



Development

Two storey building containing offices at first floor level and retail unit at ground floor level and ancillary services & areas including bike and bin store area.

Location

Dodd's Lane, High Street, Killarney, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2560562

Applicant(s)

Florence & Padraig McCarthy

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Veronica and Elizabeth Lyne

John Clifton

Nocwerdna Ltd.

Observer(s)

None.

Date of Site Inspection

2nd December 2025

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1.1. The subject site is located at Dodd's Lane, High Street, Killarney, Co. Kerry, with a stated area of 0.03ha. The site is irregular in shape and is accessed via Dodd's Lane, which is a cul de sac to the subject site that enters via a gated entrance located under the first floor of a building fronting onto High Street. There is a right of way over the laneway from two separate properties, one on New Street to the south and one into an area connecting to Bishop's Lane to the north. There is also a small access lane off the subject site, running south to north, which provides access to the rear of existing buildings fronting onto High Street.
- 1.1.2. A single storey structure which is occupied by a fish shop is located on part of the site and the area of the proposed development is vacant. The rear of the site (west) backs onto a four-storey apartment building with windows on the upper two floors overlooking the site. To the south, the site is bound by a wall separating the site from rear yards of properties fronting onto New Street, and the rear of the buildings which front onto High Street.
- 1.1.3. The area of High Street in the vicinity of Dodd's Lane is characterised by retail and food outlets. High Street has a one-way system in operation for vehicular traffic that runs in a south to north direction. There are parking and loading bays located along the street, including in front of the entrance to Dodd's Lane. Dodd's Lane is approximately 2m in width at its entrance to High Street and narrows to approximately 1.2m wide and cannot accommodate vehicular traffic.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a two-storey building with a ground floor retail unit and first floor offices and associated works. The proposal will be located beside/to the west of a permitted three storey unit with ground floor retail and offices at upper floors (Ref. 21/1195, ABP-314925-22) at the location of the existing fish shop within the rear yard of the laneway.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission for the proposed development on the 25th August 2025. The decision was subject to 8no. conditions. Condition 3 required the omission of the proposed office balcony.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority, Planner's Report had regard to the planning history of the site, the location of the proposal and the local planning context applicable to the proposal. The main points of the planners assessment can be summarised as follows:

- The previous refusal for a retail unit and residential apartment under Ref. 24/60796 and ABP Ref. 321539-24 is noted and considered that the reasons for refusal have been adequately addressed in this revised proposal.
- The proposal is consistent with the provisions of the development plan with regard to revitalising the town centre, compact development and the principle of development is considered acceptable.
- Issues in relation to rights of way are not a matter for the Planning Authority.
- 2-storey height is acceptable in 4-storey existing context. Ground floor retail will add vibrancy to laneway.
- Although there are constraints to the width of the lane, granting of permission is appropriate. Previous An Bord Pleanala acceptance of access is noted. Existing bin storage and access to adjoining properties will not be impacted by the proposal.
- Proposal will not impact on residential amenity of apartments to west, which have no windows on ground and first floor. Overall design is acceptable, and overshadowing will not occur due to heights and orientation proposed.

- Proposed balcony is not required and should be removed. Proposed landscaping will add to the laneway aesthetics.
- The proposal makes best use of this vacant site within the town centre, and a grant of permission is recommended.

3.2.2. Other Technical Reports

- None on file

3.3. Prescribed Bodies

3.3.1. None on file.

3.4. Third Party Observations

3.4.1. 3no. third party submissions were received by the Planning Authority, objecting to the proposed development. The issues raised are similar to those raised in the third-party appeals, which is set out below.

4.0 Planning History

4.1.1. **Kerry County Council (KCC)Ref. 2460796 (ABP Ref. 321539-24):** Permission granted by KCC and refused by ABP for construction of a two storey building containing ground floor retail and first floor 1-bed apartment. Proposal refused on the basis of juxtaposition with permitted three-storey shop and offices (KCC Ref. 21195/ABP-314925-22) and substandard residential amenity created by proximity to the already permitted building.

4.1.2. **KCC Ref. 211194 (ABP-314922-22):** Permission granted by KCC and refused by ABP for construction of a two storey building containing a store and 1no. office. Proposal was refused on the basis of an inactive use and elevation at ground floor which is contrary to the regeneration objectives for Killarney Town as contained in the County Development Plan. The proposal would also militate against a quality pedestrian environment at Dodd's Lane.

4.1.3. **KCC Ref. 211195 (ABP-314925-22):** Permission granted by Kerry County Council and An Bord Pleanála to demolish existing shop and store and to construct a three-

storey building containing a shop and 2 no. offices and all ancillary services and areas on lands adjacent to the subject site, within the rear yard of the laneway.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

- The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.

