



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323125-25**

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### Development

Construction of two storey dwelling and ancillary services and works, to replace permission for house No.2 granted permission under 20/254

### Location

Ross Road, Killarney

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

2560387

### Applicants

Colm Falvey and Elana Freil

### Type of Application

Permission.

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellants

David Sowerby and Rachel Kissane

### Observer(s)

None.

### Date of Site Inspection

17<sup>th</sup> September 2025.

### Inspector

Ann Bogan

## Contents

|      |                                     |    |
|------|-------------------------------------|----|
| 1.0  | Site Location and Description ..... | 3  |
| 2.0  | Proposed Development.....           | 3  |
| 3.0  | Planning Authority Decision .....   | 3  |
| 4.0  | Planning History .....              | 5  |
| 5.0  | Policy Context.....                 | 5  |
| 6.0  | EIA Screening.....                  | 7  |
| 7.0  | The Appeal .....                    | 7  |
| 8.0  | Assessment.....                     | 10 |
| 9.0  | AA Screening.....                   | 13 |
| 10.0 | Water Framework Directive.....      | 13 |
| 11.0 | Recommendation .....                | 14 |
| 12.0 | Reasons and Considerations.....     | 14 |
| 13.0 | Conditions .....                    | 14 |

## Appendix 1 –EIA Screening

## **1.0 Site Location and Description**

- 1.1. The 0.90ha site is located at Ross Road, on the south-western side of Killarney town. It is a largely residential area, close to Ross Castle, Lough Leane and Killarney race course.
- 1.2. A two storey dwelling is under construction on the adjoining site to the north-east. There is currently no wall or fence between these sites. An existing two storey dwelling (the appellants' dwelling') is located on the adjacent site to the south-west and the side boundary between them is formed by a concrete block wall circa 2m in height. The subject site is bounded by a high stone wall along the roadside and there is an existing vehicular entrance to the two sites from Ross Road. There is a mature beech tree towards the front of the site, close to the proposed entrance.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
- Construction of a 4 bed, 229sqm, two-storey dwelling, with single storey sections to side/rear
  - It will be connected to public water supply and sewerage systems
  - Vehicular access to be via a widened dual entrance shared with adjoining house under construction.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 11 mainly standard conditions.

Condition No 4 includes a requirement that the stairwell window be of frosted/opaque glass and the corner window serving the master bedroom at first floor level be omitted and replaced by a standard window with a northwestern facing opening only, in the interests of architectural harmony and residential amenity.

Condition No 11 requires the submission of a landscaping scheme for the site and protection of existing trees during construction.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- Planner's report noted previous permission to grant permission for a dwelling on this site, considered the height and design and private open space provision to be acceptable. Noted concerns raised regarding overlooking raised in submission from owners of house to southwest and recommended addressing these by condition.
- Having regard to nature scale and location of the proposed development concluded it is not one which requires EIA screening or EIA, as there is no real likelihood of significant effects on the environment arising from the proposed development.
- Concluded the proposed development would not be likely to have a significant effect on European Sites and Stage 2 AA not therefore required
- Recommended permission be granted subject to conditions

#### **3.2.2. Other Technical Reports**

- Flooding Coastal and Marine Unit noted proposed dwelling is situated in Flood Zone B, with shallow overland flood depths predicted in the 0-0.25 range for the extreme 0.1% AEP fluvial event and accordingly considered the flood risk associated with the application to be low

### **3.3. Prescribed Bodies**

TII request Planning Authority to have regard to provisions of official policy for development proposals as set out in listed TII publications/guidance.

### **3.4. Third Party Observations**

Observation received from owners of dwelling to south-west (the appellants), expressing concerns regarding overlooking of their home from windows in side elevation of proposed dwelling and questioning distance from the boundary.

## 4.0 Planning History

- 4.1. There have been a number of planning applications on or adjacent to this site, relating to subdivision of part of the site of an existing dwelling for additional dwellings. Those most relevant to the subject site are outlined below:

### On-site

**20/524** Permission granted on 17/06/2020 to Seamus and Nuala Keily to construct 2 No. one and a half storey dwellings with vehicular entrances and all associated site works, subject to conditions. Site of the proposed dwellings formed part of garden of an existing house to north-east. Dual entrance to serve proposed dwellings to be created by widening an existing site entrance. (Current application relates to house No 2 of this permission).

