement Guidelines 2024, the proposed development would be within the lower density range of the current Guidelines. I consider that the proposed density is therefore acceptable, and no material contravention issue arises.

8.3. Site Location

- 8.3.1. The issues raised in the grounds of appeal mainly relate to the site location and wider connectivity issues outside of the site itself. The grounds make a number of comments in relation to car dependant peripheral housing, the IR for ABP-315615-23, the speculative nature of condition 2 (i) of the KCC decision, objective KCDP 4-17 of the KCDP 2022-2028, cumulative development, and access improvements.

Car dependency and the peripheral location

- 8.3.2. This site is zoned for residential development in the LAP and, therefore, as set out in sub-section 8.1, the principle of residential development is acceptable subject to detailed assessment. The subject site is located within the footprint of the town. It is in the type of location that development is encouraged by national policy as it would contribute to the compact development of the town. I do not consider that the subject site is more car dependant than other housing developments located in similar areas of Dingle. Similarly I do not consider that the site is any more affected by a lack of public transport accessibility than other similarly located development.

The IR for ABP-315615-23

- 8.3.3. The grounds of appeal state that the changes made to the proposed development 'are internal to the site layout and do not address the core reasons for refusal previously cited by the Board's inspector, namely: The peripheral location, The lack of safe pedestrian and cycle access to the town centre, And traffic hazards arising from a single access point through existing residential streets and the Spa Road corridor'.
- 8.3.4. These items were not the core reasons for refusal cited in the previous IR. The core reasons for the first reason for refusal were the scale and density of development that was proposed, the core reasons for the second reason for refusal were the poor quality public realm and the poor quality of many private amenity spaces, and the third reason for refusal related to traffic safety implications and the need for co-ordination with existing childcare facilities on foot of the applicant proposing the provision of a childcare facility as part of the grounds of appeal. The three reasons are addressed in sub-section 8.5 and I consider that the current application addresses them. None of these reasons related to the site location itself, the lack of a safe access to the town centre, or traffic hazard arising from a single access point.
- 8.3.5. While the previous IR certainly made reference to, inter alia, the peripheral location, the relatively steep gradient, poorly aligned road junctions, and poor quality pedestrian facilities and connectivity to the town centre, which have not changed in the interim, it also clearly stated that the proposed development was acceptable at this location. For example:

- ‘The site is, however, serviced and within walking distance of the town centre’s Main Street. Thus, it is a suitable location for residential development’ (paragraph 7.1.6).
- ‘I would accept that as the lands are zoned and serviced and the improvements to these junctions³ and connectivity are largely outside of the applicant’s control, this matter would not be sufficient justification in itself for a refusal of the proposed development’ (paragraph 7.6.14).

8.3.6. Therefore, the previous application was not refused because of its peripheral location or its poor connectivity links to the town centre.

Condition 2 (i) of the KCC decision

8.3.7. The grounds consider that the condition is speculative, non-binding, does not guarantee integration or ensure integration with the wider pedestrian or cycling network, and would affect a public open space area.

8.3.8. This type of condition is a standard condition where it is envisaged that future development on adjacent land would itself provide/increase connectivity and permeability for active travel. The condition is entirely appropriate and it is within the ability of the planning authority to ensure that any development on the adjoining land, which is zoned for residential development, would connect to the link that would be provided by this condition. The public open space area through which it would travel is not one of the more significant areas of open space within the proposed development.

8.3.9. I consider that the condition is acceptable, would facilitate increased permeability in future, and should be included in any grant of permission that may issue.

Objective KCDP 4-17 of the KCDP 2022-2028

8.3.10. Objective KCDP 4-17 states that it is an objective of the Council to ‘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

³ The existing entrance to the estate and the Conor Pass road junction with Spa Road.

accessible by high quality public transport services connecting people to larger scaled settlements delivering these services’.

- 8.3.11. In my opinion the proposed development cannot be considered to be contrary to this objective. The subject site is located within the built-up footprint of the town and therefore it contributes to compact growth rather than extending urban sprawl. It is also zoned for residential development and therefore the principle of development has been established. Notwithstanding the quality of the infrastructure between the site and the town centre it is accessible by walking and cycling. Condition 2 (i) would also facilitate future improvement in permeability and connectivity to the town.

Cumulative development

- 8.3.12. Three other developments have been cited in this regard. Na Gorta Glasa has already been constructed and is occupied, the permissions for Áiseanna na hÓige include provision for a car park which would improve the previous traffic congestion and overspill parking issue, and it is likely that the 34 housing units under construction at Ballybeg, approx. 550 metres away in a direct line, would be significantly more advanced if not completed by the time construction is commenced on the site subject of this application should permission be granted. These are relatively minor developments in the context of a town and any cumulative impact would not be significant. No issue in relation to traffic congestion has been referenced in the KCC Planning Report. I again note that this application comprises the development, at a relatively low density, of a residentially zoned site within the built-up footprint of the town and it is therefore acceptable in principle.

Access improvements

- 8.3.13. The grounds of appeal make a number of references to the external road junctions, footpaths, and connectivity. These are all areas outside of the applicant’s control. KCC did not have any undue concern about the proposed development in this regard in the context of this planning application. Although these issues were referenced throughout the IR for ABP-315615-23 they ultimately did not form part of the core reasons for refusal under that application. Similarly in this application, while I note the nature of the infrastructure between the site and the town centre, the site is appropriately zoned and it is not reasonable to refuse permission for this application on the basis of the

nature of the infrastructure which existed under the previous application but which did not form part of the reasons for refusal.