5.1.2. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

5.2. Climate Action Plan, 2025 [CAP25]

5.2.1. It is noted within CAP25 that Key targets to further reduce transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. In relation to buildings, it is noted that operational emissions in the built environment sector have decreased by 21% since 2018, and

achievement of the first sectoral emissions ceilings is within reach. In 2025 it is proposed to transpose the Energy Performance of Buildings Directive, publish a roadmap to phase out fossil fuel boilers, and increase the numbers of building energy rating (BER) assessors, OneStop-Shops, and Sustainable Energy Communities. It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

5.3. Climate Action Plan, 2024 [CAP24]

- 5.3.1. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.4. Kerry County Development Plan 2022-2028

- 5.4.1. The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. Volume 2 of the Development Plan outlines Town Development Plans and includes the Killarney Town Development Plan. The appeal site is located on land zoned “M2 Town Centre” with the stated objective to *‘provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses’*.
- 5.4.2. Volume 6 of the Kerry County Development Plan provides a description for ‘M2’ zoned lands which seek to consolidate the existing fabric of the core/central areas of settlements by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a quality urban environment. The zoning emphasises compact growth objectives and priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic.
- 5.4.3. Volume 2 of the Kerry CDP deals with Town Development Plans and zoning maps, while Volume 4 contains the relevant zoning maps for the towns, including Killarney. Volume 2 Part 2 of the Kerry CDP deals with Killarney Town. The vision for Killarney

is to create an attractive location to live, work and visit. It seeks to mirror the natural environment of Killarney National Park with an exceptional urban experience that sets Killarney apart as a world class tourism destination. It is the stated strategic objective of the CDP, KA 10 refers, to facilitate the sustainable regeneration and renewal of vacant / derelict sites within the town. Other relevant objectives of the Plan include:

- KA 35 - Sustainably plan for and facilitate the continued regeneration and renewal of Killarney's Town Centre's streets
- KA 37 - Facilitate improvements to Killarney Town Centre Public Realm at the following locations: Kenmare Place, New Street / High Street
- KA 44 - Facilitate the regeneration of retail shopping in Killarney Town Centre where appropriate
- KA 45 - Facilitate town centre projects that come out of the initiatives such as Putting Town Centres First and the Town Centre Health Checks.

5.5. Natural Heritage Designations

5.5.1. The appeal site is located 230m north of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) and Killarney National Park SPA (Site Code 004038).

5.6. EIA Screening

5.6.1. 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

3no. third party appeals were received in relation to the Kerry County Council decision to grant permission for the proposed development. The main issues raised in the appeal may be summarised as follows:

Fragmented Proposal

- Highly constrained site and this proposal, when taken with that permitted under Ref 21/1195, is highly fragmented development.
- Layout of proposal is similar to that refused under ABP ref. 321539-24. Only change is first floor use is now office instead of residential. No discernible amendment to the proposal that was refused permission, and reasons for refusal are not addressed.
- Proposed planter boxes do not constitute a landscape strategy for the site, which was noted as absent in previous applications, and further indicates the constrained nature of the site.
- Proposal should have been done as one planning application with Ref 21/1195 (ABP Ref. 314925-22). Proposed brick treatment does not address the reason for refusal in relation to 'juxtaposition' of buildings.
- The proposal is not in the interests of the objectives indicated in the development plan, in particular the laneway revitalisation programme. This represents an inappropriate development of a backland area as it would directly adjoin boundaries with surrounding sites.

Questionable Use of Proposed Unit

- Proposal is unlikely to be viable as an office given the proposed location at end of Dodd's Lane. Probable the use will be converted to residential once constructed.
- There are concerns in relation to the potential use of the proposed retail unit in association with the existing fish shop and limitations in terms of bin storage.

- The existing laneway is overdeveloped and was originally intended as a source of light and air to surrounding buildings which will be restricted by the proposal. Dodd's Lane is not a laneway in the true sense of the word as through access is not provided.
- Proposal should not be an extension of the existing fish shop use that will give rise to obnoxious smells and has implications for storage, deliveries and refuse that would need to be assessed separately.

Conflict with Surrounding Uses

- Expired planning permission 17982 permitted a store at ground floor and apartment at first and second floor to the rear of No.6 New Street facing Dodd's Lane and with access on to the lane. It is intended to reapply for permission for this development, and the subject proposal immediately abuts the property at No. 6 to the south. Granting permission for the proposal would contradict the terms and conditions of expired permission 17982 and make it impossible to implement.
- The proposed balcony on the south elevation is not set back the stated 900mm from the stone boundary wall and will hang over the rear entrance gate to No.6 thereby blocking the sky height dimension at the rear entrance resulting in a 'balcony tunnel' restricting access and should be omitted.
- The proposed 900mm setback from the south elevation would require elimination of rear windows on the north elevation of expired permission 17982 and the proposed balcony will interfere with the operation of the doorway permitted under 17982.
- A setback of 1.5m is requested between the existing stone boundary wall to the rear of No. 6 and the proposed south elevation building line, and a setback of at least 1.5m of the proposed east elevation building line (without the balcony) westwards towards the rear of the site.
- The proposed balcony is unlikely to meet fire regulations and access requirements for property to the south (future).

- The proposal will negatively impact the amenity of No.6 New Street and depreciate its value. The proposal fails to indicate the nature of uses proposed, proper access and bin disposal and storage.
- The proposal will result in overdevelopment of a restricted town centre site resulting in a plot ratio of 2.2 to 1.

