



An
Coimisiún
Pleanála

Inspector's Report

ACP-323813-25

Development

LRD: Construction of 134 residential dwellings along with creche. A Natura Impact Statement (NIS) accompanies this application. The application and NIS may be inspected online at the following website: www.rossroadlrd.ie

Location

Ross Road, Killarney, Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2560682

Applicant(s)

Homeland Projects Ltd.

Type of Application

Largescale Residential Development.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellants

1. Castle Falls Residents Association
2. Residents of No.53-65 Cahernane Meadows.

Observers

Tom and Susan Hogan.

Date of Site Inspection

21st November 2025.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The proposed development site is located on the southern side of Ross Road in Killarney, c600m southwest of Killarney Town Centre and c1km southwest of Killarney Train Station (as the crow flies).
- 1.2. The site with a stated area of c.3.8ha, is irregular in shape and comprises an infill site within an established residential area towards the southwestern edge of the town. The site is greenfield under grass and hosts existing agricultural sheds towards its northwest corner. The topography of the site is relatively flat with ground levels falling gradually in a predominantly northerly direction across the site from c. 26.25m OD along the southern site boundary to c.22.22m OD at the northern boundary.
- 1.3. The area surrounding the site is predominantly residential in character with the residential developments of Castle Falls and The Lodges to the west, Kingspark and Cahernane Meadows to the east and Priory Paddocks to the south. To the north is a row of one-off detached houses that front onto Ross Road. The site is currently accessed via an agricultural access off Ross Road. Ross Road branches off Flesk Road/Muckross Road and provides access to several small housing estates, Killarney racecourse and the National Park, including Ross Castle and the associated demesne. The Racecourse grounds located approx. 150m to the west of the proposed development site, include several other uses within it including a Driving Test Centre, a Golf Club comprising a 9-hole golf course with an associated bar and restaurant, and a number of other activities and events such as yoga classes, music classes, exhibitions and conferences. The racecourse grounds are accessed directly off Ross Road and via Castle Falls to the east. The access road to Castle Falls includes on its western side, a dedicated cycleway/ walkway which facilitates access between Muckross House and Ross Castle. The River Flask flows approximately 170m to the south of the site and discharges to Lough Leane, approximately 1.5km downstream.

2.0 Proposed Development

- 2.1. The proposal is for a large-scale residential development (LRD) comprising 134 no. residential units and a childcare facility (crèche). The proposal includes for the demolition of existing agricultural sheds on site.
- 2.2. The proposed residential units comprise 116 no. two storey houses and 18no.apartments consisting of 12no. 2-bed units and 6no. 1-bed units. The apartment units are arranged in 6no. blocks of three. The childcare facility is a two-storey detached building, sited towards the northeast corner of the site. It is designed to accommodate 102no. children and is to be served by a dedicated parking / drop off area to the north and outdoor amenity area to the east.
- 2.3. The proposal includes for the provision of a new vehicular and pedestrian access onto the Ross Road. This access is designed to include a raised table and pedestrian crossing. An entrance at this location has the benefit of outline planning permission, granted under KCC Ref: 23/60012). A separate connection via the extension of the existing vehicular access serving the dwelling referred to as 'Blossom Gate' to the northwest corner of the site is also proposed. This extended access is intended to serve proposed unit No.01 (House Type G) which is designed / laid out as a separate detached dwelling fronting onto the Ross Road. A dwelling at this location has the benefit of outline planning permission under KCC Ref: 23/60005.
- 2.4. The following table presents a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application forms, and plans and particulars (Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment).

Table 2.1: Development Statistics	
Gross Site Area	3.94ha
Net Site Area	3.35ha
Gross Floor Space	14,545.9 sq. m

Residential Floor Space	13,960.9sq. m
Creche	585 sqm (with capacity for 102 no. childcare places)
Demolition	187 sq. m
Density	40 uph
Plot Ratio	0.416
Site Coverage	25.7% developable area
No. Residential Units	134
Unit Type / Mix	See Tables 2.2 and 2.3 below
Housing	116
Apartments	18
Dual Aspect units	100% dual aspect
Building Height	2 – 3 storeys
Car Parking	241no. parking spaces across the site, comprising 2no. spaces per 3-4 bed house, 1no. space per apartment unit and 2-bed houses and 9no. parking spaces for the crèche.
Cycle Parking	30no. secure bicycle spaces for apartments (1 space per bedroom) A dedicated bin/bike store is proposed to the front of each terraced unit providing 3no. secure cycle spaces per dwelling. 8no. bicycle parking spaces for the crèche 67no. visitor cycle parking spaces
Public Open Space	5, 0.32 sq. m or 15% of the net site area
Communal Open Space	102 sq. m in 2no. locations.