### Adjoining site to north-east

**23/60139** Permission granted for change of house design of house No.1 granted under 20/524

## 5.0 Policy Context

### 5.1. Development Plan

**Kerry County Development Plan 2022-2028**, adopted on 4th July 2022 has regard to national and regional policies and guidance in relation to residential development and compact settlements. Volume 2 includes a town development plan for Killarney.

Site is zoned R2: Existing Residential in the Town Development Plan.

### Vol 6, Section 1.0: Development Management Standards

#### 1.5.4.10 Minimum Separation Distance

Between directly opposing above ground floor windows (first floor), a separation distance of 22 metres should generally be observed for new, reciprocal overlooking housing, although this will also be informed by considerations such as typography, design, and housing type and mix.

Innovative dwelling types, such as houses which have their main sleeping and living areas on one side, and circulation and bathrooms on the other, may allow for a reduction in this standard. Any window proposed at ground floor level should not be less than 1m from the boundary it faces.

Adequate separation distances, between directly opposing rear first floor windows, should be provided when extending existing dwellings at first floor level, to ensure the retention of adjoining residential amenity.

For single storey dwellings, a reduction in the rear garden depth may be considered, subject to the protection of adjoining residential amenity.

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.

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

### Sustainable Residential Development and Compact Settlement Distances, Guidelines for Planning Authorities

#### **SPPR 1- Separation Distances**

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

### **5.3. Natural Heritage Designations**

- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC approx. 200m from site
- Killarney National Park SPA approx. 450m from site

## **6.0 EIA Screening**

- 6.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See attached EIA Form 1 Pre-screening and Form 2 Preliminary Examination).

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- No objection in principle to a dwelling on site but serious concerns in relation to aspects which impact on privacy and enjoyment of their house and garden
- Proposed dwelling has windows on south-western elevation facing their home
- Kerry County Council condition omits corner window of master bedroom (window 1) but not second window in master bedroom (window 2), which faces directly into their house and garden. Request a condition also be included omitting this window
- This window is unjustifiable in context of Sustainable Residential Development and Compact Settlement Guidelines which require proposer to satisfy planning Authority and Board that development will not have significant impact on amenity of occupiers of existing dwellings
- Proposed window serving stairwell (window 3), is only 5m from boundary and is intrusive on their property and amenity

- Kerry County Council condition requiring stairwell window to be frosted glass is not sufficient.
- Request stairwell window be omitted and replaced by other form of lighting such as a skylight that does not look directly into their property

## 7.2. **Applicant Response**

Summary of response by agent on behalf of applicants:

### Window 1

- Corner window serving master bedroom, which is a habitable room, faces south-west to capture evening sunlight
- Condition 4 of Planning Authority decision required corner window be replaced with window facing west
- Contends that corner window should not be replaced as it complies with SPPR1 of Sustainable Residential Development and Compact -Settlements Guidelines for Planning Authorities, which require a minimum of 16m between opposing windows serving habitable rooms at rear or side of houses above ground level, and states that less than 16m may be acceptable where no opposing windows and suitable privacy measures designed in prevent overlooking
- Attached layout plans show corner window does not directly oppose any window in appellants' house, is 9.5m from the south-western boundary it faces and 17.25m to nearest first floor corner of appellants' dwelling
- As corner window complies with the Guidelines, request the Commission to adjust Condition 4 and reinstate window

### Window 2

- Function of secondary window in circulation area of master bedroom is to give light to circulation area and could possibly be considered non habitable room
- This window does not directly oppose any window in appellants house, is 9.5m from south-western boundary and 16.7m from side wall of appellants and therefore complies with SPPR1
- Request the Commission to reject appellants' appeal to omit this window.



### Window 3

- Condition 4 states stairwell window should be fitted with frosted glass and appellants want window removed
- Submits stairs is not a habitable room and therefore SPPR1 does not apply
- Stairwell window does not oppose any window in appellants' house and is 11.95m from side wall of appellants' house
- Stairwell window is essential to give natural light to core circulation area of house including stairs, upper landing and entrance hall
- Agrees that condition 4 is appropriate here in requiring frosted glass and requests the Commission to reject appeal that stairs window be omitted and requests that condition 4 wording in relation to this window be retained
- Proposed first floor of structure is 2.7m further away from appellants house when compared to previously permitted dwelling (20524)
- Inspection of planning file for appellants house (15334) shows contradiction in appellants approach as their house has a corner bedroom window in north west corner of dwelling and a large amount of first floor clear glazing in south western elevation, circa 4.1m from site boundary, but they have issues with applicants' windows, which comply with SPPR1
- If applicant had been aware of the neighbours initial objection they would have tried to deal with it amicably, but it was not available on Council website
- Requests Commission to reject appeal to omit the 3 windows and accepts condition that stairs window to be frosted glass.