Access and Rights of Way

- The existing gate to the laneway is 2m wide and 2.4m high with clear restrictions within these parameters. Access via the laneway is for other tenants, as well as the applicant, and a situation where increased traffic and deliveries will obstruct this access, is not acceptable. Emergency vehicle access is also not provided.
- The right to build over the entirety of the yard is questioned and an extract from an 1861 map appears to show a much wider right of way than shown in planning application documents. Permission does not give the applicant the right to carry out development as per Section 34(13) of the Planning and Development Act 2000-2019.
- If permission is granted, it is requested that the Board attach conditions to remove the proposed balcony, require a setback of 1.5m from the southern boundary of the site and to setback the proposed eastern wall of the protruding offices by 1.5m to allow access to the property to the south.
- Proposal is out of character and would militate against a quality pedestrian environment, provide an unsatisfactory juxtaposition of buildings, would not provide adequate upgrades to the public realm and would have an unreasonable scale, bulk and overbearing impact on the three storey mixed use building granted under 21/1195 (ABP-314925-22). Permission should be refused.

6.2. Applicant Response

6.2.1. The applicant submitted a response to the 3no. third-party appeals. That response may be summarised as follows:

- Office is proposed in place of residential to address previous reasons for refusal in relation to substandard residential amenity under Ref. 24/60796 and ABP Ref. 321539-24. Proposed rustic grey brick is also to address the 'unsatisfactory juxtaposition' of the buildings, as cited in the reason for refusal.
- Proposal represents modern architecture with rooflights to enhance natural lighting levels.
- Proposed brick treatment is in contrast to the lighter, rendered building with large glass windows permitted under 21-1195 (ABP-314925-22). This allows a suitable juxtaposition and visual interest.
- The proposal will comply with Development Plan Policy as it will lead to regeneration of Killarney Town Centre, consistent with Objectives KA 10, KA35, KA37 and KA44.
- The proposal will enhance the pedestrian environment and public realm of Dodd's Lane through paved cobblestone imprint and planter boxes with sculpted beech trees.
- Plot ratio of 2.2 to 1 is not accurate, with no calculations provided.
- Access, while limited, has been in place for 150 years and has provided adequate access to businesses during this time. Submitted 1861 map shows a more intense form of development in the laneway and shows open space. Access to the laneway has been obstructed by an unauthorised structure to the rear of no. 75 High Street. This structure has not been removed despite refusal of permission.
- Proposal at ground floor is for retail use only, likely a tenant of the applicant.
- Existing fish shop has been in place for over 40 years and is disingenuous of the appellants to claim this is a processing facility or the proposed building will be an extension of this use.
- As application ref. 17/982 is now expired, it should not form part of the assessment of the subject proposal.

- Bin storage is not as represented in the appeal. A more updated version has been provided by the applicant that shows organisation of bins (which the applicant submits is being obstructed by an unauthorised structure).
- Existing rights of way are maintained in the subject proposal, which exceed the right of way shown on the 1861 map. Right of way to property to the rear of 71-75 High Street is maintained as shown on submitted Map 1.

6.3. Planning Authority Response

6.3.1. No Planning Authority response on file.

6.4. Observations

6.4.1. None received.

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 and national policies and guidance, I consider that the main issue in this appeal are as follows:

- Fragmented Development
- Impacts on Residential & Visual Amenities
- Impact on Development Potential
- Access Issues
- Impact on Rights of Way
- Other Matters

7.2. Fragmented Development

7.2.1. The third-party appeals raise concern with the format of the proposed development, categorising the proposal as piecemeal and fragmented development when taken in conjunction with the three-storey building permitted under Ref. ABP-314925 (PA Ref.

21/1195). It is submitted by the appellant that previous reasons for refusal have not been addressed with the subject proposal.

7.2.2. The applicant submits that the proposal is revised to respond to previous reasons for refusal under Ref. ABP-321539-24 (PA Ref. 2460796), with amended material treatment, which is rustic brick in place of the previously proposed render finish, as well as amendment of the proposed use from the refused residential use, to proposing office at first floor level, in response to previous reasons for refusal in relation to residential amenity. The applicant also submits the proposal provides an upgraded public realm through the provision of surface treatment of cobble imprinted concrete and landscaping enhancements through planter boxes. The applicant further provides that the proposal is an architectural contrast to the permitted three storey building and also maintains rights of way through the site, including to lands to the north and south.

7.2.3. The subject site is located to the rear of High Street in Killarney Town Centre which is within the Core Retail Area of the town. The site is zoned 'M2' Mixed Use - Town Centre with the stated objective 'provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses'. 'Office' and 'shop' are uses which are 'permitted in principle' under this zoning. It is the policy of the Kerry County Development Plan 2022-2028 on M2 zoned lands to consolidate the existing fabric of the core/central areas of settlements by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a quality urban environment. Having regard to the above I am satisfied that the principle of the proposed development accords with the provisions of the zoning objective and supports objectives of the Development Plan relating to revitalisation and regeneration of vacant sites and the public realm.

7.2.4. I note the comments in the third-party appeals in relation to fragmented and piecemeal development and the previous reasons for refusal in this context. I acknowledge the details provided by the applicant in relation to rights of way marked through the site in their response to the appeal and note specifically that the subject proposal maintains an accessible right of way for properties to the north that connects to Bishop's Lane, and to the rear of No.6 New Street, to the south. I accept that these rights of way result in a level of constraint at the subject site that I consider

has precluded a single application or a proposal for a single structure within this vacant site and that access to adjoining sites, through the subject site is a legal requirement. It is within the gift of the landowner to apply for development under separate planning applications, however I must consider the overall cohesiveness and inter-relationship between the existing, permitted and proposed developments at this location.

