



An
Coimisiún
Pleanála

Inspector's Report

ABP-322746-25

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| Development | Construction of 2no. private dwelling houses, connection to the public services and ancillary site development works. |
| Location | Site 10A, Liosdara, Oakpark, Tralee, Co. Kerry. |
| Planning Authority | Kerry County Council. |
| Planning Authority Reg. Ref. | 2560206. |
| Applicant(s) | Jill McDonnell. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party. |
| Appellant(s) | Refuse Permission. |
| Observer(s) | None. |
| Date of Site Inspection | 15 th August, 2025. |

Inspector

Aiden O'Neill.

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Appendix 1 Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

Appendix 2 - AA Screening Determination

1.0 Site Location and Description

- 1.1. The proposed development site is 0.061ha in area and comprises an undeveloped, overgrown, greenfield site bounded by mature trees/hedgerows with walls of varying heights to the north, east and south, to the east of no. 10 Liosdara, at the end of a cul-de-sac street in a mature residential estate to the north-east of Tralee town centre. It is generally rectangular, while the southern boundary is fronted by a small section of footpath and a turning circle. The site boundary with no. 10 Liosdara is a concrete, capped, block wall with front pier. The estate is characterised by single-storey/dormer/two-storey primarily detached dwellings set back from the street with front and back gardens. There is a laneway to the east of the proposed development site which connects to the large Árd na Lí Park, which is overlooked by the Árd na Lí residential estate to the north. Colaiste Gleann Li, Kerry College (Clash Road Campus) and MTU Kerry (South Campus) are located to the east and south-east. Further south-west is the Tralee Sports Complex.

2.0 Proposed Development

- 2.1. Permission for development which will consist of 2no. two-storey 3-bedroom detached dwellings. House no. 1 is stated to be 110.7m² in area, is 6.9m in height, with rear private space of 106m². House no. 2 is stated to be 102m² in area, is 6.675m in height, with private open space of 102m². The front entrance to House no. 1 faces the street, and comprises a ground floor single-storey family room, whereas the front porch entrance to House no. 2 is located to the south-east (side) elevation. Materials proposed are a sand/cement render in selected colour, with windows, rainwater goods, soffits and fascias in PVC to selected colour.
- 2.2. Each dwelling has a front double car court and some landscaping, with a front 750mm boundary wall with 900 piers rendered externally and capped. It is proposed to extend the existing footpath along the front boundary of House no. 2.
- 2.3. House no. 1 is 0.9m from the boundary wall with no. 10 Liosdara to the west; House no. 2 is located 0.9m from the proposed eastern boundary wall. The distance between House no. 1 and House no. 2 is c. 1.7m, with a 1.8m post and panel fence along the boundary between both houses.

2.4. The 2no. dwellings are to connect to public services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on 15th May, 2025 for 3no. reasons as follows:

1. Having regard to the location and layout of the proposed development, it is considered that the proposed development of two houses would constitute overdevelopment of the subject confined site by reason of excessive site coverage and would result in a substandard residential development which would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety encouraging informal car parking at the nearby turning head, resulting in a traffic hazard and obstruction of road users. The proposed development would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.
3. In the absence of sufficient detail in relation to surface/storm water drainage and a suitable SUDS strategy, the applicant has not demonstrated to the satisfaction of the Planning Authority that surface water can be adequately managed within the curtilage of the site. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report of 15th May, 2025, which is the basis for the Planning Authority's decision to refuse permission, set out the following considerations:

- The site is zoned R2 – Existing Residential in the Kerry County Development Plan, Volume 2, Tralee Town Plan (2009-2021) as extended and varied. The proposals are open for consideration.
- 1.3.2 of Section 2 of Volume 6 of the Plan in relation to development in existing residential/built up areas states that:
 - Built up areas allow a more positive and flexible response to proposals for the re-use/redevelopment of underutilised, derelict land
 - Development proposals normally involve infill, which is generally more sustainable than encouraging the growth of undeveloped areas.
 - It is the policy of the Planning Authority to protect and improve such built up areas.
 - It also does not imply any presumption on favour of development or redevelopment, unless it would enhance the character and amenity of the area.
- Permission was granted for 10 and 10a Liosdara under PA Ref. No. 07/307481. Only no. 10 was constructed. The proposed development site was originally intended for 1no. dwelling.
- 2no. houses would constitute overdevelopment of the confined site by reason of excessive site coverage, would result in a substandard residential development and will seriously injure the amenities of property in the vicinity.
- The proposed development would endanger public safety encouraging informal car parking at the nearby turning head, resulting in a traffic hazard and obstruction of road users.
- There are complaints regarding overlooking, overshadowing and impact on privacy.
- The site is more suitable for a single dwelling.