8.4. Site Layout, Design, and Impact on Existing and Future Residential Amenity

- 8.4.1. The grounds of appeal do not raise an issue with the general layout or design of the proposed development. The proposed development can be briefly considered under a number of relevant headings as set out below. The application is accompanied by a number of documents supporting the proposed development, including an undated Design Statement.

Site Layout

- 8.4.2. The subject site occupies a larger area (2.76 hectares) than the site area of the previous application (1.876 hectares). The additional area comes from the full extent of the field being used in this application whereas only the central and eastern area was included in the previous site boundary as well as the area subject of the car park application for the family support and childcare facility (P.A. Ref. 24/383).
- 8.4.3. All 72 proposed houses are two-storey in height and are semi-detached houses or are contained within terraces of three, four, or five houses. This is an intensification of housing typology in the vicinity given that the existing pattern of development is primarily semi-detached houses. Notwithstanding, the proposed density is appropriate for the site as per sub-section 8.2.
- 8.4.4. Vehicular access to the site is by way of one access point on the eastern boundary which requires the creation of a crossroads type junction with the main internal vehicular access road and a short cul-de-sac in Ard na Gréine serving 16 houses. The proposed development has a vehicular circulation road parallel to the southern boundary with three curved culs-de-sac in the western, central, and eastern areas of the site off this road. This layout is markedly different from the existing pattern of development in the vicinity which have longer stretches of road with short culs-de-sac and housing to one or both sides of the road. There are several different areas of open/communal space including one in the north western area which combines with the open space area of Na Gorta Glasa to form the largest open space area. The applicant partnered with Cluid Housing to develop that estate. Footpaths are provided throughout with reasonable internal permeability for pedestrians. The proposed

finished floor levels (FFL) increase towards the north of the site. In the southern area the majority are proposed at 33.000 increasing to 34.500 and those in the north east of the site have an FFL of 41.000. FFLs on site are lower than that of houses in Na Gorta Glasa and reflect the existing ground levels on site.

- 8.4.5. The layout provides connectivity to Na Gorta Glasa, Ard na Gréine, and the residential area to the south east as well as Áiseanna na hÓige. The internal footpaths would result in a slightly shorter walk for residents of houses in the western area of Na Gorta Glasa through the proposed development to the town. The planning authority conditioned a potential future link (condition 2 (i)) to the north west. I consider that this active travel link would be appropriate and would greatly improve connectivity to the town for residents of both the proposed development and existing adjacent estates in the event that the adjacent residential zoned land is developed. It would be a matter for the planning authority to ensure that any development on the adjacent site is laid out in a manner to facilitate this connectivity. The applicant indicates a connectivity point along the southern boundary into the grounds of Pobalscoil Chorca Dhuibhne. However, no evidence of permission from the school to facilitate this has been provided in the application notwithstanding the planning authority's statement in its conclusion to the third Planning Report that the development provides a future connection point to the adjacent school. I consider that this connection should be provided as part of the application unless it is demonstrated to the satisfaction of the planning authority that it cannot be.
- 8.4.6. The rear elevations of house nos. 62-68 back onto both open space and other houses. I consider that mature landscaping should be provided along this boundary in the interest of visual amenity. Proposed house numbers 5-14 back onto the permitted car park associated with Áiseanna na hÓige. The car park would be appropriately overlooked by houses in Na Gorta Glasa.
- 8.4.7. Having regard to the foregoing I consider that the proposed site layout is acceptable.

Public Open Space

- 8.4.8. Section 1.5.4.4 (Public Open Space) of volume 6 of the KCDP 2022-2028 states that 'Public open space should be provided at a minimum rate of 15% of total site area'.
- 8.4.9. Drawing no. SHC/01/102_REV E received by KCC on 15th April 2025 as part of the clarification of further information response identifies eight separate areas of open

space comprising a total of 6,964sqm (approx. 25.2% of the site area). In my opinion open space areas F, G, and H are incidental spaces and should not be counted towards the usable open space as they are, variously, narrow areas of land or are adjacent to the main vehicular access road. Notwithstanding, omitting these would result in usable open space of approx. 19.3% which would remain comfortably in excess of the minimum area required. Some of the open space areas are not particularly well overlooked, for example areas B (which is only overlooked by houses in Na Gorta Glasa) and F. However, revised house designs as referenced in paragraph 8.4.12 would improve this.

- 8.4.10. Having regard to the foregoing, I consider that the public open space provision is acceptable.

Unit Design

- 8.4.11. Houses are a mix of semi-detached and terraced units. External finishes comprise rendered walls and black roof tiles. There is a consistency in design throughout the development with some roof gable features and with windows proportionate to the elevations. The houses are different in style to those in Na Gorta Glasa and Ard na Gréine e.g. houses in Na Gorta Glasa have uniform colour to the front elevation and sloped porch canopies and houses in Ard na Gréine have red brick to the ground floor and pitched porch canopies, whereas the proposed houses have a mixture of render colours to ground and first floors with flat or sloped porch canopies. However I do not consider that the proposed houses would be out of character with the existing pattern of development or would be visually incongruous. I consider the proposed housing units to be acceptable.