- 7.2.5. Having regard to the permitted three storey building (ABP-314925 (PA Ref. 21/1195)) and the indicated rights of way, I consider the proposed two storey height provides an appropriate step down in height from the 4 storey buildings fronting High Street, the permitted three storey retail and office building immediately adjacent to the subject site, and does not impede on the windows of the residential properties to the west at third and fourth floor. I note the residential property to the west does not have any windows facing east at ground and first floor level and therefore no residential amenity impacts arise in this regard. The separation distance of 1m between the permitted three storey building and the subject proposal provides right of way access to the property to the north. While this may be perceived as an unacceptable amenity and daylight constraint, and impact, on the first-floor window facing east, I am satisfied that the indicated roof light on the flat roof proposed, will allow adequate sunlight and daylight into the first-floor office space. Having regard to the foregoing, I consider the subject proposal is acceptable in addressing a number of constraints within the site, while also providing for a compact form of development to regenerate this laneway.
- 7.2.6. In the context of the property to the south (rear of No. 6 New Street) I note the previous permission, which I will address separately, and existing access that it is necessary to maintain. The subject proposal is setback 0.9m from the boundary with the property to the south and allows at least 2m for entry into the rear of this property. Given the character of Dodd's Lane, and general built environment in the surrounds that have restricted levels of available space, I am satisfied that adequate access is retained for the property to the south. I note for the benefit of the Commission, this is also consistent with rights of way indicated on maps submitted by the applicant in their response to the appeal.
- 7.2.7. In relation to concerns regarding the appropriateness of the site for retail use and expansion of existing fish shop, I note that there is an existing retail unit (fish shop)

on the site and that permission was granted on the overall site for a retail unit under planning reference ABP-314925-22. Condition 13 of this grant of permission states that no processing of fish or related products shall occur at the site. In the event of a grant of permission I recommend the inclusion of a condition to this effect for the subject proposal. The provision of an additional ground floor retail unit at this location can support the revitalisation of this backland/laneway parcel of land, in a location that is central within the Killarney retail area. I do not consider it necessary or appropriate to restrict the type of retail provided at this town centre location, beyond the further expansion of the fish enterprise, as suggested by the appellants.

- 7.2.8. I also note the submission by the appellant that an office use would not be practical at this location, would fail to secure a tenant, and ultimately would result in a future change of use to residential. I am satisfied that the office use is appropriate in this town centre location, however I recommend a condition to any grant of permission, for any future change of use to require a separate planning application. Given the previous refusal of permission for residential at this location and my recommendation to remove the first-floor balcony from the proposal, which would notably omit the potential for outdoor residential amenity, I consider a planning application to be practical to ensure acceptable residential amenity is provided.
- 7.2.9. Concerns are raised in the appeals in relation to the failure to address the previous reasons for refusal which related to the 'juxtaposition' of the proposed building with that already permitted, the lack of enhancement to the public realm and its failure to support the revitalisation of the area or facilitate the regeneration of retail in Killarney Town Centre. I am satisfied that the proposal for retail use at ground floor and office use at first floor with window and door openings facing onto the lane addresses the principles of active uses that will bring vibrancy and vitality through an appropriate mix of town centre uses. I am satisfied the proposed brick treatment and two storey height, when taken alongside the permitted, rendered three storey building, will provide an acceptable level of variety and architectural interest for this rear laneway and vacant site. I note the 'rustic grey brick' referred to by the applicant in their response to the appeal. The final details of brick treatment may be agreed with the Planning Authority by condition, prior to the commencement of development.
- 7.2.10. The proposed cobble style imprinted concrete paving, the planters with beech trees and the overall modern architectural treatment of the subject proposal, alongside the

permitted three storey building, will in my opinion address the previous reasons for refusal under Ref. ABP-321539-24 and provides for an appropriate use and design to achieve the objectives of the plan in relation to revitalisation of the laneway and public realm.

7.3. Residential and Visual Amenity Impacts

- 7.3.1. The appeals raise concerns in relation to impacts from the proposed development on the amenities of No. 6 New Street, on Dodd's Lane and on the development potential of the site to the south arising from issues including overdevelopment, loss of light, bin storage, proximity to property boundary, restrictions on access and increased use of the lane.
- 7.3.2. Existing development surrounding the appeal site includes four storey apartments to the west at the rear of No. 7 New Street and commercial uses at No. 6 New Street to the south and No. 75 High Street, on the north side of Dodd's Lane. The third-party appellants note that they have the benefit of a right of way from the rear of No. 6 New Street and No. 75 High Street through the appeal site and access on to High Street from Dodd's Lane.

Overlooking

- 7.3.3. In terms of overlooking, I note the proposed flat roof building will have an overall height of 6.6m and a rustic brick finish. Access doors to the office, retail unit and bin/bike store are proposed at the ground floor eastern elevation, windows are proposed at first floor serving the office unit, also on the eastern elevation, which is set back approximately 13 metres from the rear of properties on High Street. No windows are proposed on the remaining elevations, with 4no. roof lights proposed on the flat roof, to provide additional light to first floor level. Given the primarily commercial uses at High Street and limited fenestration at the rear of these properties, I am satisfied that minimal overlooking will occur at this interface. Existing apartments to the rear of the site adjoining the western site boundary contain windows located on upper floors (second and third floor), and which will overlook the roof of the proposed development.
- 7.3.4. Having regard to the above I am satisfied that the proposal will not give rise to an unacceptable level of overlooking to surrounding properties and will provide appropriate animation of the laneway through a mix of uses.

