



**Development**

Partial demolition of structure, redevelop shop to a commercial unit, extension of dwelling and conversion of dwelling to 3 apartments with all associated site works

**Location**

11 Main Street Kenmare, Co Kerry

**Planning Authority**

Kerry County Council

**Planning Authority Reg. Ref.**

24373

**Applicant(s)**

Patricia Palmer

**Type of Application**

Permission

**Planning Authority Decision**

Grant Permission

**Type of Appeal**

Third Party

**Appellant(s)**

1. Eileen Daly

2. Paul Crowley

**Observer(s)**

None

**Date of Site Inspection**

04<sup>th</sup> November 2025

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 0.014ha is located on the southern side of Main Street in Kenmare. There is an existing three storey building on the site comprising a vacant retail unit at ground floor and residential use on upper floors and with a total floor area of 188 sq.m. There is a three-storey rear return and a single storey projection on the eastern side elevation.
- 1.2. The existing property is described as comprising a vacant retail premises (shop/pub) and a single dwelling

## **2.0 Proposed Development**

- 2.1. Permission is sought to demolish an existing single storey rear extension measuring 8.3sqm and construct a three storey rear extension measuring 45.6 sq.m. with a flat roof and parapet height of 9.57m. A single storey rear extension is also proposed along with a single storey extension on the southeast side elevation. On completion of the proposal the structure will have an overall floor area of 233.6 sq.m. on a stated site area of 0.014ha.
- 2.2. The ground floor will provide a commercial space to the front and a one bed apartment with a gfa of 58 sq.m. to the rear. At first floor a one bedroom apartment with a gfa of 64 sq.m. is proposed. At second floor a one bed apartment with a gfa of 67 sq.m. is proposed. Large areas of glazing are proposed on the southeastern side elevation on all floors and on the rear (southwest) elevation glazing is proposed on the first and second floors. The southeast and southwest facing windows at first and second floor serve living rooms and are set back between approx. 2.5m and 2.9m from the southeastern site boundary and approx. 6.3m from the rear (southwest) site boundary. A rear patio is proposed for private open space to the ground floor unit and at first and second floor balconies are proposed on the southeastern side elevation.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 15<sup>th</sup> August 2025, Kerry County Council issued notification of the decision to grant planning permission subject to 6 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report dated 11/11/2024 can be summarised as follows:

- There are concerns in relation to impacts on residential amenity from overlooking and overshadowing
- The proposal could result in a visually dominant development and may cause overlooking of adjacent properties, details are required to show the proposal will not have a significant visual effect or result in overlooking, overshadowing or loss of light of adjacent properties.
- A revised site layout plan is required showing private open space for residents of the proposal.
- Clarification is required in relation to the type of commercial unit proposed and the required sanitary services to be provided.
- Correct floor plans were submitted by unsolicited information on 30/10/2024.
- A Site Specific Flood Risk Assessment is required.
- A report outlining how the development will impact the character of the Architectural Conservation Area is required.
- Details of car parking are required.
- Proposals to ensure the stability and integrity of the adjacent structures during demolition and construction are requested.

Following receipt of further information, the Planning Officers report dated 01/07/2025 can be summarised as follows:

- Private open space will be provided by way of a patio and balconies.

- Drawings and a shadow study were submitted to show the proposal would not have a negative visual impact and would not significantly impact adjacent properties due to overshadowing.
- In relation to impacts on the ACA, no changes are proposed to the chimney stack, front elevation, front roof slope, windows, rainwater goods and finishes of ground floor joinery elements to the street, and no shopfront signage or lighting is proposed at this stage. Clarification is required in relation to whether changes are proposed to rear site boundaries, details of historic site boundaries, and proposals for shopfront signage, lighting or changes to cornice detailing.
- A contribution will be required in lieu of car parking.
- It is not clear what type of activity will take place in the commercial unit, clarification is required to specify the proposed commercial use.

Following receipt of clarification of further information, the Planning Officers report dated 14/08/2025 can be summarised as follows:

- No changes are proposed to the rear boundary and protection measures will be used during construction.
- No changes are proposed to the shopfront.
- The proposed commercial unit will be retail.
- The proposal will bring vibrancy and vitality to Main street and is acceptable.

### 3.2.2. Other Technical Reports

Roads Dept: Report received states no observations to make.

