



An
Coimisiún
Pleanála

Inspector's Report ACP-323589-25

Development

Construction of a house at an existing site within the Páirc Chuimin housing estate (permitted under 16/247, 19/3 and 22/660). Provision of 2 car parking spaces and EV charging point and all associated site development works and services.

Location

Clashnagarrane, Kilcummin, Killarney, Co Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

25169

Applicant(s)

Dunboy Construction & Property Developers Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Dunboy Construction & Property Developers Ltd.

Observer(s)

None

Date of Site Inspection

03rd November 2025

Inspector

Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located in the Pairc Chuimin housing estate in the village of Kilcummin. The Site is located at the end of a row of two storey semi-detached houses and measures 0.0344 ha. There is an existing wastewater pumping station immediately to the west of the site which is separated from the site by a wooden post and rail fence. A stone wall is located to the front of the pumping station. To the west of the site is a row of recently constructed two storey detached dwellings. A metal fence separates the appeal site and adjoining lands from the existing dwellings and the area forms part of a construction site.

2.0 Proposed Development

- 2.1. Permission is sought for a two storey 4 bedroom dwelling with a gross floor area of 136.3 sq.m., 2 in curtilage car parking spaces and connection to mains water, wastewater and surface water drainage. The dwelling has a proposed ridge height of 8.09m.

3.0 Planning Authority Decision

3.1. Decision

On 13th August 2025, Kerry County Council (KCC) issued notification of the decision to refuse planning permission for one reason as follows:

It is considered based, on the submission received from Uisce Eireann that the proposed development due to its proximity to the newly constructed Kilcummin Wastewater Pumping Station would be located within the buffer zone setback as set out in Uisce Eireann's Codes of Practice and would therefore have a negative impact on the pumping station. The proposed development would therefore 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 dated 30/07/2025 can be summarised as follows:

- There are no negative visual impacts or negative impacts on neighbouring residential amenities associated with the proposal.
- Regard must be had to the issues raised in the submission from Uisce Eireann which raise concerns about the potential detrimental impact the proposed development could have on the wastewater pumping station due to its proximity to same and it is recommended that permission should be refused.

3.2.2. Other Technical Reports

None on file.

3.3. Prescribed Bodies

Uisce Eireann (UE):

- Physical connections to both water and wastewater infrastructure are feasible without infrastructure upgrade.
- UE assets pass in close proximity to the proposed site, correct separation distances will be required.
- The proposed dwelling will be located c4.8 metres from the boundary of the constructed Wastewater Pumping Station (WwPS) which was recently delivered to serve the whole of Kilcummin agglomeration for existing and future development. This is well within the buffer zone setback area as set out under EU's Codes of Practice. The proposed development may have a detrimental impact on the WwPS which can neither be relocated or adequately protected from the development.
- In relation to odours/noise/vibrations the proposals is located within an area adjacent to a UE facility, that during normal operation, in compliance with standards as set down in legislation for the facility, may impact on the development site through noise or odours and vibrations.
- The siting of the development as proposed may be prejudicial to UE's ability to meet the needs of CER with respect to providing water services in an economic and efficient manner as required under Section 30(2)(b) of the Water Services Act (2) of 2013.

Inland Fisheries:

- A tributary of the Deenagh river runs along the southwestern side of the proposed site which is of fishery interest itself and a tributary of the river Deenagh within the Killarney National Park, McGillycuddy and Caragh River Catchment SAC. The watercourse is part of an 'area for restoration' under the WFD.
- The Deenagh tributary must be protected and a minimum 5m buffer provided and details of mitigation measures outlined.

3.4. Third Party Observations

None on file.

4.0 Planning History

- 4.1. There is an extensive planning history associated with the site and adjoining lands. The following are considered relevant to the appeal:

22660 / ABP-314951-22: Permission granted by Kerry County Council and ACP for new Foul Sewer to facilitate Irish Water to complete Kilcummin Sewage Scheme and connection of Pairc Chuimin to same , turning bay to serve pumping station and construction of 34 houses by way of modification of previously granted permitted permission by An Bord Pleanala under appeal reference 08.248967 (P.A. REG. REF. 16/247). This permission includes the existing dwelling to the immediate west of the site. The site layout plan relating to this permission includes the appeal site which is included in an area identified as 'Green Area' and is included in an area identified as 'public area to be transferred to local authority'.