- 8.4.12. An item of the planning authority's further information request stated that where houses had gables facing roads these should be revised to have a front elevational treatment. House floor plans and elevation drawings submitted in response show some houses with additional windows to the gables, though I note the majority of these serve halls and landings as opposed to habitable rooms. Notwithstanding this further information request and the response received I recommend that those houses adjacent to public spaces (roads and open spaces) be further revised to dual frontage designs to provide for more intensive passive surveillance over public areas which could include the front doors being moved to the elevations facing the public spaces.

The specific house numbers in this regard are numbers 1, 4, 14, 15, 26, 27, 42, 52, 53, 57, 58, and 72. This can be attached as a compliance condition.

8.4.13. Subject to the compliance condition I consider the proposed houses to be acceptable.

Proposed Residential Amenity

8.4.14. There has been no issue raised in relation to matters such as inadequate floor areas or private open space. Detail on housing floor areas, aggregate areas, and storage areas are set out on the floor plan drawings. I am satisfied that the requirements of the Quality Housing for Sustainable Communities Guidelines (2007) are achieved.

Private open space

8.4.15. Table 1 of chapter 1 of volume 6 of the KCDP 2022-2028 sets out minimum private open space requirements for houses. These are 50sqm for a two-bed, 60sqm for a three-bed, and 75sqm for a four-bed. Drawing no. SHC/01/102_REV E referred to in paragraph 8.4.9 also identifies rear garden areas. The proposed development would be deficient in terms of private open space areas for house numbers 1-4, 16, 47-48, 53-57, 59-60, 63-64, 67, and 70-71 in the context of table 1 of the Plan.

8.4.16. However, minimum private open space standards for houses are subject of specific planning policy requirement (SPPR) 2 of the Compact Settlement Guidelines (2024). The Guidelines state that planning authorities and the Board shall apply SPPRs in the performance of their functions. The minimum private open space requirements under SPPR 2 are 30sqm for a two-bed, 40sqm for a three-bed, and 50sqm for a four-bed. All houses achieve the required minimum under the Guidelines. I also note that the further information response to item 9 (c) states that 'All back gardens have a min depth of 8m' [sic], which is consistent with SPPR 1 of the Guidelines (Separation Distances).

8.4.17. This application was granted by KCC and I do not consider that any material contravention issue arises in relation to private open space.

Car parking

8.4.18. Car parking requirements are set out in table 4 of chapter 1 of volume 6 of the KCDP 2022-2028. Car parking requirements are a maximum of 2 per house and 0.5 visitor spaces per house which is a maximum of 180 spaces based on 72 houses. Drawing no. SHC/01/103_REV E received by KCC on 15th April 2025 states that 162 spaces

are provided. 59 houses have spaces for two cars indicated within their curtilages and there are also 44 off-curtilage/communal spaces (including four disabled spaces and 12 EV spaces).

8.4.19. SPPR 3 of the Compact Settlement Guidelines (2024) states that in peripheral locations such as this the maximum rate of car parking shall be two spaces per house. The SPPR also states that 'The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking'.

8.4.20. Therefore, as the maximum number of spaces in the Guidelines is two per house inclusive of visitor spaces the maximum number of car parking spaces that can be provided on site is 144 plus car club, short-stay EV, or accessible parking spaces. As a result there is an 18-space over-provision of car parking on site under SPPR 3 and a reduction in the number of spaces is required. I consider that a revised site layout plan and a car park management plan should be submitted as a compliance condition showing a reduction in the number of car parking spaces on site to 144 (plus other allowable types), while ensuring that each house has access to a minimum of one dedicated space.

8.4.21. This application was granted by KCC and I do not consider that any material contravention issue arises in relation to car parking spaces.

Bicycle parking

8.4.22. Table 4 of chapter 1 of volume 6 of the KCDP 2022-2028 also sets out required bicycle spaces which is one per house. SPPR 4 of the Compact Settlement Guidelines (2024) suggests a minimum of one space per bedroom. The site layout plan identifies three external bicycle storage areas within open space areas. The supporting Design Statement states that these are for residents who do not own a car but do cycle. I do not consider that communal external storage as set out in the Design Statement is appropriate. I consider that in-curtilage bicycle storage provision be required where possible for mid-terrace houses in accordance with the SPPR as these houses do not have external access to a rear private open space area. This bicycle storage provision could be combined with bin storage. There are seven mid-terrace houses without a curtilage to the front (nos. 6-8, 11-13, and 16) and more secure storage should be

provided for bicycles associated with those houses than outlined in figure 12 of the Design Statement. That type of facility is acceptable for short-term visitor bicycle spaces. I consider a compliance condition is appropriate in this regard.

Housing Mix

- 8.4.23. The proposed housing mix, on foot of the revisions made at further information stage, is 33 two-bed houses, 35 three-bed houses, and 4 four-bed houses. The KCDP 2022-2028 does not require a specific mix of unit types within a development. I consider the proposed mix to be acceptable and no material contravention issue arises.