Flooding, Coastal and Marine Unit: further information required to submit a SSFRA as the site is located in Flood Zone A, residential use is proposed at ground level and a justification test must be provided. Following receipt of further information, report includes conditions to be attached in the event of a grant of permission.

Conservation Officer: Further information required by way of a report outlining how the proposal will impact the character of the Architectural Conservation Area.

Following receipt of further information report requests clarification of further information.

Housing Estate Unit: Following request for further information report outlines conditions to be attached if permission is granted.

Fire Officer: A Fire Safety Certificate and Disability Access Certificate are required.

### 3.2.3. Conditions

The following conditions of note were attached to the PA's notification of decision to grant permission:

Condition 2:

- (a) All external ground floor door openings shall be made of flood proof doors (demountable barriers are not acceptable).
- (b) All window sill levels at ground level shall be raised to a minimum 1.2m over Finished Floor Level (FFL).
- (c) All electrical sockets and switches shall be a minimum 1.2m above FFL

Reason: To mitigate flood risk.

### 3.3. Prescribed Bodies

TII: Report received, no objection noted.

### 3.4. Third Party Observations

Two no. third party observations were received objecting to the proposed development. The issues raised are similar to those raised in the third party appeals and are summarised as follows: Concerns in relation to overlooking from balconies and large areas of glazing and their proximity to site boundary, depreciation of property value, loss of light and overshadowing, inaccuracies in floor plans, varying height of roof structures, lack of sanitary facility in commercial unit, concerns relating to fire safety

## 4.0 Planning History

No recent relevant planning history.

## 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 and the Kenmare Municipal District LAP 2024-2030 is the relevant local area plan (LAP). The plan has regard to national and regional policies in respect of infill development within existing built-up areas. Kenmare is identified as a regional town and objective KCDP 4-61 states it is an objective to facilitate appropriately scaled improvements to the quantum and quality of retail offer and function in the Regional Towns, and ensure their sustainable development by consolidating, intensifying, and enhancing their existing core retail areas, and by directing new retail opportunities into town centres.
- 5.1.2. 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’. A variety of commercial uses are permitted in principle and residential unit is ‘open for consideration’ on M2 zoned lands.
- 5.1.3. 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.
- 5.1.4. Development Plan Objective KCDP 4-40 seeks to ‘ensure that developments have regard to the Ministerial Guidelines, Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities the DHPLG (2020), Urban Development and Building Heights – Guidelines for Planning Authorities DHPLG (2018) and Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) DEHLG (2009)’.
- 5.1.5. The Kenmare Municipal District LAP 2024-2030 includes the following relevant objectives:

KENMD-KE-8: Ensure that the design of properties or the refurbishment of existing properties in the town is sympathetic to existing development in the vicinity and is of a design composition that enhances the streetscape.

KENMD-KE-10 Encourage the preservation and refurbishment of existing traditional shopfronts and name plates in appropriate materials.

KENMD-KE-15 Preserve the town's architectural heritage and encourage development that is designed in a manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form. New developments must be designed to a high architectural standard and must take cognisance of local design features and materials.

The site is located in Flood Zone A in Figure 3.38: Flood Risk Zones – Kenmare.

The site is located within an Architectural Conservation Area (ACA) for Kenmare Town.

## 5.2. Ministerial Guidelines

- 5.2.1. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline in Table 3.6 that in small / medium town centre sites It is a policy and objective that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure). SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 5.2.2. Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines) set out national policy and standards for apartment development including Specific Planning Policy Requirements (SPPR) in relation to housing mix, minimum floor areas and aspect. SPPR 2 sets out a minimum floor area requirement for a one bedroom apartment of 45 sq.m. Appendix 1 includes minimum floor areas and standards, including in relation to private amenity space

and communal amenity space. Minimum storage space requirements for a one bed apartment is 3 sq.m., and 5 sq.m. private amenity space where provided. The guidelines include provisions that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, standards may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. This includes in relation to internal storage and communal and private amenity space.

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

The appeal site is located 200m east of Kenmare River SAC (Site Code: 002158), 1km north of Mucksna Wood SAC (Site Code: 001371) and 4.5km south of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365).

### **5.4. EIA Screening**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Two third party appeals have been received from Eileen Daly and Paul Crowley. The grounds of appeal can be summarised as follows:

Eileen Daly

- The wording of the site notice did not match the newspaper notice and the description of the development is inadequate.
- Inaccuracies in floor plans

- Large glazing and balconies at first and second floor and their proximity to the site boundary will adversely affect the appellants neighbouring property by overlooking, loss of privacy, diminished amenities and reduce property value.
- Concerns in relation to loss of light and overshadowing.
- The proposal fails to have consideration for neighbouring property and is inconsistent with other development within the town.