The following relevant conditions are included in the grant of permission:

Condition 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 6th day of September 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

Condition 16 The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. The area required by Kilcummin Sewerage Scheme pumping station permitted under planning register reference number 17/97 and An Bord Pleanála appeal number PL 08.248355 shall remain free from development.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

193: Permission granted by Kerry County Council for construction of 9 housing units on site no's 86-94. This permission relates to dwellings to the immediate west of the appeal site.

17/97 / ABP 08.248355: Permission granted by Kerry County Council and ACP for developments as part of the Kilcummin Sewerage Scheme consisting of construction of a wastewater pumping station which will include a below-ground peak-flow holding tank, a below-ground pump sump with duty and standby pumps as well as screening, odour control, electrical and telemetry systems, all to be housed within an above ground building; an access road to the pumping station from the rear of the Páirc Chuimín Estate, Clashnagarrane Townland; an emergency over flow from the pumping station to the adjacent watercourse which discharges to the River Deenagh within the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365), and all ancillary works including fencing, lighting, ventilation and landscaping; and (b) construction of a gravity sewer crossing of the River Deenagh within the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) and all ancillary works; in the townland of Derreen, Killarney, County Kerry.

16247 / PL 08.248967: Permission refused by Kerry County Council and granted by ACP on 14/05/2018 for 33 no. housing units on sites no's 86 – 118.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. The plan has regard to national and regional policies in respect of infill development within existing built-up areas. Kilcummin is identified as a District Town.
- 5.1.2. Policy Objective KCDP 4-27 seeks to prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County. Section 4.3.8 deals with residential densities and building heights and includes objective KCDP 4-40 in this regard which seeks to ensure that developments have regard to national policy and Ministerial Guidelines.
- 5.1.3. Volume 6 sets out Development Management Standards for residential development.
- 5.1.4. The site is zoned 'Existing Residential' in the Killarney Municipal District Local Area Plan 2018-2024. Proposed Variation No 2 of the Kerry County Development Plan 2022-2028 relates to the Killarney Municipal District Settlement's Plan. This plan will replace the Killarney Town Development Plan and the Killarney Municipal District Local Area Plan 2018-2024 and the site is zoned New/Proposed Residential therein.

5.2. Ministerial Guidelines

- 5.2.1. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that in areas identified as Metropolitan Area – Village (<1,500 population) density should be tailored to reflect existing density and / or built form but should not generally not fall below 25 dph.

5.3. Natural Heritage Designations

- 5.3.1. The site is located c.150m west of the Killarney National Park, McGillycuddy and Caragh River Catchment SAC (Site Code: 000365).

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been received. A copy of the planning statement submitted with the application and a Noise and Vibration Impact Assessment for the proposed dwelling were submitted with the appeal. The appeal can be summarised as follows:

- A Noise and Vibration Impact Assessment for the proposed dwelling evaluates the potential for operational noise and vibration generated by the pumping station to adversely affect the amenity of future occupants of the dwelling and to assess the suitability of the site for residential development in accordance with relevant acoustic design standards, policy and best practice guidance.
- The pumping station was observed to operate on a cyclical duty cycle with an on-time of 10 minutes and an off-time of 20 minutes. During the on time, the ambient sound level at the assessment location was measured at approximately 38 Db laEQ,10min. This was corrected for residual sound and adjusted for intermittent operation and findings from the noise assessment give a representative rating level of 34Db(A) at the nearest gable end of the

house situated 4.8m from the pumping station boundary. The report states that according to BS 4142:2014 the results are an indication of the specific sound source(s) having a low impact on the noise-sensitive receptor. The report concludes that when assessed against EPA NG4 guideline thresholds and BS 8233:2014/WHO design targets, the predicted internal and external noise levels remain below the applicable limits, both for typical operation and in the event of increased pumping duty cycles and indicates a low impact in line with the assessment criteria of BS 4142:2014.