Shadowing, Overbearing, Overlooking Impact

- 8.4.24. The grounds of appeal do not reference any issue relating to shadowing, overbearing, or overlooking impact. Given the low-rise, two-storey nature of development, consistent with existing development in the vicinity, I do not consider any shadowing or overbearing impact would occur. Given the open space, permitted car park, public road, and playing field I do not consider any overlooking issue arises to the north, east, or south west. Drawing no. SHC/01/102_REV E received by KCC on 15th April 2025 shows a separation distance of 14 metres between the rear building line of no. 22 and the rear/common boundary with a house in Cluain Ard and separation distances of 11 metres (no. 43), 8.3 metres (no. 49), and 9.5 metres (no. 52) to the undeveloped residential zoned land to the west. Having regard to the provisions of SPPR 1 (Separation Distances) of the Compact Settlement Guidelines (2024) I consider that no undue overlooking would result from the proposed houses to existing houses in Cluain Ard or to future development of the undeveloped land to the west.

8.5. Previous Reasons for Refusal under ABP-315615-23

- 8.5.1. The grounds of appeal consider that the proposed development 'repeats the same fundamental issues that led to the refusal of permission' by the Board in 2024 and continues to fall short of national and local planning policy. The three previous reasons for refusal are set out in this sub-section and I assess them in the context of the current application. I note initially that the proposed development, while having a similar site location, has been altered significantly in terms of density, housing typology, and internal layout. Other relevant matters have also progressed such as the granting of

permission for a car park associated with the adjacent Áiseanna na hÓige under P.A. Ref. 24/383.

First Reason for Refusal

8.5.2. The first reason for refusal was as follows.

Having regard to the peripheral location of the site within a Small to Medium Sized Town with a lack of safe pedestrian and cycle friendly means of connectivity with the town centre, local services and community facilities by reason of the long winding route and a single narrow footpath, and to the design, scale and mass of the apartment blocks in the centre of the site which would be visually incongruous in the context of adjoining development, it is considered that the proposed scale and density of the scheme is excessive and would fail to respond in a positive and proportionate manner to the established development in the surrounding area. The proposed development would constitute overdevelopment of the site and would be contrary to the policy objectives of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage (2024) and of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

8.5.3. Having regard to the foregoing the reason essentially related to the scale and density of development that was proposed.

8.5.4. The design, scale, and mass of the apartment blocks was referenced. There were seven three storey blocks proposed as part of the previous application. These have been omitted from the current application and the current application proposes two-storey semi-detached and terraced houses which is similar in scale to existing residential development in the vicinity.

8.5.5. The density of the previous development ranged from 50uph as originally submitted to 45uph as revised in the grounds of appeal. I have addressed the issue of density in sub-section 8.2 and concluded that the proposed density of 26uph is comfortably within the density range referenced in the KCDP 2022-2028 and is within the lower density range for this type of location as set out in the Compact Settlement Guidelines (2024).

- 8.5.6. The proposed development subject of the current application is reflective of the established scale of development in the surrounding area and could not be considered to comprise overdevelopment of the site. I consider that the proposed development addresses the first reason for refusal cited under ABP-315615-23.

Second Reason for Refusal

- 8.5.7. The second reason for refusal was as follows.

It is considered that the layout and design of the proposed residential development by reason of the poor quality public realm which lacks permeability and universal accessibility to public open space and a coherent architectural and urban design strategy to create an attractive and distinctive sense of place, together with the poor quality of many of the private amenity spaces due to inadequate visual outlook, aspect and/or direct accessibility from living areas, would result in a cramped and substandard form of development on the site which would seriously injure the residential amenities of the future occupiers of the site. The proposed development would, therefore, fail to comply with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020, as amended) and the policy objectives of the current Kerry County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 8.5.8. Having regard to the wording of the reason for refusal the reason related to the poor quality public realm and the poor quality of many private amenity spaces.
- 8.5.9. There is a significant difference between the refused and current applications in terms of layout. In addition, there are no apartments proposed so the references in the reason for refusal to apartments are no longer applicable.
- 8.5.10. The previous layout had its public open space in the northern area of the site, it comprised three straight internal vehicular circulation roads, had substantial on-street car parking, and had no future connectivity to the west. An assessment of the proposed site layout, unit design, and future residential amenity has been set out in sub-section 8.4. In my opinion the proposed layout is a significant improvement on that previously refused. There are a number of different areas of open space throughout the site, there are three curved culs-de-sac as opposed to two straight roads, car parking is mainly in-curtilage with relatively limited on-street car parking, there is reasonable internal

permeability for pedestrians, and future connectivity is feasible to the north west. The proposed development, while being reflective of the existing pattern of development, also exhibits differences which creates a sense of place e.g. the provision of terraced houses which are not typical of the area, the curved culs-de-sac as opposed to the relatively straight culs-de-sac in Na Gorta Glasa, Ard na Gréine, and Cluain Ard, and the multiple public open space areas in an area where open space is mainly adjacent to the internal access road.

- 8.5.11. The proposed development subject of the current application has a substantially improved layout from that proposed under the previous application and would provide an appropriate level of residential amenity for future residents. I consider that the proposed development addresses the second reason for refusal cited under ABP-315615-23.

Third Reason for Refusal

- 8.5.12. The third reason for refusal was as follows.