Loss of Light

7.3.5. The appeals highlight the subject site and Dodd's Lane in general was originally intended to provide a lightwell to surrounding properties.

7.3.6. I have reviewed the historical maps submitted by the appellants, which do not provide any conclusive evidence in relation to intentions for lightwell or maintenance of this concept. In this context, I consider the proposed two storey development with a height of 6.6m is of a moderate scale when taken within the setting of existing and permitted development at this location.

7.3.7. The orientation of the appeal site is such that it is located to the north of No. 6 New Street. Existing windows on the main rear façade of No. 6 New Street are set back approximately 9m from the southern elevation of the proposed development. Having regard to the orientation of the site, the separation distances from existing windows, the height and scale of surrounding development to the east and west, the rear laneway/infill context of the proposal and to the height of the proposed development, I consider the subject development is unlikely to result in adverse impacts on levels of daylight and sunlight in surrounding properties and I consider it unlikely that the proposed structure will give rise to overshadowing beyond what already occurs at these properties.

Proximity of Proposed Balcony

7.3.8. A Third-Party appeal raises concern in relation to the proximity of the proposed balcony which will overhang the existing rear entrance to No. 6 New Street, resulting in a tunnel effect, and will impede access for maintenance, construction and future development purposes. It is submitted that the owner of No. 6 has a right of way over the Dodd's Lane to access its rear entrance.

7.3.9. The existing ground level on the laneway is indicated on the site layout plan as c.101.3m and the finished ground floor level of the proposed building is also indicated as 101.3m. The proposed balcony will be c. 2.65m above finished ground floor level. I note that the angle of the proposed first floor balcony is such that it will be located within the 0.9m separation distance provided for from the main building, with limited separation from the existing rear access to No. 6 and that the base of the balcony will be located above this rear access. Having regard to the proposed office use at first floor level, I do not consider an outdoor amenity space to be a necessity.

The proposed balcony may result in unacceptable impacts on the existing rear access to No. 6 and I therefore recommend omission of the balcony to ensure existing and future access rights are not impeded. I consider the detail submitted by the applicant sufficient to confirm that existing rights of way are maintained across the site. Should the Commission be minded to grant permission, I recommend the inclusion of a condition to omit the balcony, as per Condition 3 of the Planning Authority decision.

Odour and Bins

7.3.10. The appeals raise concern in relation to impacts from smells and bins associated with the existing fish shop, with any expansion of this use potentially worsening this problem. I note that the existing fish shop on the site was in operation on day of my site visit with no obvious signs of litter, smell or other issues and bins were appropriately stored. I note the proposal allows for off-street bin store within a dedicated internal area at ground floor level along the northern site boundary. This would assist in mitigating any impacts from bin and refuse management.

7.3.11. I also note that a proposal for retail use on the site (adjacent to the location of the proposed structure) was granted permission by the Board under file reference ABP-314925-22 (three storey building) and I do not consider the proposal would give rise to amenity issues beyond those that would be typical of a mixed-use town centre site. The applicant has submitted they do not intend on using the subject proposal for expansion of the fish shop use and it is likely the ultimate occupier would be a tenant of the applicants. At any rate, it would be inappropriate to stipulate at this stage who or what entity should be the final occupier of the retail unit or the proposed office level. Any alternative use outside of retail or office use would be subject to separate consenting processes, and I am satisfied the proposed uses are appropriate at this town centre location.

Overdevelopment

7.3.12. A third party appeal raises issue with the overdevelopment of the site, noting a plot ratio of 2.2:1, which they submit is excessive. No basis for this calculation is provided.

7.3.13. Planning permission ABP-314925-22 (PA Ref. 211195) was granted permission to replace the existing fish shop with a three storey building containing a retail unit and

offices at upper levels, immediately to the east of the proposed development in the location of the existing fish shop. At the time of my site visit construction had not commenced in relation to this permission.

7.4. Planning permission ABP-314925-22 permitted a gross floor area of 232.5m². The application to which this appeal relates has a gross floor area of 134 sq.m on a site of 0.03ha (300sqm), amounting to an overall plot ratio for the permitted and proposed development of 1.22 which I consider appropriate for a town centre site. I note that the assessments of planning application ABP-314022-22 and ABP-321539-24, which proposed a similar scale and footprint on the site was considered acceptable in terms of plot ratio and issues relating to overdevelopment of the site were not raised in the decision relating to those proposed developments.

7.4.1. I do not have concerns that the proposal will result in overuse of the non-vehicular laneway, noting the scale of development and the town centre location and I consider the additional development will support the vibrancy of the laneway in line with Development Plan objectives with regard to regeneration of the town centre.

7.4.2. The appeals raise concerns in relation to matters including disability access and fire safety concerns arising from the proposed development. I note that sufficient access is provided and these matters are addressed under separate legislation and are not relevant to the assessment of this appeal.

Residential & Visual Amenity Conclusions

7.4.3. Having regard to the scale and design proposed, I do not consider that the development would significantly or adversely affect the existing character of the area or impact on any existing or future residential amenities. I note that the proposed ground floor retail and first floor office will provide a suitable mix of uses at this location. I consider a two storey proposal is acceptable and I am satisfied that the proposal will not result in overdevelopment of this site.

7.4.4. Having regard to the above, I am satisfied that the proposal is an appropriate scale for the appeal site and will not give rise to unacceptable impacts on residential and visual amenities in the vicinity of the site.