- The applicant has not provided a storm water plan. The applicant has not demonstrated that surface water can be contained within the curtilage of the site. No foul water layout has been provided.

3.2.2. Other Technical Reports

The report of the Tralee Municipal District Office – Roads and Transportation - dated 9th May, 2025 recommends approval subject to conditions.

The report of the Flooding, Coastal and Marine Unit of Kerry Council dated 22nd April, 2025 states that there is no flood risk identified.

The report of the Housing Estates Unit of 3rd April, 2025 state that a site boundary treatment plan is required, and recommends conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

There were 4no. submissions lodged with Kerry County Council, raising the following matters:

- Two-storey dwellings are not in character with the established streetscape. No objection to one single-storey dwelling.
- Concerns regarding bulk, aspect, size and height, and overdevelopment.
- Impact of house no. 2 on the laneway and users of same.
- Lack of consistency in the design.
- Condition 2 of PA Ref. No. 12/397481 for no. 10 states that the permitted dwelling shall not be subdivides or converted into separate units.
- Lack of boundary treatment.
- Impact on adjacent properties in terms of overlooking and loss of privacy.
- Concerns about surface water and pedestrian safety.

4.0 Planning History

The following planning history applies to the proposed development site:

12397481: Extension of duration of permission 07/7481 granted on 12th April, 2012.

11/8016: Application for permission to (a) retain single storey dwelling house and domestic garage as constructed and all associated site works; (b) alter roof layout which received planning permission under ref: PDA 7481/98/07 at 10 Liosdara, Tralee granted on 3rd May, 2012.

PL81.224616 (07/7481): Permission to demolish existing dwelling and front boundary walls and the construction of 2no. single storey dwelling houses, entrance gates, front and rear landscaping, boundary walls and all ancillary site works upheld by the Commission on 11th February, 2008. Only 1no. house was constructed, no. 10.

5.0 Policy Context

Development Plan

The Kerry County Development Plan 2022-2028 is the applicable plan in this instance.

- Tralee and Killarney are Key Towns and are also Linked hub towns. Section 3.10.1 of Volume 1 of the Plan seeks to ensure the sustainable development of the Key towns of Tralee & Killarney.
- Objective KCDP 3-4 of Volume 1 seeks to deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements. Section 4.3.1 of Volume 1 of the states that this new housing target should be delivered within the existing built-up areas of settlements on infill and/or brownfield sites.
- Objective KCDP 4-27 of Volume 1 of the Plan seeks to prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.

- Table 3.7 of Volume 1 sets out a target population growth figure of 2,663 people to 2028 in Tralee requiring 2,087no. dwellings, (c. 28.5% of the projected population and housing growth for the County).
- Section 1.5.2 of Volume 1 states that the Council recognises the benefits of increasing the density of residential development at appropriate locations. In assessing the density proposed for a residential development, including an increase in density on existing housing sites, the Planning Authority will consider the following:
 - Proximity to neighbouring and district centres.
 - Proximity to public transport bus stops.
 - The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment.
 - Compliance with qualitative and quantitative criteria.
 - The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas.
 - Existing topographical, landscape or other features on the site.
 - The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.
- The Tralee Town Development Plan 2009-2015 (as extended and varied) is incorporated into the Development Plan and is contained in Volume 2.
- The site is zoned R2 – Existing Residential in the Kerry County Development Plan, Volume 2, Tralee Town Plan (2009-2021) as extended and varied. The R2 zoning objective applies to existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development.
- Section 1.3.1 of Volume 2 seeks to focus on higher-density neighbourhoods.
- Objective TR 11 of Volume 2 of the Plan seeks to facilitate the sustainable regeneration and renewal of vacant/derelict sites within the town.
- Objective TR 12 of Volume 2 of the Plan seeks to facilitate the development of 2,087 residential units within the town boundary.