2.5. The following Tables provide a breakdown of house type and unit mix:

Table 2.2 – House type		
Accommodation Type	No. of Units Provided	% (approx..)
4 Bed Detached	2	1.5

4 Bed semi-detached	8	6
3 Bed semi-detached	54	40
3 Bed Detached	1	1
3 Bed Terrace	32	24
2 Bed Terrace	19	14
1 Bed apartment	6	4.5
2 Bed apartment	12	9
Total	134	100

Table 2.3 – Housing Mix

Housing Mix	1 Bed	2 Bed	3 Bed	4 Bed	Total
Total Units	6	31	87	10	134
% Mix	4.5%	23%	65%	7.5%	100%

2.6. The following table provides a breakdown of Unit Types and Bedspaces.

Table 2.4 – Unit Types and Bedspaces

Unit Type / Occupancy	1- bed / 2P	2- bed / 3P	2- bed/4P	3- bed / 5P	4- bed/7P	Total
House	-		19	87	10	116
Apartment	6	12	-	-	-	18
Unit Type Total	6	12	19	87	10	134
Total Bedrooms	6	24	38	261	40	369
Total Bedspaces	12	36	76	435	70	629

2.7. In addition to the standard plans and particulars, the application is accompanied by various documents and reports including the following:

- Planning Statement.
- Statement of Response to Council Opinion.
- Statement of Consistency.
- Architectural Design Statement.
- Housing Quality Assessment.

- Part-V Proposal.
- Appropriate Assessment Screening and Natura Impact Assessment (NIA).
- EIA Screening Report.
- Ecological Impact Assessment (EclA).
- Landscape and Green Infrastructure Report.
- Engineering Services Report.
- Traffic and Transport Assessment.
- Outline Construction Traffic Plan.
- DMURS Compliance Statement.
- Stage 1 Road Safety Audit.
- Quality Audit Report.
- Drainage Impact Assessment.
- Outline Construction and Environmental Waste Management Plan (oCEMP).
- Construction Resource Waste Management Plan.
- Operational Waste Management Plan (OWMP).
- Light Impact Assessment.
- Climate Action and Energy Statement.
- Building Life-Cycle Report.
- Universal Design Statement.
- Site Specific Flood Risk Assessment.
- Social and Community Audit.
- Archaeological Assessment.

2.8. The following was received by way of unsolicited further information on 28/08/2025

- Arboricultural Impact Assessment

3.0 Planning Authority Opinion

- 3.1. The proposed development site was subject to an LRD Section 247 pre-application consultation meetings with Kerry County Council on the 18th of December 2024 via MS Teams. The proposed development was then subject to a Section 32C Pre-Planning Consultation Meeting with Kerry County Council on the 7th of May 2025. The Planning Authority issued their Opinion on the proposal on the 16th of May 2025.
- 3.2. A copy of Kerry County Council's opinion and minutes of the meeting held on the 7th of May 2025 are included with the application documentation (Appendix 1 of the applicant's Statement of Response to Councils Opinion). The Opinion letter indicates that the draft development constitutes a reasonable basis on which to make an application for planning permission. The applicants were advised to have regard to the advice and recommendations of Kerry County Councils Technical Units, details of which are outlined in the minutes of the meeting, and include the following:
- In terms of archaeology the applicant was advised that pre-development archaeological testing will need to be carried out on the site under licence and report submitted with the planning application.
 - In terms of Appropriate Assessment and the NIS, the applicant was advised that the potential for operational stage impacts of wastewater on Slender Naiad should be expanded upon and that the report on public lighting should confirm that proposals are in accordance with the recommended lighting mitigation measures.
 - Compliance with Part V of the Planning and Development Act, 2000 (as amended) is required.
 - Access to Unit 1 needs to be clarified. House Unit No 1 has proposed vehicular access from Ross Road. If access is not from the proposed service road, consideration should be given to omitting this unit from the proposed development.
 - Proposed apartments and childcare building will require Fire Certificates.