- Current best practice standards and guidance call for indoor ambient noise levels no greater than 35dB(A) during the day and 30dB(A) in bedrooms at night, and less than 50 Db(A) in external gardens to prevent reasonable annoyance during the day. In the event of an operational change leading to increased duty frequency (i.e., a longer on-time duration while maintaining the same sound emission levels), the overall acoustic impact would remain comfortably within the applicable guideline values.
- Vibration levels were measured from adjacent to the shared boundary with the pumping station. The report states that levels expressed as Vibration Dose Values (VDVs) were significantly lower than the thresholds for 'low probability of adverse comment' defined in BS 6472-1:2008, which confirms that the pumping station should not give rise to perceptible vibration effects within the proposed dwelling.
- The assessment finds that noise and vibration impact from the pumping station will remain low and within the thresholds set out in the relevant standards and guidance and the report concludes that the site is acoustically suitable for residential development.
- Planning Application 1797 relates to the construction of the waste water pumping station. KCC failed to have proper regard to crucial information contained in that planning application which directly contradicts the basis for the current refusal. This constitutes a fundamental error in the decision-making process and a breach of the authority's duty to consider all material considerations.

- The planning application for the pumping station concluded that noise levels from the pumping station will be minimal and will comply with EPA guidelines and that operation noise from the pumping station will not exceed 45dB(A) during daytime hours and 35dB(A) during night-time hours at the nearest residential properties. The vibration assessment stated that vibration levels from the pumping station will be negligible due to the use of anti-vibration mounting systems and modern pump technology and that vibration transmission to surrounding areas will be minimised through proper foundation design and isolation measures.
- Odour control systems have been provided to ensure no odour impacts.
- Case law is outlined relating to the PA's requirement to consider all material considerations and provide coherent reasoning for their decisions and the PA has a duty to seek clarification rather than simply accept conflicting positions.
- UE's planning application included a commitment to ongoing environmental monitoring including noise, vibration and odour assessments to ensure continued compliance with environmental standards demonstrating that environmental impacts can be adequately controlled and monitored.
- UE'S objection contradicts the approved pumping station design which specifically incorporates noise control measures and comprehensive odour control systems. This undermines the credibility of the observation which is generic in nature and lacks any direct scientific measurement.
- UE's Code of Practice states that setback distances may be subject to change depending on local circumstances. This means that the distance requirements are not rigid mandatory standards but are subject to discretionary assessment based on individual circumstances.
- An independent report on noise and vibration attached to the appeal concludes that there is no noise or vibration at the site. This technical evidence directly rebuts the primary concern raised by UE.
- Case Law is cited which finds that PA's cannot rely on theoretical concerns without engaging with the substance of the evidence presented; that statutory decision making must be reasoned and proportionate and unsupported

assertions cannot justify refusal; and that PA's must address apparent contradictions in the evidence base. UE offered no evidence stating the proposal 'may impact' or 'may be prejudicial', leaving open that there may be no impact at all as submitted by Irish Water with respect to odour in Planning ref 17/97.

- UE's confirmation of feasibility assessment confirms that physical connections to water and wastewater infrastructure are feasible. This contradicts the claim that the development would prejudice service provision.
- UE's reliance on Section 30(2)(b) of the Water Services Act 2013 is flawed as this section of the Act concerns the application of financial emergency measures in the Public Interest Act 2010 relating to superannuation benefits had has no relevance to service delivery or to planning decisions.
- Case law is cited which finds that PA's must demonstrate that they have applied their own planning expertise and judgement rather than simply deferring to consultee views and consider alternative approaches. The PA's reliance on the UE submission fails to demonstrate this requirement.
- Case law is cited which establishes that planning decisions must have regard to the established character and development pattern in an area and where development is consistent with the existing zoning and character, there is a presumption in favour of permission unless there are compelling reasons to the contrary. The PA found no other issues with the proposal other than the issues raised in the UE objection.
- Case law is cited which finds that PA's must address consultee concerns before refusing permission. UE's code provides for situations where standard requirements cannot be met. The appellants noise and vibration report demonstrates that the concerns raised can be addressed and technical solutions have been implemented at the pumping station by UE.
- Case law finds that PA's must balance competing considerations and seek solutions that advance the overall public interest.
- KCC failed to exercise independent judgement required by law and failed to have true regard to the proper planning and sustainable development of the

area and failed to request further information to address the matter and refusal occurred in the absence of relevant evidence.