- Objective TR 13 of Volume 2 of the Plan seeks to facilitate the provision of a range of housing solutions, to cater for the diverse housing demand within the town, catering for individuals and families at appropriate scales and attractive alternatives to urban generated housing in rural areas.
- Section 1.3.2 of Volume 6 of the Plan sets out the applicable policies for development in existing residential/built up areas,
 - The designation of built up areas allow a more positive and flexible response to proposals for the re-use/redevelopment of underutilised, derelict land It is the policy of the Planning Authority to protect and improve built up areas.
 - Development proposals normally involve infill, which is generally more sustainable than encouraging the growth of undeveloped areas.
 - It also does not imply any presumption on favour of development or redevelopment, unless it would enhance the character and amenity of the area.
- Layouts with adequate private open space and screening to achieve freedom from observation is outlined in section 1.5.4.8 of Volume 6 of the Plan.
- A maximum site coverage of 85% is outlined in section 1.5.4.8 of Volume 6 of the Plan.
- A minimum of 2.2 meters shall be provided between the side walls of detached, semi-detached and end of terrace dwellings to ensure privacy and ease of access, as outlined in section 1.5.4.10 of Volume 6 of the Plan.
- Section 1.5.6.3 of Volume 6 of the Plan sets out policy considerations for Corner/Side Garden Sites to provide an additional dwelling(s) in existing built-up areas will be considered in line with a number of criteria, including size, design, layout, and relationship with existing dwelling and adjoining properties.

5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

The National Planning Framework (NPF) First Revision, April 2025 sets out a strategy to accommodate around 950,000 additional people in Ireland between 2022 and 2040, focused on compact and sustainable growth.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, also aim to promote sustainable and compact urban growth, focused on increased residential density, and greater flexibility in design standards.

The Guidelines on Quality Housing for Sustainable Communities 2007 set out the quantitative and qualitative standards for typical dwellings.

5.2. Natural Heritage Designations

The proposed development site is located c. 2.42km to the north-east of the Tralee Bay Complex SPA (Site Code: 004188) and the Tralee Bay And Magharees Peninsula, West To Cloghane SAC (Site Code 002070).

The site is also c.2.42km to the north-west of the Tralee Bay And Magharees Peninsula, West To Cloghane pNHA (Site Code 002070).

6.0 EIA Screening

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

7.0 Water Framework Assessment

- 7.1 The subject site is located in the established urban area of Liosdara, Oakpark, Tralee. The nearest relevant water body, the Big River, Tralee, code IE_SH_23B040150, is c. 0.76km to the west, and its status of which is 'Review'.

- 7.2 The proposed development comprises the construction of two houses.
- 7.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the Construction of 2no. private dwelling houses, connection to the public services and ancillary site development works, and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 7.4 The reason for this conclusion is as follows:
- The nature and scale of the development proposed which includes a connection to public services.
 - Distance from the nearest relevant water bodies, and the lack of hydrological connections.

7.5 Conclusion

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

8.0 The Appeal

8.1. Grounds of Appeal

A detailed First Party Appeal prepared by HRA PLANNING makes the following points:

- The proposed development would not constitute overdevelopment of the site.
 - Emphasis on the planning history of the site to justify a preference for a single dwelling.

- There is no specific evidence of how it would negatively impact the amenity of adjacent properties.
 - The 2007 permission was for two dwellings. This permission should not be determinative in assessing the current application. It has also expired. The comment from the planner that the proposed development constitutes a subdivision of no. 10a under the 2007 permission is inaccurate and misleading.
 - The 2012 permission (11/308016) superseded part of the 2007 approval, which more accurately reflects the built form on site, authorised the large house and garage which occupy the full width of the site save for narrow side passages. This layout protected the amenities of the adjoining house and reflects the compact pattern of development typical of the majority if not all Liosdara.
 - The proposed development should be assessed on its own merits against the Plan which supports infill development on R2 zoned lands and notes that the Built Up Area offers significant opportunities for infill development of underutilised or vacant plots. Section 3.10 of the Plan includes objective KCDP3-4 which seeks to deliver 30% of all new homes in the Key Towns of Tralee and Killarney. In addition, objective TR 11 seeks to facilitate the sustainable regeneration and renewal of vacant/derelict sites within the town, and section 1.3.1 of Volume 2 seeks to focus on higher-density neighbourhoods. A maximum site coverage of 85% is outlined in section 1.5.4.8 of Volume 6 of the Plan. The policies with respect to the 10-minute town, and corner sites, are also of note.
 - The site coverage of House 1 is 26.6% and House 2 is 33%, Combined the overall site is 28%, which is lower than that for no. 10 Liosdara and equitable to that for no. 9. There is no basis for the conclusion that the proposed development will result in excessive site coverage.