#### 7.3. Planning Authority Response

None

#### 7.4. Observations

None

#### 7.5. Further Responses

7.5.1. None

## 8.0 **Assessment**

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

- Residential amenity
- Other issues

### 8.2. **Residential Amenity**

- 8.2.1. The principle of a dwelling on this site has already been established under the existing permission for 2 No. one and a half storey dwellings, with a dual entrance (20/524). A subsequent permission was granted on site No.1 for a two storey dwelling which is under construction at present and is substantially complete (23/60139). The current application is for a somewhat similar two storey dwelling on site No. 2, to replace that previously permitted.
- 8.2.2. The appellants, who occupy the neighbouring house to the south-west, are not objecting to the principle of the proposed house, but contend that three proposed first floor southwest facing windows in the side elevation will impact on the privacy and amenity of their house and garden and should be removed.
- 8.2.3. The first floor of the proposed dwelling is approximately 4.9m from the side boundary and the nearest point of the appellants dwelling is approximately 9m from this shared boundary. The first floor of the proposed dwelling is 2.7m further from the shared boundary than the previously permitted dwelling, however there were no windows facing the shared boundary in the original permission.
- 8.2.4. The first floor side elevation of the appellants dwelling has been designed so that there are no windows in the side elevation facing toward the subject site, apart from a narrow bathroom window towards the front, which appears to be of frosted glass.
- 8.2.5. There are three windows in first floor south-west elevation of the proposed dwelling. I will refer to them using the numbering system used in the appeal and response. Window 1 is part of a corner window serving the master bedroom. It is 9.5m from the shared boundary and as it is faces the garden rather than the side of the dwelling the separation distance requirements between opposing windows under the County

Development Plan and SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines (the Guidelines) do not apply. However, it does face directly over the appellants rear garden, and would detract somewhat from the privacy of the garden. The Planning Authority required the omission of the south-western facing part of the corner window and its replacement by a standard window, facing north-west only. I accept that this is a reasonable compromise and will afford mutual privacy. In that context, I note that there are significant glazed areas at ground floor level in the proposed dwelling which will avail of south west and western sunlight in the day time and evening and provide amenity for the occupants, while south-west facing light to a bedroom is likely to be of less benefit.

- 8.2.6. Window 2 is a relatively small window providing light to a corridor giving access to the master bedroom itself as well as the associated 'walk in wardrobe' and ensuite bathroom. It is 16.7m from the nearest point of the neighbouring dwelling and there are no opposing windows in the opposite first floor. The applicant suggests that as circulatory space it may not constitute a habitable space. As there are no opposing windows the County Development Plan and SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines do not apply. I am satisfied that the window does not have potential to have a significant impact on residential amenity and it would not be reasonable to require its removal, as requested by the appellants.
- 8.2.7. Window 3 is a large, tall window serving the stairs to the first floor. It is approximately 12m from the side wall of the neighbouring house and does not face any directly opposing windows at first floor level. The applicant makes the point that a stairway is not considered a habitable room under the Guidelines and as such, the minimum distances applying under SPPR 1 of the Guidelines do not apply in any case. While accepting that point, I note that this large window overlooks a bedroom window in a downstairs bedroom in the neighbouring house and has potential to impact on residential amenity.
- 8.2.8. The Planning Authority, in condition No 3 of the decision, requires the stairwell window to be fitted with grazed or frosted glass in the interests of residential amenity. I note the applicants in their appeal response accept that the use of opaque glass in a situation such as this is common practice and do not raise an objection to the condition. The appellants request the removal of the window or its replacement replace with a rooflight. I agree with the applicant that this would significantly reduce

light to the stairwell and core of the dwelling and would impact on the amenity of the occupants of the proposed dwelling. I believe that the use of opaque glass as required by the Planning Authority is sufficient to protect residential amenity and is acceptable.