6.2. Planning Authority Response

None on file.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate to

- Proximity to Pumping Station
- Planning History

7.2. Proximity to Pumping Station

7.2.1. The PA's refusal reason refers to the proximity of the proposed development to Kilcummin Wastewater Pumping Station and states that the proposal would have a negative impact on the pumping station as a result of its location within the buffer zone setback as set out in Uisce Eireann's (UE) Codes of Practice (CoP). This refusal reason reflects the concerns raised in the observation to the PA by UE. The appellant outlines that a Noise and Vibration Impact Assessment finds that noise and vibration impact from the pumping station will remain low and within the thresholds set out in the relevant standards and guidance and the report concludes that the site is acoustically suitable for residential development.

7.2.2. UE's COP states that medium sized pumping stations (Type 3 pump stations serving more than 20 dwellings) shall be located no closer than 15m to a property boundary in order to minimise risk of odours, noise and vibration nuisance. The CoP states that the distance shall be measured from the pumping station site boundary to the boundary of the nearest habitable, commercial, industrial or mixed use property and that this distance may be subject to change depending on local circumstances and early discussions with the Planning Authority and Irish Water. Facilities for odour

control shall be installed (comprising a vent stack with passive and/or forced odour control systems) to ensure that the pumping station will not create odour nuisance impact due to being located in close proximity to dwellings and public areas.

- 7.2.3. The site boundary relating to the proposed development is located directly adjacent to the site boundary of the pumping station and approximately 5 metres from the pumping station building itself. Having regard to the criteria set out in UE's CoP for Wastewater Infrastructure as outlined above I note that the proposal does not provide for the required 15m separation distance. Whilst I note the appellants case that the CoP provides that flexibility in separation distance can be accommodated based on discussions with the PA and UE, I note that both the PA and UE raised concerns in relation to the proximity of the proposed development and are not in favour of the proposal for a dwelling at this location.
- 7.2.4. I am satisfied that the CoP provides for the required separation distances and I therefore do not consider the decision to refuse permission was made without sufficient evidence of potential impacts as outlined by the appellant. I note that the decision of the PA relates to the negative impact of the proposed development on the pumping station as outlined in the UE submission to the PA. Having reviewed the file I consider it is not fully clear what the impact on the pumping station would be. However, I note the UE submission goes on to note that during normal operation the pumping station may impact on the development site through noise or odours and vibrations.
- 7.2.5. The CoP outlines that the reason for the required 15m setback is in order to minimise risk of odours, noise and vibration nuisance. I note the first party case that regard has not been had to the assessment of the pumping station under planning reference 1797. The pumping station was permitted by the PA and by An Coimisiún Pleanála in October 2017 following a third party appeal. In assessing the application no issues were raised in relation to noise, vibration or odour on surrounding properties. The Site Layout Plan submitted with the pumping station planning application shows the closest residential property located at No. 85, the boundary of which is shown as located 79m from the pumping station boundary. I see no evidence on the file to conclude that the assessment of the pumping station would have assessed potential impacts on a dwelling located on the appeal site adjoining the pumping station.

- 7.2.6. Whilst I note the findings of the Noise and Vibration Impact Assessment submitted with the appeal, I do not consider the matter of odour has been addressed. The appellant argues that this matter was addressed in the assessment of the pumping station. As noted above, I see no evidence on the file to conclude that the assessment of the pumping station would have assessed the odour impacts of a dwelling on the appeal site. As such I do not agree with the appellants case that the information contained in planning application 1797 contradicts the basis for PA's refusal reason or that UE's objection contradicts the approved pumping station design. I also have concerns that any future operations of the pumping station may result in increased noise and vibrations resulting in impacts on future occupants of the proposed dwelling. Similarly, in relation to the first party's case that the approved pumping station incorporates noise and odour control systems, I note that this appears to be based on the existing environment at the time of that application.
- 7.2.7. Based on the submission by UE and on the required separation distances set out in the CoP, I consider the location of a house on the appeal site has the potential to result in residential amenity impacts on future occupants of the proposed dwelling due to potential negative impacts as a result of odour, noise and vibration. I note the concern of UE regarding lack of separation distance and I note that the proposal would result in decreased separation distance between the pumping station and surrounding residential properties than previously permitted and I consider the UE submission is reasonable.
- 7.2.8. In relation to matters referred to in the UE submission to the PA in relation to the Water Services Act, I note the response to this by the first party and I do not consider that this is relevant to the assessment of this appeal.
- 7.2.9. I note the established character and development pattern in the area comprises residential as well as the pumping station and I am satisfied that the PA has given sufficient regard to the surrounding pattern of development and that concerns relating to residential amenity impacts as a result of proximity to the pumping station are sufficient to warrant a refusal. Notwithstanding the noise and vibration report submitted with the appeal, I note that there is potential for noise, vibration and odour related impacts on future occupants of the proposed dwelling and I consider that the proposal would be contrary to the proper planning and sustainable development of the area.