Paul Crowley

- The proposed rear first and second floor windows and balconies with lack of screening will overlook the private amenity space to the rear of No. 32 Henry Street and fails to comply with New Apartments Guidelines and Compact Settlements Guidelines which require private amenity space be located to minimise overshadowing and overlooking.
- The proposal fails to comply with S 3.37 of Compact Settlements Guidelines which requires a minimum depth of 1.5 metres for balconies in one useable length
- The provision for standards to be relaxed on sites below 0.25ha is acknowledged, however, for a heritage town like Kenmare appropriate standards need to be maintained in line with the objectives of the KAP 2024-2030 which requires additions to the built environment are of the highest architectural quality in terms of design.
- No waste storage, internal storage, communal storage, or bicycle parking is provided which is non-compliant with the Development Plan and the New Apartments Guidelines.
- Concerns in relation to compliance with Part B (Fire) of the Building Regulations and New Apartments Guidelines relating to lift and stair cores and access and services.
- No information submitted to confirm compliance with minimum requirements for floor areas as required in New Apartment Guidelines or in relation to the operation and management of the apartments.
- The proposal will devalue neighbouring properties.

## 6.2. Applicant Response

A response received from the applicant can be summarised as follows:

- In relation to overlooking and overshadowing, the FI response included revised drawings indicating greatly reduced glazed areas for proposed rear elevations and a detailed shadow study revealing no detrimental effect on any neighbouring properties.
- Waste management is a matter between the developer and the Council and detailed in Condition 4 in the grant of permission.
- Fire safety matters will be addressed through compliance with the Building Control Act.
- The development will preserve an integral part of the Main Street terrace and rejuvenate a family home and business by providing new dwellings in the town centre and a revitalised Main Street shop.
- The proposal will add to the revival of the built environment and similar planning permissions have been granted in recent times.
- The application has been rigorously mediated by Kerry County Council, the concerns addressed through pre-planning engagement and two separate FI requests resulting in the decision to grant permission which should be upheld.

## 6.3. Planning Authority Response

No response 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 issue in this appeal are as follows:

- Principle of Development

- Residential & Visual Amenities
- Apartment Design Standards
- Other Matters

This assessment relates to the development as permitted by the PA as shown on drawings submitted with the response to further information and clarification of further information.

## 7.2. **Principle of Development**

7.2.1. The proposal relates to partial demolition of a rear extension and provision of a commercial unit and conversion of dwelling to 3 apartments on a site zoned 'M2 Town Centre'. A variety of commercial uses are permitted in principle and residential unit is open for consideration on M2 zoned lands. Having regard to the zoning objective, the town centre location, and the pattern of development in the vicinity of the site, I am satisfied that the proposal is acceptable in principle.

## 7.3. **Residential & Visual Amenities**

7.3.1. Concerns are raised in appeals in relation to overlooking, overshadowing and loss of light to adjoining properties and resulting impacts on adjoining property values. The PA planners report raised concerns in relation to impacts on adjoining properties as a result of overlooking from balconies and large areas of glazing and from overshadowing and loss of light. Further information was requested in this regard. In response to the FI the applicant stated that the size and number of windows proposed has been reduced and submitted a shadow study. Following receipt of FI the PA raised no further concerns in relation to overlooking or overshadowing.

7.3.2. The proposal as revised in the FI response will include a three storey rear extension which will provide for a one bedroom apartment on each floor. Large areas of glazing are proposed on upper floors on the southeastern side elevation and on the rear (southwest) elevation. These windows at first and second floor serve living rooms and are set back between approximately 2.4m and 2.6m from the southeastern side boundary and approximately 6.2m from the rear boundary. At first and second floor on the southeastern side elevation balconies are proposed which are accessed from kitchen/dining areas and are set back a minimum of approx. 0.5m and increasing to approx. 0.7m from the southeastern boundary. The existing building on the site

contains residential use at upper floors, with no existing windows on the rear elevation. Existing windows on the southeast side elevation serve bedrooms and are set back approximately 2m from the boundary. Surrounding properties largely comprise of commercial use at ground floor. It is unclear what the existing use of upper floors in surrounding properties is. Windows serving the upper floors on the rear elevation of No. 33 Henry Street directly adjoin the rear boundary. Windows serving the upper floors to the rear of No. 13 Main Street face towards the proposed development at a distance of approximately 8m.