Notwithstanding the inclusion of an option for the provision of a childcare facility as shown on Drawing Number SHC/01/130 Rev A, submitted to the Board on the 23rd day of February 2023, it is considered that, in the absence of sufficient information on the traffic safety implications and need for co-ordination with existing childcare facilities in the vicinity, the proposed development does not comply with national policy on Childcare Facilities, as set out in the Guidelines for Planning Authorities, issued by the Government of Ireland (2001). The proposed development would, therefore, be detrimental to the amenities of the area, would be contrary to the policy objectives of the Kerry County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

- 8.5.13. The applicant had proposed an amendment to the previous application by replacing four houses in the southern area of the site with a childcare facility. No childcare facility is proposed in the current application. I consider the third reason for refusal to be specific to the previous application and it is not applicable or relevant to the current application.

Conclusion

8.5.14. I consider that the proposed development has addressed the issues raised in the first and second reasons for refusal and the third reason for refusal is not applicable to this application.

8.6. **Kerry County Council (KCC) Decision Conditions**

8.6.1. KCC granted permission under P.A. Ref. 24/60764 subject to 29 conditions. The applicant has not submitted a first party appeal against any of the conditions. Several of these conditions, as set out in paragraph 3.1.1 are notable. These are:

- *2 (i) – Creation of a future connectivity point to the north west of the site* – I consider this condition to be appropriate and recommend that a similar condition be included in any grant of permission that may issue.
- *6 (a) – Each house shall be first occupied as a place of permanent residence for seven years* – A similar condition was attached as condition 5 (a) of P.A. Ref. 22/533 (ABP-315615-23) and was one of the conditions subject of the first party appeal. This was considered in paragraph 7.9.1 of the IR for ABP-315615-23 and the paragraph concluded that the condition should be retained should permission be granted.

Notwithstanding, I do not consider that this condition should be included should permission be granted, and I consider that occupancy is more appropriately addressed by other conditions, specifically conditions 7 and 8 of the KCC decision as set out below. Though I acknowledge that sub-section 10.3.5.3 (Short-Term Letting) of the KCDP 2022-2028 states 'It is the policy of the council to maintain established and newly constructed residential areas as places of permanent residential occupation by owner/occupiers and/or long-term tenants' and that objective D-RES-2 of the LAP states 'Ensure that residential development on lands zoned proposed residential (R1) shall be for permanent places of residence only', the only situation where either the KCDP 2022-2028 or the LAP states that a seven year occupancy condition is applicable is to rural housing (sub-section 5.2.2.1 / objective KCDP 5-20).

As it is only in relation to rural housing that a seven year occupancy condition is cited I do not consider it would be appropriate to attach it to any other type of residential development. Therefore, I do not consider it should be attached should permission be granted.

- *7 (a) and (b) – Each house shall be a primary year-round residence and shall not be used as a holiday or second home* – Given the provisions of sub-section 10.3.5.3 of the KCDP 2022-2028 and objective D-RES-2 of the LAP as set out under the previous bullet point I consider this condition to be reasonable and appropriate and I recommend its inclusion in any grant of permission that may issue.
- *8 – Two thirds of the houses shall be reserved for fifteen years for Irish speakers to a fluency assessed by KCC* – A similar condition was attached as condition 7 of P.A. Ref. 22/533 (ABP-315615-23) and was one of the conditions subject of the first party appeal. This was considered in section 7.8 of the IR for ABP-315615-23 and this concluded that the condition was warranted and should be attached as worded in the condition.

I consider that the condition is clearly consistent with the provisions of objective KCDP 8-8 of the KCDP 2022-2028 which states ‘Ensure that a minimum of 66% of Housing Developments on R1 and R4 zoned lands within the Gaeltacht areas shall be reserved for Irish Speakers. The standard of Irish required shall be determined and assessed by Kerry County Council. A language Enurement Clause (LEC) will be applied for a duration of 15 years from the date of first occupancy of the unit’. I consider this condition to be reasonable and appropriate and I recommend its inclusion in any grant of permission that may issue.

- *15 – No house shall be used for overnight guest accommodation* – The condition states that, notwithstanding the provisions of the Planning & Development Regulations 2001, no part of any house shall be used to provide overnight guest accommodation without a prior grant of permission. Although KCC condition 7 (as summarised above) and the fact that the houses are primarily only two and three-bed units would reduce the likelihood of them being used for overnight guest accommodation I also note the provisions of objective KCDP 10-33 of the KCDP 2022-2028 which states that it is an objective of the Council to ‘Prohibit the change

of use of residential properties to short-term letting in established residential areas and newly constructed residential developments'. Although not directly comparable it does indicate the Council's position against this type of use in new residential developments and therefore I recommend the retention of the condition in any grant of permission.

9.0 Appropriate Assessment (AA) Screening

9.1. AA screening was carried out in appendix 3 to this report.

9.2. In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in the AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Mount Brandon SAC or Dingle Peninsula SPA or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a Natura Impact Statement (NIS)) is not therefore required.

9.3. This determination is based on:

- the nature, scale, and location of the proposed residential development in a zoned area on fully serviced lands within the built-up footprint of the town.
- the lack of direct hydrological connection between the proposed development and European sites.
- the higher ground level of the SAC in relation to the subject site at this location.
- the distances and locations of SAC qualifying interests (QI) from the subject site.
- the absence of 'water quality' as an attribute, measure, or target of the SPA as contained in the Conservation Objectives Series document for the SPA published by National Parks & Wildlife Service (NPWS) on 13th June 2025.
- the habitat of the subject site i.e. a grassed field in an urban area, is not a particularly important ex-situ foraging habitat for the SPA special conservation interest (SCI) species or as a habitat for the SAC QI Killarney fern.