- Off street parking for open space is provided within each site. An 1.1m front boundary wall and 1.8m side walls are proposed in keeping with the existing boundary treatments.
 - The cul-de-sac head remains unchanged.
 - The proposed separation distances to side boundaries and between dwellings are consistent with the established pattern in Liosdara, where many plots are fully built across their width, including existing two-storey houses. This demonstrates that compact infill development can integrate well into the streetscape.
 - The general layout and footprint of houses within each plot are comparable with the established pattern of development. The proposed lateral separation distances are considered acceptable in this context.
 - No. 10 Liosdara does not present any amenity outlook from either within the dwelling or from within the rear amenity space toward or onto its eastern elevation. The rear building line of House 1 is set further forward (south) than no. 10, significantly reducing any potential for overlooking or overbearing impact onto 10 Liosdara. House no. 1 has only 1no. small window on its western elevation which serves light and ventilation for the first floor WC. It does not allow direct views into adjoining properties and will be finished in opaque glass. There are no windows on the corresponding side elevations of either proposed dwelling.
 - The proposed development would not constitute overdevelopment of the site, would not result in substandard residential development, would not seriously injure the amenities of property in the vicinity, and is consistent with the policies of the Plan.
- The proposed development would not endanger public safety by reason of traffic hazard and/or obstruction of road users.

- The proposed development does not encourage informal car parking at the nearby turning head given that the proposal provides off-street car parking for two cars, without impact on the turning head.
- The proposed development can provide for sufficient drainage within the property.
 - The site is not subject to flooding nor it is linked to any designated site
 - The proposal is not dependent on discharge of surface water to the foul network.
 - There was no objection from the Housing Estates Unit.
 - SuDS measures can be incorporated into the development including permeable paving and infiltration (soakaway or subsurface gravel under paving), use of gardens, and rainwater butts, which the applicant will accept as a condition.
- The applicant has prepared an updated site layout plan and elevations to provide in-curtilage parking for both houses and proposed boundary treatments. These do not alter the principle of development but seek to demonstrate further how the design of the proposed development complies with the Plan.
- The Planning Authority stated during the formal pre-planning consultation that the principle of the proposal for two semi-detached, three bedroom units can be considered. This is inconsistent with the decision on the application. The development's location, layout and scale remain unchanged, and no new technical issues were introduced that would justify a reversal in the Planning Authority's position.
- The Commission is requested to overturn the decision and grant permission.

8.2. Applicant Response

N/A

8.3. **Planning Authority Response**

None.

8.4. **Observations**

None (one observation was received after the expiry of the appropriate period).

8.5. **Further Responses**

None.

9.0 **Assessment**

9.1 Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issue which requires consideration in this appeal is that raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

9.2 Having regard to current planning policies which support compact growth and increased density in sustainable locations, and to the R2 zoning objective, to the planning history of the site, and the pattern of development in the vicinity, it is considered that the principle of the proposed development of 2no. dwellings is acceptable.

9.3 The main appeal issues are as follows:

- Compliance with the Development Plan
- Traffic Hazard
- Surface Water management

9.3.1 Compliance with the Development Plan

9.3.1.1 The Planning Authority refused permission on the basis that the proposed development of 2no. houses would constitute overdevelopment of a confined site by reason of excessive site coverage, and would result in a substandard residential development which would seriously injure the amenities of property in the vicinity.

9.3.1.2 In response, the First Party makes a detailed case that the proposed development is fully supported by the provisions of applicable planning policy.