7.5. Development Potential of Surrounding Property

7.5.1. The appellants raise concerns that the proposal will negatively impact the development potential of the adjoining property at No. 6 New Street wherein permission was granted under PA Ref. 17982 for a ground floor store and duplex residential unit above. The appellants note that the proximity of the proposed development to the shared boundary with No. 6 will mean that previously permitted windows to the rear of No. 6 can no longer be accommodated and the proposed balcony will impede access and encumber future development. I note that construction under planning permission 17982 has not commenced and that this permission expired in early 2023. Notwithstanding the third party's indicated intention to resubmit this planning application I do not consider it appropriate to consider the impact on the expired planning application in the assessment of this appeal. I do however consider it relevant to consider the impact of the proposal on the development potential of adjoining sites.

7.5.2. I note the constrained nature of the site and surrounding area. I also note that the Board, in assessing previous applications on the appeal site under file reference ABP-314922-22 and ABP-321539-24, which also proposed a 0.9m setback between the appeal site and the rear of No. 6, did not raise concerns in relation to the impact of the proposal on No. 6. Having reviewed the drawings I am satisfied that the setback from the southern boundary is 0.9m as indicated on the site layout plan.

7.5.3. I note section 1.5.4.10 of Volume 6 of the Kerry CDP that relates to minimum separation distances between housing that requires a 22m setback for new housing and a 2.2m separation between the sidewall of new housing. I do not consider these standards to be directly applicable to the subject proposal and setting, and I note guidelines on separation between other uses and in town centre locations is not provided. The Compact Settlement Guidelines, which are an applicable and current Section 28 Ministerial Guideline, provide that there shall be no specified separation distance at ground floor level and that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development.

7.5.4. Having examined the existing site context closely, I note the nature of this infill laneway location, and I have given consideration to the principle of maximising serviced urban sites for the purposes of compact development principles. I note the existing character of the area includes buildings up to site boundaries including the

residential property to the west and the three storey building permitted under ABP 314925-22. I consider the proposed setback of 0.9m is appropriate for an urban infill site within a town centre location and accept that this will allow adequate separation to future development proposals to the south. The absence of any windows on the southern elevation of the proposed development is a further mitigating factor. I do not consider it necessary to require a 1.5m setback from the southern boundary as requested by the appellant to allow for a corridor access between the appeal site and No. 6. Having regard to my assessment in section 7.3.6 above, I recommend the removal of the proposed balcony, and I do not consider it necessary to require a setback of the proposed eastern elevation.

7.5.5. Having regard to the above I do not consider the proposal is likely to devalue property in the vicinity of the appeal site and does not unduly impact on the development rights of surrounding properties.

7.6. **Access Issues**

7.6.1. Concerns are raised in relation to overuse of the lane as a result of the proposal, with the appellants noting the restricted nature of the lane and lack of capacity for future development. The appellants raise concerns regarding deliveries to the site and the removal of waste and rubbish and construction impacts which are considered to have the potential to result in congestion on High Street due to the absence of vehicular access to Dodd's Lane and impeding of access to Dodd's Lane and the rear of properties accessed from this laneway. Emergency access is also raised as an issue.

7.6.2. Dodd's Lane has a width of between 1.2m and 2m and is partially covered by the upper floors of a building on High Street. Whilst I acknowledge the constrained nature of Dodd's Lane, I note that the laneway does not facilitate vehicular traffic currently, with pedestrian access only. I note the presence of loading bays and car parking on High Street in the vicinity of the entrance to Dodd's Lane and at the time of my site inspection loading from the fish shop was underway without any noticeable impact on traffic flows on High Street.

7.6.3. Having regard to the central location of the site I am satisfied that the laneway can accommodate additional development and that the proposal will support the vibrancy of this laneway and that the proposal is acceptable in relation to traffic impacts.

Pedestrian access distance from High Street is not significant and emergency access may be accommodated on foot, from this direction. I consider that if the Commission decides to grant permission that concerns relating to construction access can be addressed by way of a standard condition requiring a Construction Management Plan and impacts on access to adjoining properties can be minimised, with existing arrangements maintained.

7.7. Impact on Rights of Way

- 7.7.1. Concerns are raised in the third party appeals in relation to the impact of the proposal on rights of way and the right to build over the rear yard is questioned.
- 7.7.2. Having assessed the proposed development I am satisfied that the proposal will not restrict existing rights of way, with the applicant illustrating specific intent to maintain rights of way across the site to the north and to the south, while also providing an appropriate level of infill development.
- 7.7.3. In relation to concerns regarding the extent of the right of way over the rear yard, having considered the information available on file, I am satisfied that the applicants have demonstrated sufficient interest to carry out the works pertaining to the proposed development. I also note for the Commission that the intention of the planning system is not to act as a mechanism for resolving disputes about title to land or premises or rights over land. In this regard, it should be noted that, Section 34(13) of the Planning Act (as amended) states that a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

7.8. Other

- 7.8.1. I note a number of concerns raised in the appeals in relation to unauthorised development on the site regarding the existing fish shop and the access gate to Dodd's Lane. The applicant also submitted details of unauthorised development to the rear of No. 75 High Street. I consider matters relating to the enforcement of unauthorised development are a matter for the planning authority and are not a matter for the Commission in its consideration of the appeal.