- the absence of any possibility of noise or nuisance disturbance to SPA SCIs during the construction phase.

10.0 Water Framework Directive (WFD)

- 10.1. The provisions of appendix 4 apply to this section.
- 10.2. The site is located in the north eastern area of Dingle. It has an area of 2.76 hectares and it comprises a greenfield site. There are no watercourses on site.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposed residential development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and 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.
- 10.5. The reasons for this conclusion are as follows:
 - the absence of any Environmental Protection Agency (EPA) watercourses within 300 metres of the location of any construction works on site,
 - the presence of a public surface water sewer, and,
 - the standard conditions that can be attached to any grant of permission relating to submission of a Construction Management Plan (CMP) and that surface water shall comply with the requirements of the planning authority for such works and services with details to be submitted for written agreement.
- 10.6. On the basis of objective information, the proposed development would 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.

11.0 Recommendation

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

12.0 Reasons and Considerations

Having regard to the nature, scale, and location of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant objectives and other provisions of both the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, would make efficient use of an appropriately zoned site in Dingle, would be acceptable in terms of urban design and site layout, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 16th January 2025, 29th January 2025, and 15th April 2025, 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) A footpath/cycle path shall be provided within the open space area north of site number 52 and shall be constructed up to the site boundary to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).

(b) The houses on site numbers 1, 4, 14, 15, 26, 27, 42, 52, 53, 57, 58, and 72 shall be redesigned so as to provide an appropriate dual frontage ensuring increased passive surveillance over the adjacent public areas.

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 permeability and residential amenity and the proper planning and sustainable development of the area.

3. The developer shall provide the footpath/cycle path to Pobalscoil Chorca Dhuibhne from the subject site unless it has been demonstrated to the satisfaction of the planning authority that this cannot be provided.

Reason: In the interests of permeability and residential amenity and the proper planning and sustainable development of the area.

4. (a) The use of the proposed houses shall be as primary permanent all year round residences.

(b) The proposed houses shall not be used as holiday or second homes.

Reason: To comply with objective D-RES-2 of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027.

5. (a) A minimum of 66% of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.

(b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed housing units are used to meet objective KCDP 8-8 of the Kerry County Development Plan 2022-2028 and that development in this

area is appropriately restricted to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

6. Notwithstanding the provisions of the Planning & Development Regulations, 2001 (as amended), no part of any house permitted on site shall be used for the purpose of overnight commercial guest accommodation without a prior grant of permission.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and the proposed junction with the existing estate road, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in the 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.

9. (a) Car parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with,

the planning authority prior to commencement of development. The layout shall provide for a maximum of 144 car parking spaces plus any bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging stations, or accessible parking spaces. The car parking layout shall ensure that at least one car parking space is reserved for each house.

(b) The applicant shall submit a Car Park Management Plan including details of car parking design and management to the planning authority for agreement in writing prior to the commencement of development.

(c) Any communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(d) Safe and secure bicycle parking spaces shall be provided within the curtilage of each house site for mid-terrace houses. Where this cannot be provided for mid-terrace houses safe and secure bicycle parking spaces shall be provided at a rate of one space per bedroom in a convenient location close to the relevant house(s). Provision should be made for a mix of bicycle types. Details of these cycle storage facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(e) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable transportation, safety, and to ensure that adequate bicycle parking provision is available to serve the proposed development.

10. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to

commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

11. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

12. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

13. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

14. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the

commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

Reason: In the interest of amenity and public safety.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. The landscaping scheme shown on drawing numbers SHC/01/125 REV E, SHC/01/141 REV E, and SHC/01/142 REV E, as submitted to the planning authority on the 16th January 2025 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, mature tree species, to the satisfaction of the planning authority, shall be provided along the rear boundaries of site numbers 62-68 to screen the rear elevations of these houses.

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.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 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.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

19. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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 proper planning and sustainable development.

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot or as agreed with the planning authority.

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

21. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service (NMS) as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation [preservation in-situ/excavation].

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority following consultation with the NMS shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

22. 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.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 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 Coimisiún 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.

24. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those

eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. 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 An Coimisiún 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.

Anthony Kelly

Senior Planning Inspector

15th September 2025

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	ABP-322725-25
Proposed Development Summary	Construct 72 houses and all associated site works
Development Address	Grove, Dingle, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1 Schedule 5 of the Planning & Development Regulations, 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here.
☒ 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 & 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?	
☐ No, the development is not of a Class specified in Part 2 Schedule 5 or a prescribed type of	

proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is mandatory. No Screening required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required OR if Schedule 7A information submitted proceed to Q4.	Schedule 5 Part 2 Class 10 (b) (i) refers to 'Construction of more than 500 dwelling units'. Schedule 5 Part 2 Class 10 (b) (iv) refers to 'Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)'

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 – Q.3)