9.3.1.3 I note the status of Tralee as a Key Town and as a Linked Hub Town with Killarney and the focus of policy on the sustainable development of Tralee.

9.3.1.4 I further note the application of national policy by way of objective KCDP 3-4 of the Plan, which seeks to deliver at least 30% of all new homes within the existing built-up footprint of Tralee, including in infill sites such as the proposed development site. In fact the regeneration of infill sites is prioritised by objective KCDP 4-27 of the Plan.

9.3.1.5 In relation to increased density, I note the advice in Section 1.5.2 of Volume 1 of the Plan, which states that the Planning Authority will consider the following:

- *Proximity to neighbouring and district centres:* the proposed development site is within walking and cycling distance of Tralee town centre.
- *Proximity to public transport bus stops:* the proposed development is close to the bus and train station in Tralee.
- *The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment:* the proposed development draws on the dwelling typology in the vicinity which is characterised by single-storey and two-storey dwellings on individual plots. I would agree with the First Party's observations that many plots in Liosdara are fully built across their width, including existing two-storey houses.
- *Compliance with qualitative and quantitative criteria:* the proposed dwellings are generally aligned with the applicable standards as regards internal accommodation, external amenities, relationship with adjacent properties, and provision of car parking.
- *The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas:* the proposed development site is located at the end of Liosdara, adjacent to a laneway that connects to the large Árd na Lí Park to the north. As such the nature, location and configuration of the

proposed development site lends itself to its own density and character, while also respecting the character and amenities of adjacent properties.

- *Existing topographical, landscape or other features on the site:* the proposed development site is relatively level with existing mature boundaries, and is suitable for development, having been previously subject to permission for a dwelling.
- *The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development:* local services including infrastructure, is likely to have the capacity to accommodate the small scale of development without significant impact.

- 9.3.1.6 The proposed development is supported by objective TR 11 of the Plan which seeks to facilitate the sustainable regeneration and renewal of vacant/derelict sites within the town; will also contribute to the delivery of additional housing to meet the target set out in objective TR 12 of the Plan; and will also contribute to a range of housing solutions in Tralee in accordance with objective TR 13 of the Plan.
- 9.3.1.7 The proposed development is fully aligned with Section 1.3.2 of the Plan, which encourages a more positive and flexible approach to the reuse/redevelopment of underutilised or derelict land, in particular infill sites.
- 9.3.1.8 The proposed development provides generous private open space and appropriate boundary treatments to minimise overlooking in accordance with section 1.5.4.8 of the Plan.
- 9.3.1.9 A key consideration in the Planning Authority's decision to refuse permission was the excessive site coverage and resultant substandard residential development, This has to be considered in the context of section 1.5.4.8 of Volume 6 of the Plan, which states that the maximum site coverage is 85%. As noted by the First Party, the proposed development will result in a site coverage of 28%, well below the maximum threshold cited in section 1.5.4.8 of Volume 6 of the Plan.
- 9.3.1.10 The influencing factor in refusing permission, and also referred to in the observations received by the Planning Authority, was that the site previously secured permission for 1no. single-storey dwelling under PL81.224616

(07/7481). However, as the First Party has pointed out, the 2012 permission (11/308016) supersedes the 2007 approval and more accurately reflects the built form of no. 10 Liosdara on site. As noted above, the policy environment since the 2007 permission has evolved significantly, with more of an emphasis on compact sustainable development of existing built up areas, with which the proposed development is aligned.