8.0 AA Screening

- 8.1. I have considered the proposed development of a two storey building containing an office at first floor and retail unit at ground floor and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.1. The subject site is located approx. 230m north of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) and Killarney National Park SPA (Site Code 004038).
- 8.1.2. The proposed development comprises the development of a building containing an office unit, a retail unit and associated site works. No nature conservation concerns were raised in the planning appeals.
- 8.1.3. 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 European Site. The reason for this conclusion is as follows:
 - The nature and scale of the proposed development and associated site works.
 - The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
 - Taking into account the screening determination by the Planning Authority.
- 8.1.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1.1. I recommend that permission should be granted based on the following reasons and considerations and subject to the following conditions.

10.0 Reasons and Considerations

10.1.1. Having regard to the provisions of the Kerry County Development Plan 2022-2028 including the M2 Town Centre land use zoning of the site and objectives of the Killarney Town Development Plan contained in Volume 2 of the Development Plan in relation to regeneration and renewal of vacant sites, to the pattern of existing and permitted development in the area, to the infill nature and size of the site, and to the design of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design and access. The proposed development would, therefore, be in accordance with Objectives KA 35, KA 37 and KA44 of the Kerry County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shop shall be used solely for the purposes as detailed in the planning application and no processing of fish or related products shall occur at the site.

Reason: In the interest of public health and development control.

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

Reason: In the interest of visual amenity.

4. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), the proposed building shall not be used for any other purpose other than the uses indicated on the submitted drawings, without a prior grant of planning permission.

Reason: In the interests of orderly development.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interests of public health.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. Proposals for a naming/numbering scheme for the development shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of urban legibility.

10. The proposed shopfront shall conform to the following requirements:

- (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering;
- (b) Lighting shall be by means of concealed neon tubing or by rear illumination;
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission; and
- (d) External roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

Reason: In the interest of the visual amenities of the area

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

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

12. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction

practice for the development, including hours of working, noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

15. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of paths, watermains, drains, public realm and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Matthew McRedmond
Senior Planning Inspector

18th December 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-323611-25
Proposed Development Summary	Construction of a two storey building with a retail unit at ground floor and an office at first floor and all associated site works.
Development Address	Dodd's Lane, High Street, 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.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (iv)</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-323611-25
Proposed Development Summary	Construction of a two storey building with a retail unit at ground floor and an office at first floor and all associated site works.
Development Address	Dodd's Lane, High Street, 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).	The site comprises an urban infill site within an existing town centre characterised by mixed use 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 retail and office 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 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. The closest European Sites are Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) and Killarney National Park SPA (SiteCode 004038) located 230m south of the site. It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

Inspector: _____ Date: _____
 DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2: Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects								
Step 1: Description of the project and local site characteristics								
Brief description of project	Two Storey building with retail on the ground floor and offices on the first floor, and all associate site works.							
Brief description of development site characteristics and potential impact mechanisms	<p>Infill development on 0.03ha site. Site in undeveloped/vacant state, existing built up area, located c 200m to European site, potential impact on ground water from effluent disposal and disposal of surface water.</p> <p>The appeal site is located 230m north of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) and Killarney National Park SPA (Site Code 004038).</p>							
Screening report	No.							
Natura Impact Statement	No.							
Relevant submissions	No references to biodiversity or wildlife in any submissions.							
Step 2. Identification of relevant European sites using the Source-pathway-receptor model								
<p>Two European sites are identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that no further range of European Sites is necessary for consideration in relation to this proposed development.</p>								
Table 1:								
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N				
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (00365)	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or</p>	230m south	No physical or hydrological pathways. Separation and diversion of water runoff by the public system would dilute any potential impacts.	Y				

	<p>Isoeto-Nanojuncetea [3130]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the</p>		
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	<p><i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Geomalacus</i> <i>maculosus</i> (Kerry Slug) [1024]</p> <p><i>Margaritifera</i> <i>margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Petromyzon</i> <i>marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Rhinolophus</i> <i>hipposideros</i></p>		
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	<p>(Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Alosa fallax killarnensis (Killarney Shad) [5046]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> <p>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC National Parks & Wildlife Service</p>			
Killarney National Park SPA (004038)	<p>Merlin (Falco columbarius) [A098]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Killarney National Park SPA National Parks & Wildlife Service</p>	6.8km east	No physical or hydrological pathways exist. Separation and diversion of water runoff by the public system would dilute any potential impacts	Y
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				
Given the separation distances involved to the European Sites detailed above, potential effects are not likely to occur as a result of the proposed development.				
Significant effects from other pathways have been ruled out i.e., habitat loss, spread of invasive species, impacts from noise and disturbance.				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				

The proposed development will not result in any direct effects on any SPA or SAC. However, due to the application of the precautionary principle, impacts generated by the construction and operation of the proposed development require consideration.

Sources of impact and likely significant effects are detailed in the table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
Site 1: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (00365) QI List: As above	No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. No loss of grassland/ agricultural land. Indirect: Low risk of surface water runoff from construction reaching sensitive receptors. Operational: surface water will be attenuated by public network.	Having regard to <ul style="list-style-type: none"> - the small scale of development proposed, - lack of direct connections or pathways, - the distance to receiving features, - normal best construction practices, - disposal of uncontaminated storm water to ground, - disposal of effluent on site to public sewer system, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality or QI species of the SAC. Low risk to SAC related to any minor construction related emissions. Low risk of surface or ground water borne pollutants or sediments reaching the SAC. Conservation objectives would not be undermined.	
	Likelihood of significant effects from proposed development (alone): N If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.		