Inspector: _____

Date: _____

Appendix 2 – Environmental Impact Assessment (EIA) Preliminary Examination

Case Reference	ABP-322725-25
Proposed Development Summary	Construct 72 houses and all associated site works
Development Address	Grove, Dingle, 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 development comprises 72 two-storey houses and associated site works. This is a zoned site on the edge of the town, but within the built-up footprint. There are housing developments adjacent to the north, east, and south east with partially developed residentially zoned land adjacent to the west. The proposed development would be similar in nature to existing development in the vicinity. No demolition works are proposed as this is a greenfield site. Construction works would be standard construction phase works with typical construction phase pollution and nuisances to nearby areas. The proposed development would be serviced by a public foul sewer. There would be no undue risk of accidents/disasters or to human health. This would be a typical residential development project.
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	The site is in a residentially zoned area on the edge of Dingle and within the built-up footprint of the town. There is existing development to all sides, primarily residential but Pobalscoil Chorca Dhuibhne is located adjacent to the south west. The site is a greenfield

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).	site. There are no protected structures, recorded monuments, or watercourses in the vicinity. The nearest designated area of natural heritage is Mount Brandon SAC approx. 300 metres to the north west. This is also a pNHA. I have carried out AA in section 9 of this report and conclude that the proposed development, individually or in-combination with other plans or projects, would not be likely to give rise to significant effects on any European site.
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 proposed development would not have any significant environmental impact. It would be consistent with the existing pattern of development in the immediate vicinity, the site is appropriately zoned for the type of development proposed, the site is located away from any environmentally sensitive area, and the proposed development is substantially below a threshold that could be considered relevant for EIA.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____

Date: _____

Appendix 3 – Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment (AA) Test for likely significant effects Case file – ABP-322725-25	
Step 1: Description of the project and local site characteristics	
Brief description of project	Construction of 72 houses and associated site works
Brief description of development site characteristics and potential impact mechanisms	The site is a greenfield site on the edge of Dingle. It has an area of 2.76 hectares. The site is within the built-up urban area and is surrounded by residential development and a post-primary school. Ground levels increase in a south-north / south west-north east direction. There are no watercourses on site. It is proposed to discharge surface water to the public surface water sewer and it is proposed to discharge foul effluent to the public foul sewer. The nearest European site is Mount Brandon SAC approx. 300 metres to the north west. The nearest SPA is Dingle Peninsula SPA approx. 2.7km to the south. The area is one of a number of separate areas that combined make up the SPA.
Screening Report	None submitted
Natura Impact Statement (NIS)	None submitted
Relevant submissions	None. The KCC Planning Report considered that having regard to the nature of the proposed development, existing development in the

	vicinity, the nature of the receiving environment, the distances to European sites, and lack of a meaningful pathway for impact, the proposed development would not be likely to have a significant effect on any European site.			
Step 2: Identification of relevant European sites using the source-pathway-receptor model				
In my opinion there are two European sites within a potential zone of influence of the proposed development.				
European site (code)	Qualifying interests (QIs) / Special conservation interests (SCIs)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Mount Brandon SAC (000375)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Oligotrophic waters containing very few minerals of sandy plains ... [3110] Oligotrophic to mesotrophic standing waters ... [3130] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	Approx 300 metres to the north west of the site	Proximity	No

	Alpine and Boreal heaths [4060] Species-rich Nardus grasslands ... [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels ... [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Freshwater pearl mussel [1029] Killarney fern [6985]			
Dingle Peninsula SPA (004153)	Fulmar [A009] Peregrine [A103] Chough [A346]	Approx. 2.7km to the south of the site. The area is one of a number of separate areas that combined make up the SPA.	Indirect hydrological connection and proximity (mobile species)	No

Step 3: Describe the likely effects of the project (if any, alone or in combination) on European sites

In my opinion the proposed development would not have any potential direct or indirect impact on the QIs/SCIs of either of the two sites identified above, or on any other European site.

Although the boundary of Mount Brandon SAC is only approx. 300 metres from the subject site, it is up-gradient of the subject site. Neither the construction nor operational phases would have any likely significant effect on the SAC. The habitats identified in the Conservation Objectives Series document for the SAC published by the NPWS on 6th July 2016 are either a significant distance away on the northern coastline of the peninsula (vegetated sea cliffs) or are up-gradient of the subject site (lakes, heaths, grassland, bog, and scree/rocky slopes). The freshwater pearl mussel is identified in one area on the opposite side of the mountain. There is therefore no pathway from the subject site to these habitats or species. There is no indication that Killarney fern is present on site, and I note the site does not provide suitable habitat for the species.

The construction phase would have no impact on the SPA through disturbance or contaminated surface water runoff given the distance between the subject site and the SPA and the absence of a hydrological pathway for possible contamination to enter the surface water system. Operational surface water discharge from the subject site is to the public surface water system. It is unclear where the outfall point is, but it is assumed it is into Dingle Harbour, possibly by way of the nearest EPA watercourse approx. 300 metres to the south east of the site. Dingle Harbour is a relatively large body of water with substantial dilution capacity should contamination occur as a result of the proposed development. The SPA is designated for three SCI species. The proposed development would have no effect on the attributes, measures, and targets as outlined for these species in the Conservation Objectives Series document for the SPA published by the NPWS on 13th June 2025 as water quality is not identified as an attribute, measure, or target within the document. The nature of the subject site i.e. a grassed field in an urban area, is not a particularly important ex-situ foraging habitat for these species.

The proposed development is relatively limited in scale. There is a permitted development on the adjacent site to the north for an extension to a family support and childcare facility and associated car park area, but potential impacts would be similar to those set out above. I do not consider that there is any possibility that there would be an impact on either European site as a result of the proposed and permitted projects acting in-combination.