- 9.3.1.11 I also agree with the First Party that the location of both houses relative to side boundaries are consistent with the established pattern in Liosdara.
- 9.3.1.12 I do note that whereas House 1 fronts the street, House 2 fronts the laneway to the east. Given the configuration of the site and its context, I consider that this approach is acceptable, noting also that House 2 presents a strong elevation to the street.
- 9.3.1.13 I also note that both houses are 2-storey, however, there is a mix of 2-storey and single-storey houses in the vicinity.
- 9.3.1.14 I further note that the separation distances between both houses – c. 1.7m - is slightly less than the minimum set out in section 1.5.4.10 of Volume 6 of the Plan, which states that a minimum of 2.2 meters shall be provided between the side walls of detached, semi-detached and end of terrace dwellings to ensure privacy and ease of access. Given the proposed separation distance, the fact that House 2 faces the laneway to the east, that there are no windows on the north-west elevation of House no. 2, and that there is a 1.8m post and panel fence along the boundary between both houses, I do not consider that non-compliance with the minimum separation distance of 2.2m would give rise to a material contravention of the Plan. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.
- 9.3.1.15 I am satisfied that the layout, configuration, elevation treatment and boundary treatment of House 1, as detailed by the First Party, will not give rise to overlooking or overbearing impacts on the existing dwelling to the west (no. 10 Liosdara).
- 9.3.1.16 Overall, I consider that the proposed development integrates well into the streetscape, and would not constitute overdevelopment of the site, would not result in substandard residential development, would not seriously injure the amenities of property in the vicinity, and is consistent with the policies of the Plan.

9.3.2 Traffic Hazard

9.3.2.1 The Planning Authority's second refusal for refusal is that the proposed development would endanger public safety by encouraging informal parking at the nearby turning head, which would result in a traffic hazard.

9.3.2.2 However, the First Party, as demonstrated in the revised layout submitted with the appeal, has stated that each house will be served by 2no. car parking off-street car parking spaces.

9.3.2.3 In any event, as observed at the site, the turning circle is marked with double yellow line.

9.3.2.4 I also note that concerns were raised by observers to the Planning Authority about the impact on the proposed development on the laneway which is stated to be frequently in use. Other than a potential limited impact during construction, the proposed development will have no impact on same, and in fact will potentially ensure the laneway is overlooked.

9.3.2.5 It is also noted that the Tralee Municipal District Office – Roads and Transportation – raised no objection on traffic issues.

9.3.2.6 In this context, I do not agree with the Planning Authority that the proposed development will result in a traffic hazard.

9.3.3 Surface Water

9.3.3.1 The Planning Authority's third reason for refusal relates to the absence of sufficient detail on surface/storm water drainage, including SuDS, it has not been demonstrated that surface water can be adequately managed within the site.

9.3.3.2 The First Party has noted that the site is not located in a flood zone and that there was no objection on surface water grounds from the Housing Estates Unit.

9.3.3.3 It is further noted that the Tralee Municipal District Office – Roads and Transportation – also raised no objection on surface water management issues, stating that no surface water shall be allowed to flow onto the footpath or public road.

9.3.3.4 I agree with the First Party that, if the Commission is minded to grant permission, a condition in relation to surface water management can be attached.

10.0 AA Screening

See Appendix 2. In accordance with Section 177U of the Planning and 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 the Tralee Bay Complex SPA (Site Code: 004188) and the Tralee Bay And Magharees Peninsula, West To Cloghane SAC (Site Code 002070) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections.
- Taking into account the screening determination by the Planning Authority.

11.0 Recommendation

11.1. I recommend that permission is granted for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the applicable R2 zoning objective, objectives KCDP 3-4, KCDP 4-2, TR 11, TR 12 and TR 14, and the Development Management standards of the Kerry County Development Plan 2022-2028 , and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of traffic and convenience, would not endanger public health, and would be an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

| | |
|----|---|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of June, 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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the 21st day of March, 2025.</p> <p>Reason: In the interest of visual amenity.</p> |
| 3. | <p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p> |
| 4. | <p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater network.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p> |

| | |
|----|---|
| 5. | <p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 6. | <p>The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) the reinforcement/establishment of a hedgerow along all side, front and rear boundaries of the site, and</p> <p>(b) planting of trees at intervals along the boundaries of the site.</p> <p>Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p> |
| 7. | <p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 8. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p> |

| | |
|--|--|
| | <p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
|--|--|

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.