7.3.3. The Development Plan in Volume 6 outlines Development Management Guidelines wherein Section 1.5.5 outlines apartment design standards. This section states that all planning applications for apartments are required to demonstrate compliance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines 2020 and any updates thereof, and that provision of apartments above these standards are encouraged. I note that at the time the application was submitted to the PA the Apartment Guidelines dated July 2023 were the relevant guidelines in place. No minimum separation distances are defined in the Development Plan or in the 2023 Apartment Guidelines. Compact Settlements Guidelines SPPR 1 states that a separation distance of at least 16 metres is required between opposing windows serving habitable rooms at the rear or side of residential units above ground floor level and that separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

7.3.4. I note the concerns raised in the appeals that the proposal will result in overlooking into the adjoining property at No. 12 Main Street located to the southeast of the site and into the private amenity space serving No. 32 Henry Street located to the rear of the appeal site.

7.3.5. I consider the proposal will give rise to an unacceptable level of overlooking into adjoining properties as a result of the proximity of proposed windows and balconies to site boundaries as outlined in Section 7.3.2 above. No details of privacy measures are included, with proposed clear glazing to windows and balustrade railings surrounding balconies. In particular I note that proposed upper floor windows will be located perpendicular to upper floor windows to the rear of No. 33 Henry Street at a distance of approximately 1m resulting in direct overlooking at close proximity. I also

consider the proposal will give rise to unacceptable overlooking from proposed windows and balconies on the southeastern elevation into the rear yard of No. 12 Main Street and towards existing windows at the upper floor of No. 13 Main Street which face the appeal site. I consider the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity as a result of overlooking and loss of privacy. I do not consider this matter can be addressed by a condition, noting that any amendments to address overlooking would have material impacts on the layout of the apartments. Having regard to the foregoing I consider permission should be refused.

- 7.3.6. I consider the proposal fails to comply with SPPR 1 of the Compact Settlements Guidelines in failing to provide for an appropriate separation distance between existing and proposed upper floor windows and fails to incorporate suitable privacy measures to prevent undue overlooking of habitable rooms and private amenity spaces. I note for the Commission that in accordance with the provisions of Section 34 of the Planning and Development Act, when making a decision in relation to an application that includes a residential element the Commission is required to apply the specific planning policy requirements (SPPRs).
- 7.3.7. I note the concerns raised in appeals relating to overlooking the courtyard to the rear of 32 Henry Street. On site inspection I noted that this courtyard serves a number of commercial properties including an art gallery and physiotherapy clinic located at ground level and that public access to the courtyard is available. I see no indication that the courtyard acts as private amenity space as outlined in the appeal.
- 7.3.8. Following a request for further information a Shadow Study was submitted by the applicant. Having regard to the orientation of the site, I consider the main consideration with regard to potential overshadowing relates to property to the north of the site. Having regard to the scale and pattern of existing development on the appeal site and adjoining properties and having reviewed the Shadow Study submitted, I consider the proposal is unlikely to give rise to any significant overshadowing beyond what currently exists.
- 7.3.9. I note the concerns raised by appellants in relation to loss of light. No assessment of impact on daylight levels was submitted with the application. Having regard to location of the site within Kenmare town centre and to the scale of development

proposed I consider the proposal is unlikely to give rise to unacceptable impacts in terms of loss of daylight.

#### **7.4. Apartment Design Standards**

- 7.4.1. Concerns are raised by a third party that the proposal fails to comply with residential standards in Compact Settlements Guidelines and Apartment Guidelines, including in relation to balcony depth, internal storage, communal storage, waste storage, lift and stair cores, bicycle parking and minimum floor areas.
- 7.4.2. In relation to floor areas, the proposal provides for a one bed apartment with a gfa of 58 sq.m. at ground floor, a one bedroom apartment with a gfa of 64 sq.m. at first floor and a one bed apartment with a gfa of 67 sq.m. at second floor. I am satisfied that the floor areas proposed are in excess of the minimum requirements set out in the Apartment Guidelines and the Development Plan. I note that no storage space is proposed and balcony depths are less than 1.5m as outlined by a third party. However, I also note that the apartment floor areas are larger than the minimum standards and that the Apartment Guidelines provide that certain standards, including the storage requirement and private amenity space may be relaxed for building refurbishment schemes on sites up to 0.25ha. I note that the Development Plan seeks compliance with Apartment Guidelines and I am satisfied that the proposal is acceptable in this regard.
- 7.4.3. Concerns are raised in relation to lack of waste management and refuse storage details. I consider that this matter can be addressed by a condition requiring submission of details in this regard for agreement with the PA if the Commission decides to grant permission.
- 7.4.4. I note the concerns raised in relation to lack of bicycle parking. Having regard to the town centre location and the absence of access to the site for bicycles, I do not consider it reasonable to require bicycle parking within the site.
- 7.4.5. I note the concerns raised by a third party in relation to compliance with Building Regulations. I note that matters in this regard are addressed under the Building Regulations and are not relevant to the assessment of the appeal.