Having regard to the foregoing, I do not consider that there is any possibility that the proposed development could have a likely significant effect on Mount Brandon SAC or Dingle Peninsula SPA, or on any other European site, alone or in combination.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on any European site. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Mount Brandon SAC or Dingle Peninsula SPA or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- the nature, scale, and location of the proposed residential development in a zoned area on fully serviced lands within the built-up footprint of the town.
- the lack of direct hydrological connection between the proposed development and European sites.
- the higher ground level of the SAC in relation to the subject site at this location.

- the distances and locations of SAC QIs from the subject site.
- the absence of 'water quality' as an attribute, measure, or target of the SPA as contained in the Conservation Objectives Series document for the SPA published by NPWS on 13th June 2025.
- the habitat of the subject site i.e. a grassed field in an urban area, is not a particularly important ex-situ foraging habitat for the SPA SCI species or as a habitat for the SAC QI Killarney fern.
- the absence of any possibility of noise or nuisance disturbance to SPA SCIs during construction.

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

Appendix 4 – Water Framework Directive (WFD)

WFD IMPACT ASSESMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site, and Locality			
An Coimisiún Pleanála Ref. No.	ABP-322725-25	Townland / Address	Grove, Dingle, Co. Kerry
Description of project?		Construction of 72 houses and associated site works	
Brief site description, relevant to WFD screening		The site is located in the north eastern area of Dingle. It has an area of 2.76 hectares and comprises a greenfield site with ground levels increasing in a south-north / south west-north east direction. There is residential development to the north, east, and south east with a post-primary school to the south and undeveloped residential zoned area to the west. There are no watercourses on site. The soil is mapped as 'Brown Podzolic: Well drained acid mineral soil' by the EPA.	
Proposed surface water details		Surface water is to be discharged to the public system. It is unclear where the outfall point is, but it is assumed it is into Dingle Harbour, possibly by way of the nearest EPA watercourse approx. 300 metres to the south east of the site.	
Proposed water supply source and available capacity		Water supply is to be from the public main. A Confirmation of Feasibility dated 8 th April 2025 from Uisce Éireann was submitted as part of a clarification of further information response and this states a water connection is feasible without infrastructure upgrade.	
Proposed wastewater treatment system and available capacity and any other issues		It is proposed to discharge wastewater to the public foul sewer. The Confirmation of Feasibility referenced above also stated that a foul water connection is feasible without infrastructure upgrade.	

Others?		No				
Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection						
Identified water body	Distance (metres from the main residential parcel of the site)	Water body name (code)	WFD status (2016-2021)	Risk of not achieving WFD status i.e. at risk, review, not at risk	Identified pressure on that water body	Pathway linkage to water feature e.g. surface water runoff, drainage, groundwater
River waterbody	The closest EPA waterbody to the site is approx. 300 metres to the south east. It is heavily culverted in places. There is no surface water outflow from the site.	Milltown (Kerry)_030 (IE_SW_22M030400	Moderate	Review	None identified	None. There is no existing surface water outflow from the site. In the absence of relevant information the proposed surface water generated during operation may discharge to this watercourse via the public surface water sewer.

Coastal waterbody (Dingle Harbour)	Approx. 850 metres to the south west	Dingle Harbour (IE_SW_240_0000)	High	Review	None identified	None. The river waterbody identified above discharges into the Harbour.
Groundwater waterbody	Underlying site	Dingle (IE_SW_G_033)	Good	Not at risk	None identified	Discharge to groundwater

Step 4: Detailed Description of any Component of the Development or Activity that may Cause a Risk of Not Achieving the WFD Objectives Having Regard to the S-P-R Linkage

No	Component	Water body receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening stage mitigation measures	Residual risk? Y/N Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? If 'screened in' or 'uncertain' proceed to Stage 2
Construction Stage							

1.	Site clearance / construction works	Milltown (Kerry)_030 (IE_SW_22M030400) Dingle Harbour (IE_SW_240_0000)	None.	Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction works	None proposed in the application. A Construction Management Plan (CMP) can be included which would be a standard compliance condition for a development of this scale.	No. There is no watercourse on or in the vicinity of the site and the CMP condition would further reduce the possibility of contamination of any surface water. The site is approx. 300 metres from the nearest EPA watercourse and effects on this, or others e.g. Dingle Harbour, is not likely.	Screened out. There is no plausible pathway to affect an EPA watercourse or the coastal waterbody.
2.	Groundwater	Dingle (IE_SW_G_033)	Drainage to ground	Reduction in groundwater quality from pollution of surface water run-off	Relevant measures would be set out in the CMP referenced above.	No. I am satisfied that the proposed mitigation measure would be adequate to prevent an adverse impact on groundwater quality.	Screened out

Operational Phase							
1.	Surface water runoff	Milltown (Kerry)_030 (IE_SW_22M030400 Dingle Harbour (IE_SW_240_0000)	Surface water discharge to the existing public surface water system	Deterioration of surface water quality	A standard surface water condition would be attached to any grant of permission requiring detail to be agreed to the satisfaction of the planning authority	No residual risk. This is a standard residential development.	Screened out
2.	Impact on groundwater	Dingle (IE_SW_G_033)	Drainage to ground	Deterioration of groundwater quality	As above	As above	Screened out
Decommissioning							
Decommissioning is not anticipated as this is a permanent residential development.							