- Concerns raised in relation to proposed service road widths and turning circle designs may not be adequate to cater for emergency vehicles.
- Diameter of proposed watermains and layout of fire hydrants should be reviewed.
- Guidelines in relation to Electric Vehicle Charging must be complied with.
- Proposed outlet for surface water from the proposed development must be confirmed on the ground.
- Concerns raised in relation to layout of service road, car parking and set down serving the proposed childcare facility.
- The applicant was advised to liaise with David Doyle, Senior Engineer dealing with Active Travel in relation to the design of the junction of the service road with Ross Road.
- Site Development Works should be in accordance with 'Site Development Works for Housing Areas'.
- Landscaping works must not impede sightlines at junctions within the development.
- Priority at all internal junctions must be made clear.
- Design of stormwater detention basins should have regard to drowning risk.
- Public lighting layout in the vicinity of Castle Falls Development should be reviewed.
- Taking in Charge Map should be submitted with the planning application.

4.0 **Planning Authority Decision**

4.1. **Decision**

Kerry County Council granted permission for the proposed development on the 17th of September 2025, subject to 35no. conditions.

The attached conditions are generally standard in nature (financial, procedural, construction, operational, and technical) for a residential scheme of scale proposed.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The report of the local authority Case Planner includes in its open sections a description of the application site and its location including site photographs; details of the proposed scheme, reference to relevant national, regional and local planning policy; a summary of the planning history of the site and pre-planning consultations held; a summary of the comments of external bodies and technical reports received; a summary of the third party submissions and objections received and a response to same. This section also includes a breakdown of development contributions owed.
- The report then considers the environmental impact of the development. In screening for EIA, it was determined that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an EIAR is not required. In terms of Appropriate Assessment, the case Planner had regard to the report of the Environmental Assessment Unit which included Appropriate Assessment. The planning authority raised no issues in relation to AA..
- No significant concerns were raised in the assessment of the application. The following points were noted:
 - The application site is located within the town boundary for Killarney, is bounded by existing residential estates and is zoned Residential in the Killarney Town Development Plan as contained within the Kerry County Development Plan 2022-2028.
 - The layout of the development has been centred around the principles of permeability for active modes of travel and has facilitated permeability through the site towards the neighbouring estates and onwards towards the town centre.

- The development accords with the densities specified in the Ministerial Guidelines on Sustainable Residential Development in Urban Areas.
- The design, layout and management of access to and within the development is in accordance with the Design Manual for Urban Roads and Streets.
- The proposed development provides a mix of housing sizes and types to facilitate a wide demographic of housing need and provides an increased number of small units which reflects housing demand in Killarney and the surrounding area.
- A creche/childcare facility is integrated into the layout of the development.
- The developer's proposal to meet obligations under Part V have been outlined in the application.
- The report concludes with a recommendation to grant planning permission subject to 38no. conditions as per local authority decision.

4.2.2. Other Technical Reports

- **County Archaeologist:** notes the findings of the applicants Archaeological Impact Assessment which recorded four areas of archaeological interest including charcoal production pits and possible trough and recommended conditions in relation to same. (Condition 11 of the planning authority's decision relates).
- **Environmental Assessment Unit** includes screening for Appropriate Assessment, Appropriate Assessment and Biodiversity Impact Assessment along with recommended conditions (Conditions 14, 15 and 16 of the planning authority's decision relate).
- **Housing Capital Unit** (Included PA report (page.16)) Report indicates satisfaction with the applicants Part V proposal.
- **Flooding and Coastal Protection Unit:** Notes that proposed development is predominantly within Flood Zone C but that there is a local depression at the

proposed entrance to Ross Road at the northern edge of the site that is within Flood Zone C. Recommends that permission be granted subject to condition. (Condition 38 of the planning authority's decision relates).

- **Environment:** Recommends conditions (Conditions 17, 18, 19, 20, 21, 23 and 24 of the planning authority's decision relate).
- **Roads, Maintenance and Operational Services:** No objection subject to condition (Conditions 12, 13, 32, 33, 34, 35, 36 and 37 of the planning authority's decision relate).
- **Housing Estates Unit:** Report includes 61no. comments on various issues including road and entrance design, surfacing, taking-in-charge, boundary treatment; drainage, parking, drop-off area for creche; pedestrian connectivity; public lighting etc.
- **Capital Development Unit:** - Recommends conditions on the payment of a special levy for the provision of Active Travel infrastructure on Ross Road; the provision of permeability linkages; the provision of a raised table at the entrance to the development and that lands within the redline boundary be made available for the provision of an Active Travel route along Ross Road. (Condition 3 of the planning authority's decision relates).
- **Finance Insurance/ Play Appraisal:** (Included PA report (page.17)): report does not recommend the installation of a community type playground and advises against the use of fixed equipment in green areas.