#### **7.5. Other Matters**

7.5.1. Concerns are raised in appeals in relation to what is described as inaccurate wording of the site notice and application and that there are inaccuracies in drawings submitted. I note that the PA did not raise concerns in this regard and I am satisfied that the public notices were acceptable. In relation to drawings, I note that unsolicited additional information was submitted to the PA on 30<sup>th</sup> October 2024 which clarified that incorrect labels were referenced on drawings and corrected drawings submitted. I am satisfied that the drawings submitted are acceptable for the purpose of assessing the application.

## 8.0 Water Framework Directive Assessment Screening

- 8.1. The subject site is located approx. 135m south of the nearest water body comprising the Finnihy\_020 river. The proposed development comprises partial demolition of a structure, redevelopment of a shop to a commercial unit, extension of dwelling and conversion of dwelling to 3 apartments with all associated site works as outlined in section 2.1 of this report.
- 8.2. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 8.3. The reason for this conclusion is as follows:
  - The small scale of development and the nature of works
  - The location-distance from nearest Water bodies and lack of hydrological connections
- 8.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 9.0 AA Screening

- 9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)
  - 9.1.1. I have considered case ACP 323614-25 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a town centre area and comprises the partial demolition of an existing structure, redevelopment of a shop to a commercial unit, extension of dwelling and conversion of dwelling to 3 apartments with all associated site works.
  - 9.1.2. The closest European Sites are located approx. 200m east of the site at Kenmare River SAC (Site Code: 002158), 1km north of the site at Mucksna Wood SAC (Site Code: 001371) and 4.5km south of the site at Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365).
  - 9.1.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, and absence of ecological pathways to any European Site.
- Taking into account the screening determination by the Planning Authority.

- 9.1.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

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

## 11.0 Reasons and Considerations

Having regard to the limited proposed separation distances between windows serving habitable rooms at upper floors in the proposed development and existing properties to the southwest and southeast, it is considered that the proposed development would seriously injure the amenities of property in the vicinity by way of overlooking and loss of privacy and fails to comply with Sustainable Residential Development and Compact Settlements Guidelines (2024) SPPR 1 relating to separation distances. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Bernadette Quinn  
Planning Inspector

22<sup>nd</sup> December 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323614-25	
<b>Proposed Development Summary</b>	Partial demolition of structure, redevelop shop to a commercial unit, extension of dwelling and conversion of dwelling to 3 apartments with all associated site works	
<b>Development Address</b>	11 Main Street Kenmare, Co Kerry	
<b>In all cases check box /or leave blank</b>		
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.	
<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p> <p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>		State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3		
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p> <p><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>		

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

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323614-25
<b>Proposed Development Summary</b>	Partial demolition of structure, redevelop shop to a commercial unit, extension of dwelling and conversion of dwelling to 3 apartments with all associated site works
<b>Development Address</b>	11 Main Street Kenmare , Co Kerry
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The site comprises an urban infill site within an existing town centre characterised by mixed use development. The proposal provides for conversion of existing residential use to apartments, change of use to commercial unit and an extension that is modest in scale at 45.6 sq.m. 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 small scale of demolition works proposed measuring 8.3 sq.m., the existing residential and retail use on the site and the nature and scale of the proposed commercial and residential use.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is located within an Architectural Conservation Area, however no changes are proposed to the elevation facing the street.  The development will 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 site is located 200m east of Kenmare River SAC (Site Code: 002158), 1km north of Mucksna Wood SAC (Site Code: 001371) and 4.5km south of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. It is considered that no Appropriate Assessment issues arise, and it is not considered that

	<p>the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>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.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>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.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)