7.2.10. I do not agree with the appellants case that UE's confirmation of feasibility contradicts the claim that the development would prejudice service provision, noting that confirmation of feasibility indicates whether a connection is technically feasible. I see no indication on the file that the confirmation of feasibility provided by UE addresses the matter of proximity to the pumping station.

7.3. **Planning History (New Issue)**

Having reviewed the planning history of the appeal site and adjoining lands, I note that the appeal site along with adjoining lands to the north and lands located in front of the wastewater pumping station were identified as a 'green area' on the site layout plan relating to planning application 22660 / ABP-314951-22. Condition 1 of this permission requires that 'the development shall be carried out and completed in accordance with the plans and particulars lodged with the application'. Condition 16 requires that 'the areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. The area required by Kilcummin Sewerage Scheme pumping station permitted under planning register reference number 17/97 and An Bord Pleanála appeal number PL 08.248355 shall remain free from development'. As the proposed development seeks to provide for a dwelling on land comprising the amenity area serving the development of 34 residential units permitted by An Coimisiún Pleanála under permission reference ABP-314951-22, I consider the proposed development would materially contravene Condition 1 and Condition 16 of permission ABP-314951-22 granted on the 17th day of July 2024. I note for the Coimisiún that this matter was not raised by the PA or the appellant and that this is a new issue. The Coimisiún may wish to seek the views of the parties to the appeal on this matter.

7.4. **Water Framework Directive Assessment**

7.4.1. 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 and ground water waterbodies in order to reach

good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively (refer to Appendix 4).

8.0 AA Screening

8.1. 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 Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC [Site Code: 000365] in view of the conservation objectives of the site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

9.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its proximity to the adjoining Wastewater Pumping Station and location contrary to the provisions set out in Uisce Eireann's Codes of Practice for Wastewater Infrastructure, would seriously injure the residential amenities of future

occupants due to potential noise, odour and vibration impacts and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would, by reason of the development of a residential unit on a previously permitted area of public open space, contravene materially conditions attached to an existing permission for development, namely Condition no. 1 and Condition no. 16 attached to permission granted by the Coimisiún on the 17th day of July 2024 under Appeal Reference ABP-314951-22.

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

Bernadette Quinn
Planning Inspector

26th November 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323589-25
Proposed Development Summary	Construction of a house at an existing site within the Páirc Chuimin housing estate (permitted under 16/247, 19/3 and 22/660). Provision of 2 car parking spaces and EV charging point and all associated site development works and services
Development Address	Clashnagarrane, Kilcummin, Killarney, Co Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323589-25
Proposed Development Summary	Construction of a house at an existing site within the Páirc Chuimin housing estate (permitted under 16/247, 19/3 and 22/660). Provision of 2 car parking spaces and EV charging

	point and all associated site development works and services
Development Address	Clashnagarrane, Kilcummin, Killarney, 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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development of one dwelling has a modest footprint, is located adjacent to existing residential development and is not out of context at this rural village location and will not give rise to any significant waste or pollutants. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster and presents no risks to human health.
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).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated on zoned and serviced lands in an existing residential development in a populated village and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Kerry CDP 2022-2028
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location relative to 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.
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.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3
Screening for Appropriate Assessment
Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Construction of a house and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	The proposal relates to construction of a two storey detached dwelling on a site measuring 0.0344 ha. The site is located adjacent to existing residential development in a zoned and serviced area characterized by recently constructed dwellings and a wastewater pumping station. The site is located 150m west of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC (Site Code: 000365).
Screening report	N
Natura Impact Statement	N
Relevant submissions	Inland Fisheries submission to the PA notes that a tributary of the Deenagh river runs along the southwestern side of the proposed site which is of fishery interest itself and a tributary of the river Deenagh within the Killarney National Park, McGillicuddy and Caragh River Catchment SAC