4.3. Prescribed Bodies

- **Transport Infrastructure Ireland (TII):**

TII requests that in the assessment of the application, regard is had to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and

proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system"

- ***Health Service Executive (HSE):***

The HSE confirms that they are not aware of any specific Public or Environmental Health concerns about the proposed development. The report includes 10 observations intended to protect sensitive receptors and remediate health impacts including that the proposed development comply with all legal limits; that all necessary control measures using best available technology are undertaken during construction of the development; that appropriate arrangements for the collection, storage and disposal of waste are implemented, that the design take into account the concept of Universal Design.

- ***Uisce Eireann (UE).***

The report of UE confirms that a Confirmation of Feasibility (CoF) has been issued to the applicant advising that both water and wastewater connections are feasible without infrastructure upgrades. In relation to Water, the COF states a connection is feasible subject to upgrades. It notes that upsizing of approximately 280 metres of existing watermain from 100mm to 150mm will be required. In relation to Wastewater, the COF states a connection is feasible subject to upgrades. It notes that upsizing of approximately 450 metres of existing sewer from 525mm to 750mm will be required. UE recommend a grant of permission subject to condition.

4.4. Third Party Observations

- 4.4.1. The planning authority received a total of 11no. third-party submissions. The issues raised are similar to those set out in the grounds of appeal and can be summarised as follows:

- Density of development / Overdevelopment of the site
- Capacity of Killarney to accommodate the increased population (impacts on local infrastructure and services)
- Traffic congestion locally and in the wider area of Killarney
- Inadequate traffic assessment
- Impact on local biodiversity (loss of trees/ hedgerows)
- Lack of information / clarity on proposed boundary treatment)
- Negative impact on the residential amenity of neighbouring properties (loss of privacy, overbearing, overshadowing). Construction impacts.
- Lack of clarity on boundary treatment between proposed development and existing properties.
- Inadequate separation distances between existing and proposed units.
- Objections to the provision of pedestrian connections to adjacent developments.
- Lack of public consultation
- Capacity and Management issues in relation to the Killarney Wastewater Treatment Plant.

5.0 Planning History

5.1. The following extant outline permissions relate to the proposed development site:

KCC Ref 23/60012: In 2023 outline planning permission was granted for the development of a vehicular entrance road off the Ross Road together with all associated footpaths, cycle lane and ancillary services and site works. The proposal was subject to flood risk assessment.

KCC Ref: 23/60005: In 2023 outline planning permission was granted for the construction of a two-storey dwelling. The proposal was subject to flood risk assessment. Condition 3 of the grant of permission requires that the FFL be 23.5mOD.

The site in question corresponds with proposed house No.1 and its curtilage.

6.0 Policy Context

6.1. Development Plan

6.1.1. The applicable development plan for the appeal case is the Kerry County Development Plan 2022-2028, hereafter referred to as the KCDP. The KCDP was amended by Variation No.1 on the 21st of July 2025. Variation No. 1 comprises the Tralee Municipal District Settlements Plan and includes an overall County Level Settlements Introduction which is applicable to the whole county and is therefore relevant in the assessment of this appeal. The Commission will note that at the time of assessment, Proposed Variation No.2 of the Kerry County Development Plan, relating to the Killarney Municipal Districts Settlement Plan, is underway. Material Alterations were published on the 2nd of October 2025 and were placed on public display from the 2nd of October 2025 to the 31st of October 2025. Kerry County Council have advised that Variation No.2 is due to be adopted in early to mid-January. Due to its current draft status, this proposed Variation does not affect the local policy context for the assessment of this appeal case.

6.1.2. The KCDP comprises six volumes, as follows:

Volume One contains the main written statement and associated appendices. The written statement includes policy in several chapters that establish the context for the proposed LRD. The objectives I consider most relevant to the assessment of this LRD are included in section 6.1.3 below.

Volume Two contains the 'Town Development Plans', including the Killarney Town Plan (KTP). This town plan includes specific policies for Killarney as well as zoning and flood maps for the town. The policies / objectives I consider most relevant in the assessment of this application are outlined in section 6.1.4 below.