	Impacts	Effects
Site 2: Killarney National Park SPA (004038) QI List: As Above	<p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>No loss of grassland/ agricultural land.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors.</p> <p>Operational: surface water will be attenuated by public network.</p>	<p>Having regard to</p> <ul style="list-style-type: none"> - the domestic nature and small scale of development proposed, - lack of direct connections or pathways, - the distance to receiving features, - normal best construction practices, - disposal of uncontaminated storm water to ground, - disposal of effluent on site to public sewer system, <p>it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect QIs of the SPA.</p> <p>Low risk to SPA related to any minor construction related emissions.</p> <p>Low risk of surface or ground water borne pollutants or sediments reaching the SPA.</p> <p>Conservation objectives would not be undermined.</p>
Likelihood of significant effects from proposed development (alone): N		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of European Sites within the zone of influence. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed</p>		

development. No mitigation measures beyond normal standard construction mitigation and drainage works are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area, 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 relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- The screening assessment undertaken by the Planning Authority
- No ex-situ impacts

Appendix 3 – Water Framework Directive Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-323611-25	Townland, address	Dodd's Lane, High Street, Killarney, Co. Kerry
Description of project	Construction of a two storey building with retail at ground floor level and offices at first floor, and all associated site works.		
Brief site description, relevant to WFD Screening,	Site is located on a vacant site at Dodd's Lane, High Street, Killarney, Co Kerry. The site is relatively flat. Excess storm water will drain to the existing public network. A water quality monitoring station is located approx. 600m west of the site at Deenagh – King's Bridge (d17) (ID: RS22D010300) and the site is located within the Laune-Maine-Dingle Bay catchment.		
Proposed surface water details	Connection to existing public network		
Proposed water supply source & available capacity	Connection to existing network. Pre-connection and capacity details from Uisce Eireann were not provided with the application.		
Proposed wastewater treatment system & available capacity, other issues	It is proposed to form a new gravity system on site which will exit at High Street. Pre-connection and capacity details from Uisce Eireann were not provided with the application.		
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Assessment of Waterbody Status and Risk							
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 Waterbody	630m west	DEENAGH_020	Good	At Risk	Agriculture	Potential Surface Water run off	
Groundwater Waterbody	Underlying site	Laune Muckross IE_SW_G_048	Good	At Risk	Agriculture	Yes, via groundwater	
Lake Waterbodies	2km west	Lough Leane IE_SW_22_210	Moderate	Not at Risk	None	Potential surface water run off	
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	Waterbody 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.	River	DEENAGH_0 20	Yes. Via surface water	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	Yes. Potential for spillages to surface water warrants further assessment	Screened in
2.	Ground	Laune Muckross IE_SW_G_04 8	Yes, pathway exists via moderate drainage characteristics	Spillages, leakage to groundwater water table	As above	Yes – drainage characteristics warrants further assessment.	Screened in.
3.	Lake	Lough Leane IE_SW_22_2 10	No	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	Separation distance adequate to mitigate any minor spillage	Screened out

OPERATIONAL PHASE

1.	River	DEENAGH_0 20	Yes. Surface Water.	Hydrocarbon spillage/siltation, digestate leakage, inundation prior to treatment	Attenuation via public network	Yes. Drainage characteristics and potential for pollution of surface water warrants further assessment.	Screened in
2.	Ground	Laune Muckross	Yes pathway exists via moderate drainage	Spillages	As above	Yes. Drainage characteristics	Screened in

		IE_SW_G_04 8	characteristics and high to extreme vulnerability			warrant further assessment	
3.	Coastal	Lough Leane IE_SW_22_2 10	No	Siltation, pH (Concrete), hydrocarbon spillages	As above	Separation distance adequate to mitigate any minor spillage	Screened out
DECOMMISSIONING PHASE							
1.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)		

			and good surface water chemical status	discharges and losses of priority substances	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	<p>Construction mitigation measures including:</p> <ul style="list-style-type: none"> • Silt traps installed • Removal of material daily from site • Dust suppression during construction • Servicing of plant and machinery to avoid leakage • Management of refuelling 	Site specific mitigation methods as described.	Site specific mitigation methods as described.	Site specific mitigation methods as described.	YES

	<ul style="list-style-type: none"> • Covering of soil heaps during heavy rainfall • No excavation during rainfall • Staff compounds designated • Management of waste <p>Operational mitigation measures including:</p> <ul style="list-style-type: none"> • Attenuation via public network 				
Stormwater drainage	Public network	Public network	Public network	Public network	YES
Details of Mitigation Required to Comply with WFD Objectives					

Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1:</u> <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
Development Activity 1: Development of office and retail building	Site specific construction mitigation methods including: • Silt traps installed • Removal of material daily from site • Dust suppression during construction • Servicing of plant and machinery to avoid leakage	Site specific mitigation methods as described.	Site specific mitigation methods as described	Yes

	<ul style="list-style-type: none">• Management of refuelling• Covering of soil heaps during heavy rainfall• No excavation during rainfall• Staff compounds designated• Management of waste <p>Operational mitigation measures including:</p> <ul style="list-style-type: none">• Attenuation via public network			
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