### **8.3. Other Issues**

- 8.3.1. I am satisfied that other relevant issues have largely been addressed by the Planning Authority in the planner's report. It concluded that the height and design of the proposed dwelling is acceptable and there is adequate private amenity space to the rear. The principle of the dual entrance to serve sites 1 and 2, which involves removal of part of the existing historic stone wall to widen the entrance, has been established in the previous permission and is acceptable. An internal report also concluded that there was little risk of flooding on the site.
- 8.3.2. There is a mature beech tree on the western side of the entrance, within the subject site. In further information submitted on the previous application (20/524), including an assessment of the condition of mature trees on the site, the mature beech tree, as well the horse chestnut east of the entrance in the adjoining site, were to be retained and were shown on revised layout drawings. Ash trees to the rear of the site were also to be retained. However, the mature beech is not indicated on the layout drawing submitted with the current application and I can see no documentation with the application justifying its removal, and I note the horse chestnut on the adjoining site is shown on the drawing.
- 8.3.3. The mature trees behind the historic stone wall along Ross Road are an attractive part of the character of the area as well as having environmental benefits, and their retention is desirable. Planning Authority Condition No. 11 requires submission of a landscaping scheme, prior to construction commencing. I recommend an amendment to the condition requiring identification of trees to be retained and making specific reference to the retention of the mature beech tree unless it's removal can be justified based on a condition survey or other reason acceptable to the Planning Authority.
- 8.3.4. Inclusion of a condition requiring the wing walls of the proposed entrance to be constructed of stone to match the existing wall along Ross Road, reflecting condition No 11 attached to permission 20/524, is also recommend.

## 9.0 AA Screening

- 9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC is approximately 200m from the site and the Killarney National Park SPA is approximately 450m from the site.
- 9.2. The proposed development comprises construction of a two storey dwelling and associated site works to replace permitted dwelling under previous permission 25/524 at Ross Road, Killarney, County Kerry.
- 9.3. No nature conservation issues were raised in the planning appeal.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works i.e. small scale and nature of the development
  - Location and-distance from nearest European site and lack of connections
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

- 10.1. The subject site is located at Ross Road, Killarney Count Kerry and the nearest waterbody is Ross Bay, (part of Lough Leane) which has moderate ecological status and is classified as 'at risk'. There is also a small stream (Laune 010), 500m from the site, which feeds into the lake and has a poor ecological status.
- 10.2. The proposed development consists of construction of a two storey dwelling and associated site works to replace permitted dwelling under previous permission 25/524.
- 10.3. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The distance from nearest water bodies and lack of hydrological connections

10.5. 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.

## 11.0 Recommendation

11.1. Permission recommended subject to conditions

## 12.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, to the nature and scale of the development and to the existing pattern of development in this area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area

## 13.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may |
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|    | <p>otherwise be required in order to comply with the following conditions.</p> <p>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>The proposed dwelling house shall be in accordance with the plans and particulars submitted with the application. The roof shall be covered with slates or tiles which shall be either black, dark grey or blue black. The colour of the ridge tile shall match the colour of the roof. All external finishes shall be neutral in tone, colour and texture.</p> <p>The proposed window ope serving the stairwell shall be fitted with frosted/opaque glass.</p> <p>The corner window serving the master bedroom at first floor level shall be omitted and shall be replaced by a standard window with a northwestern facing ope only. Revised Floor Plan and Elevation Drawings shall be submitted for the written agreement of the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of architectural harmony and residential amenity.</p> |
| 3. | <p>(a) No water from the site shall be allowed to flow onto the public road surface but shall be collected and diverted to discharge to the public surface water drainage system.</p> <p>(b) Appropriate measures shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road.</p> <p>(c) Any damage to the adjoining public footpath/roadway as a result of the proposed development shall be made good at the developer's expense to the satisfaction of the Planning Authority.</p> <p>(d) All works adjacent to or on the public road shall require a road opening licence approved by the Operations Department. The approval of this licence will be subject to the developer / contractor possessing the</p>  |

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|    | <p>adequate level of insurance which indemnifies Kerry County Council. The developer / contractor shall produce a company safety statement along with a site specific safety plan. The site specific safety plan shall include a site specific risk assessment and a traffic management plan.</p> <p>Reason: To avoid a traffic hazard and protect public property.</p>   |
| 4. | <p>The development shall be connected to the public water and public foul sewerage system to the satisfaction of Uisce Eireann. No development shall commence until such time as the developer has obtained and signed a Connection Agreement with Uisce Eireann for the provision of water and sewerage services necessary to enable the proposed development. The developer shall adhere to the standards and conditions set out in that agreement.</p> <p>Reason: In the interests of public health.</p> |
| 5. | <p>Good site management practices shall be employed by the developer during the site construction and development to prevent discharge of contaminated waters. Silt traps and/or inceptors shall be maintained at regular intervals during the course of construction work.</p> <p>Reason: In order to protect the environment.</p>   |
| 6. | <p>Notwithstanding the provisions of the Planning and Development Regulations 2001, no part of the proposed dwelling house shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission.</p> <p>Reason: In the interests of orderly development and residential amenity.</p>  |
| 7. | <p>All excavations and building works shall be carried out between the hours of 0800 and 1800 Monday to Friday inclusive, and between the hours of 0800 and 1300 on Saturdays only. No work shall be carried out on Sundays or Bank Holidays. Deviation from these times will only be allowed in exceptional circumstances where written approval has been received from the Planning Authority.</p> <p>Reason: In the interest of residential amenity.</p>   |