The zoning and flood maps contained in Volume two detail in the following:

Zoning: The site is subject to two residential Zoning Objectives as follows (*K - Figure 3.43: Tralee Zoning Map*):

Code	Zoning	Objective	Description
R1	New/Proposed Residential	Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.	For new residential areas/town extensions to ensure the provision of high quality new residential environments. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of new residential communities.
R2	Existing Residential	Provide for residential development and protect and improve residential amenity.	For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered

Flooding: A small portion in the northern area of the proposed development site falls within a predictive Flood Zone 'B' (in the vicinity of the proposed access route). The remainder of the site is located outside of the designated Flood Zones A and B

and is therefore in Flood Zone C. Flood Map D plots Flood Objective KA 89 at the appeal site (refer to Section 6.1.4 for details)

Volume Two of the CDP also contains a zoning matrix and a '*Settlement Capacity Audit*' which identifies the carrying capacity of key sites for residential development. The site is identified as residential landbank 'K-18-' in the Settlement Capacity Audit for Killarney. K-18 comprises 3.96ha of land with an estimated density of 25-30 uph and a potential yield of 90-115 units (KCDP, Vol.2, Section 6, p162).

Volume Three consists of several appendices to the plan including: The Archaeology of Kerry - An Overview; National Monuments & Registered Landscapes; Archaeological Landscapes and the Record of Protected Structures.

Volume Four of the CDP includes a range of 'Maps' for the county.

Volume Five comprises the environmental assessments including the Strategic Flood Risk Assessment.

Volume Six contains the land use zoning objectives, use classes, zoning matrix, and development management standards. For the Commissions convenience I have included the development management standards I consider most relevant to the assessment of this application in section 6.1.4 below.

6.1.3. The following Objectives of the KCDP (Vol. 1) are of note:

Settlement Strategy:

KCDP 3-4: Deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements.

Accessibility and Mobility:

KCDP 4-17 Facilitate the development of sustainable compact settlements with the "10-minute" town concepts, whereby, a range of community facilities and services are accessible in short walking and cycle timeframes from homes, with walkways and link routes to Greenways or are accessible

by high quality public transport services connecting people to larger scaled settlements delivering these services.

KCDP 4-18 To prioritise walking routes and to deliver a high level of priority and permeability for walking, cycling and public transport modes, in accordance with the principles of movement, place and permeability as laid out in the Design Manual for Urban Roads and Streets 2019, to ensure the creation of accessible, permeable links to places of work, retail, services, educational and community facilities.

Active Travel and Greenways:

KCDP 14-10 Promote a shift away from the private car to greater use of active travel (walking and cycling) and public transport.

KCDP 14-13 Develop in accordance with the National Cycle Manual and the NTA, an integrated network of cycle ways in our larger urban centres, to ensure permeability within and between residential areas, linking to town centres, schools and places of work informed by Transport Mobility Plans for Tralee, Killarney and Listowel.

6.1.4. The following Objectives of the Killarney Town Plan (KCDP Vol. 2) are of note:

Killarney Town Strategic Objectives:

KA 7 Improve subject to environmental assessment, inclusivity, accessibility, permeability and connectivity throughout the town and where appropriate with the National Park for alternative modes of transport, including cycling and walking.

Residential Development Objectives:

KA 13: Facilitate the development of 1,277 residential units within the town boundary.

KA 15: Facilitate the provision of a range of housing solutions, to cater for the diverse housing demand within the town, catering for individuals and families at appropriate scales and attractive alternatives to urban generated housing in rural areas.

Natural Heritage Objectives:

KA 27 *Protect non designated habitats and species, local biodiversity features and to maintain and enhance ecological corridors and natural features of the landscape such as hedgerows, trees, rivers, lakes, parklands, ponds and roadside verges.*

Active Travel Objectives:

KA 76 *Develop and promote a more cycle and pedestrian friendly network and ancillary infrastructure throughout Killarney, having regard to environmental designations in the area.*

KA 78 *Develop cycling and walking linkages between Killarney town centre, key strategic public amenities and residential neighbourhoods in the town, having regard to environmental designations in the area.*

Land use Zoning Objectives:

KA 86 *Not to permit highly vulnerable development within Flood Zone A and B, and not to permit less vulnerable development within Flood Zone A.*