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

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (m)	Ecological connections²	Consider further in screening³ Y/N
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC [000365]	Habitats: Oligotrophic Waters containing very few minerals, Oligotrophic to Mesotrophic Standing Waters, Floating River Vegetation, Wet Heath, Dry Heath, Alpine and Subalpine Heaths, Juniper Scrub, Calaminarian Grassland, Molinia Meadows, Blanket Bogs (Active), Rhynchosporion	150 metres	No spatial overlap, therefore no direct connection with this SAC. No hydrological or ecological connection via air or land. The site does not support the species or habitats relevant to this SAC.	N

	Vegetation, Old Oak Woodlands, Alluvial Forests, Yew Woodlands. Species: Kerry Slug (Geomalacus maculosus), Freshwater Pearl Mussel (Margaritifera margaritifera) Marsh Fritillary (Euphydryas aurinia) Sea Lamprey (Petromyzon marinus), Brook Lamprey (Lampetra planeri), River Lamprey (Lampetra fluviatilis), Twaite Shad (Alosa fallax), Atlantic Salmon (Salmo salar), Lesser Horseshoe Bat (Rhinolophus hipposideros), Otter (Lutra lutra), Killarney Fern (Trichomanes speciosum), Slender Naiad (Najas flexilis)			
Link to Conservation Objectives: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000365.pdf				
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 ³ if no connections: N				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites No potential for likely significant effects on European sites during the construction or operational phase has been identified.				
Step 4 Conclude if the proposed development could result in likely significant effects on a European site				

I conclude that the proposed development (alone) would not result in likely significant effects on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC [Site Code: 000365]. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.
No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning 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 Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC [Site Code: 000365] in view of the conservation objectives of the site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

Appendix 5: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ACP-323589-25	Townland, address	Clashnagarrane, Kilcummin, Killarney, Co Kerry.
Description of project		Construction of a house at an existing site within the Páirc Chuimin housing estate (permitted under 16/247, 19/3 and 22/660). Provision of 2 car parking spaces and EV charging point and all associated site development works and services.	
Brief site description, relevant to WFD Screening,		The site measures 0.0344 ha, is located on a flat site. The area is characterised by residential uses to the west and a waste water pumping station to the east. The site is covered in gravel / hardcore.	
Proposed surface water details		Proposed SuDS and connection to mains.	
Proposed water supply source & available capacity		Proposed connection to mains.	
Proposed wastewater treatment system & available capacity, other issues		Proposed connection to mains sewer.	

Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	Located 240m east of the site	DEENAGH_010 IE_SW_22D010100	Poor	At Risk	Ag, HYMO, Peat	Potential pathway via surface water drainage
Groundwater Waterbody	Underlying site	Scartaglin IE_SW_G_073	Good	Not At risk		Surface water run-off to groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance /construction	DEENAGH_010	Hydrological pathway across site	Water Pollution by siltation and/or chemicals	Standard best construction; Construction, demolition and environmental management plan (condition)	No	Screened out
2.	Site clearance /construction	Scartaglin	Drainage through soil/bedrock	Hydrocarbon and other spillages	Standard best construction; Construction, demolition and environmental management plan (condition)	No	Screened out
OPERATIONAL PHASE							

4.	Surface water run-off	DEENAGH_010	Hydrological pathway across site	Surface water run-off	Drainage collection and disposal measures (silt collector / petrol bypass, SUDS measures to collect clean storm water and discharge to SW main drain)	No	Screened out
5.	Groundwater discharge	Scartaglin	None	Surface water run-off to groundwater	Drainage collection and disposal measures (silt collector / petrol bypass, SUDS measures to collect clean storm water and discharge to SW main drain).	No	Screened out
DECOMMISSIONING PHASE							

7.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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