Aiden O'Neill

Aiden O'Neill

Planning Inspector

24th August, 2025

Appendix 1 - Form 1 EIA Pre-Screening

| | |
|---|---|
| Case Reference | ABP-322746-25 |
| Proposed Development Summary | Construction of 2no. private dwelling houses, connection to the public services and ancillary site development works. |
| Development Address | Site 10A, Liosdara, Oakpark, Tralee, 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) | <div style="display: flex; justify-content: space-between;"> <div style="width: 10%;"> <input checked="" type="checkbox"/> </div> <div style="width: 90%;"> Yes, it is a 'Project'. Proceed to Q2. </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;"> <input type="checkbox"/> </div> <div style="width: 90%;"> No, No further action required. </div> </div> |
| 2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> | No, it is not a Class specified in Part 1. Proceed to Q3 |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a | |

| | |
|--|---|
| <p>prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>Class 10 (b) (i) of Part 2 of Schedule 2. Threshold is 500 dwelling units.</p> |

| | |
|--|--|
| <p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p> | |
| <p>Yes <input type="checkbox"/></p> | |
| <p>No <input checked="" type="checkbox"/></p> | <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> |

Ad on full

24th August, 2025

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

| | |
|---|--|
| Case Reference | ABP-322746-25 |
| Proposed Development Summary | Construction of 2 no. private dwelling houses, connection to the public services and ancillary development works. |
| Development Address | Site 10A, Liosdara , Oakpark, Tralee, 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 site comprises an urban infill site within an existing built up area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use. |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | The proposed development is situated in an undeveloped, overgrown site in an existing estate. The site is not located within, or immediately adjoining, any protected areas. The development would be located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive 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, | Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. There are no significant cumulative considerations having regard to other existing and/or permitted projects. |

| cumulative effects and opportunities for mitigation). | |
|--|------------------------------|
| 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. |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | |
| There is a real likelihood of significant effects on the environment. | |

Ad onull

24th August, 2025

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2: AA Screening Determination Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case file: ABP-322746-25

| | |
|---|--|
| Brief description of project | Normal Planning appeal Construction of 2no. private dwelling houses, connection to the public services and ancillary site development works at Site 10A, Liosdara, Oakpark, Tralee, Co. Kerry |
| Brief description of development site characteristics and potential impact mechanisms | The proposed development site is 0.061ha and is located in an urban area. The proposed development site is located c. 2.42km to the north-east of the Tralee Bay Complex SPA (Site Code: 004188) and the Tralee Bay And Magharees Peninsula, West To Cloghane SAC (Site Code 002070). There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. |
| Screening report | No Kerry County Council screened out the need for AA. |
| Natura Impact Statement | No |
| Relevant submissions | None |

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development | Ecological connections ² | Consider further in screening ³ |
|----------------------|---|------------------------------------|-------------------------------------|--|
|----------------------|---|------------------------------------|-------------------------------------|--|

| | | | | |
|---|---|-----------|--|-----|
| | | | | Y/N |
| Tralee Bay Complex SPA (Site Code: 004188) | 23no. bird species https://www.npws.ie/protected-sites/spa/004188 | c. 2.42km | No direct connection, Possible indirect | Y |
| Tralee Bay And Magharees Peninsula, West To Cloghane SAC (Site Code 002070). | 20no. habitats https://www.npws.ie/protected-sites/sac/002070 | c. 2.42km | | |

¹ summary description / **cross reference to npws website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Further Commentary / discussion

Due to the location of the development site, its contained nature, and the distance between the site and the nearest designated site, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

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

AA Screening matrix

| Site name | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
|---|---|--|
| | Impacts | Effects |
| Site Tralee Bay Complex SPA (Site Code: 004188) Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] | Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction | The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. |

| | | |
|---|--|--|
| Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999] | | |
|---|--|--|

| | | |
|---|--|--|
| <p>Tralee Bay And Magharees Peninsula, West To Cloghane SAC (Site Code 002070).</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia</i> <i>maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia</i> <i>maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila</i> <i>arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> <i>ssp. argentea</i> (<i>Salicion</i> <i>arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> | | |
|---|--|--|

| | | |
|---|--|--|
| Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lutra lutra (Otter) [1355] Petalophyllum ralfsii (Petalwort) [1395] | | |
| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| 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 a European Site. 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 and 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 the Tralee Bay Complex SPA (Site Code: 004188) and the Tralee Bay And Magharees Peninsula, West To Cloghane SAC (Site Code 002070) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on: | | |

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections.
- Taking into account the screening determination by the Planning Authority.

Ad on full

24th August, 2025

Inspector: _____

Date: _____