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| 8.  | <p>.All boundary fences behind the front building line of the dwelling shall be a concrete block wall capped and plastered and shall be 1.8 metres in height.</p> <p>.Reason: In the interest of orderly development and residential amenity</p>   |
| 9.  | <p>.The new wing walls that form the proposed entrance shall be constructed of native stone to match the stone of the existing wall along Ross Road.</p> <p>.Reason: In the interest of visual amenity and the heritage of the area.</p>   |
| 10. | <p>.Prior to commencement of development a comprehensive landscaping scheme shall be submitted for the written agreement of the Planning Authority. The scheme shall include details of trees to be retained, including the mature beech tree west of the entrance, unless justification for removal, including a tree condition survey carried out by a qualified arboriculturist, is submitted to and agreed by the Planning Authority.</p> <p>All landscaping shall be carried out prior to the first occupation of the dwelling house. Prior to commencement of development, all the trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum radius of 2 metres from the trunk of the tree.</p> <p>No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing.</p> <p>Reason: In order to integrate the structure into its setting and in the interests of biodiversity.</p> |
| 11. | <p>.The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable</p>   |

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|     | <p>indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to the Board 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 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>  |
| 12. | <p>. Prior to the commencement of development, the developer shall pay a contribution of €1,500.00 to Kerry County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the proposed development, as a special contribution within the meaning of Section 48 (2) (C) of the Planning &amp; Development Act, 2000 towards the cost of implementation of the following schedule of works:</p> <p><u>Proposed Infrastructure and Facilities Estimated Cost</u></p> <p>100 % contribution towards the cost of dropping the public footpath to facilitate this development.</p> <p>Estimated Cost: €1,500.00</p> <p>. Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, in accordance with the provisions of Section 48 of the Planning and Development Act, 2000.</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.

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. Ann Bogan  
Planning Inspector

17<sup>th</sup> October 2025

## Appendix 1 - Form 1 EIA Pre-Screening

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|---|--|
| <b>Case Reference</b>   | ACP-323125-25  |
| <b>Proposed Development Summary</b>   | Construction of two storey dwelling and ancillary site works   |
| <b>Development Address</b>  | Ross Road, Killarney, County Kerry   |
|   | <b>In all cases check box /or leave blank</b>  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.<br><br><input type="checkbox"/> No, No further action required. |
| <b>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)?</b>  |  |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>   | State the Class here   |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3  |  |
| <b>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?</b>   |  |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road  |  |

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

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| <p><b>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)?</b></p> |  |
| <p>Yes <input type="checkbox"/></p>  |  |
| <p>No X</p>  | <p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p> |

Inspector: Ann Bogan

Date: 17/10/25

## Form 2 - EIA Preliminary Examination

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| <b>Case Reference</b>   | ACP-323125-25  |
| <b>Proposed Development Summary</b>   | Construction of two storey dwelling and ancillary site works   |
| <b>Development Address</b>  | Ross Road, Killarney, County Kerry   |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>   |  |
| <b>Characteristics of proposed development</b><br><br>(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).  | <b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b><br><br>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health. |
| <b>Location of development</b><br><br>(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). | <b>Briefly comment on the location of the development, having regard to the criteria listed</b><br><br>The development is situated in a residential area of an urban centre on land which was previously part of the garden of an existing dwelling. The development is not within a designated site or landscape protected in the Development Plan but is located 200m from a Natura site.  |

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| <p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>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, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> |
| <p align="center"><b>Conclusion</b></p>   |   |
| <p><b>Likelihood of Significant Effects</b></p>   | <p><b>Conclusion in respect of EIA</b></p>  |
| <p><b>There is no real likelihood of significant effects on the environment.</b></p>  | <p><b>EIA is not required.</b></p>  |

**Inspector:** Ann Bogan \_\_\_\_\_ **Date:** 17/10/25 \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)