KA 87 *Ensure that only water compatible development is permitted in flood zone A and less vulnerable development is permitted in flood zone B.*

KA-88/89 *Ensure that highly vulnerable development is not permitted in areas identified in Flood Zone A and B.*

KA 90 *Development within existing built-up areas located within Zone A & B; Ensure that development proposals avoid the identified flood risk area, or if not possible ensure that proposals avoid the identified flood risk properties and consider flood resilient or flood resistant construction design methodologies.*

6.1.5. Variation No. 1 of the Kerry County Development Plan 2022-2028

Variation No. 1 of the KCDP was adopted on the 21st of June 2025. Variation No.1 comprises the Tralee Municipal District Settlements' Plan and includes an overall 'County Level Settlements Plan Introduction', with various Objectives that would be

applicable to the assessment of this proposed LRD, the following of which are of note:

Residential Objectives

KCDP SP-7 *Facilitate sustainable residential growth and prioritise development of the county’s settlements in accordance with the Settlement Hierarchy and the Core Strategy set out in the KCDP 2022-2028 and subject to:*

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*
- *Sustainable Urban Housing-Design Standards for New Apartments (July 2023)*
- *Urban Development and Building Height Guidelines for Planning Authorities (2018)*
- *Design Manual for Urban Roads and Streets (2019 & 2022)*

KCDP SP-9 *Require all new residential development schemes over 15 units to provide for a variety and choice (type and size) of housing units to meet different household needs and requirements.*

Residential Estate Connectivity Objectives

KCDP SP-13 *Connect existing and future residential developments and strategic employment lands (access points) to completed and planned greenways, cycling infrastructure, cycle ways and onto existing employment/residential areas.*

KCDP SP-14 *Improve (inter)connectivity by ensuring access and linkages from existing and proposed residential areas are provided.*

Flood Risk Objectives:

KCDP SP-17 *(Development not located within existing built-up areas located within Flood Zone A & B)*

(a) Ensure that highly vulnerable development is not permitted in areas identified in Flood Zone A and B, and not to permit less vulnerable development within Flood Zone A.

(b) Ensure that only water compatible development is permitted within Flood Zone A and less vulnerable in Flood Zone B.

(c) Ensure that less vulnerable development and water compatible development only is permitted with suitable mitigation measures.

KCDP SP-18 *(Development within existing built-up areas located within Flood Zone A & B) Ensure that development proposals avoid the identified flood risk area, or if not possible ensure that proposals avoid the identified flood risk properties and consider flood resilient or flood resistant construction design methodologies.*

KCDP SP-20 *Ensure that any potential flood risk areas located within residential zoned areas are used for amenity open space use only and /or are left as 'spaces for nature'.*

Rainwater Management Objectives

KCDP SP-22 *Promote the use of swales and ponds within open space areas to provide storage capacity.*

6.1.6. Development Management Standards:

The following development management standards outlined in KCDP Vol. 6) are of note:

Density: Section 1.5.2

In assessing the density proposed for a residential development, the Planning Authority will consider the following:

- Proximity to neighbouring and district centres.

- Proximity to public transport bus stops.
- The extent to which the design and layout follow a coherent design brief resulting in a high-quality residential environment.
- Compliance with qualitative and quantitative criteria.
- The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas.
- Existing topographical, landscape or other features on the site.
- The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development. The same criteria will be applied to development proposals involving an increase in density on existing housing sites.

Pedestrian & Vehicular Movement (Section 1.5.4.1)

- All new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of the 'Urban Design Manual – A Best Practice Guide' (2009), 'Sustainable Urban Housing: Design Standards for Apartments' (2018) the 'Design Manual for Urban Roads and Streets' (DMURS, 2019) and the Permeability Best Practice Guide (2015).
- Where new developments are proposed adjacent to existing and established neighbourhoods, the design, layout and housing mix should be designed in a such a way to enable positive integration, both physically and socially towards building strong integrated communities and social cohesion.
- Movement should be convenient, safe and pleasant. Within larger housing areas, a clear hierarchy of spaces and roads should be apparent. Movement through estates should be guided by the principles of security, with opportunities for crime and anti-social behaviour minimised.

- Every effort should be made to eliminate through traffic (rat-runs); however, provision should be made for public transport, pedestrian, and cycle network through routes.
- Provision should be made for traffic management proposals in all developments. Where shared surfaces are proposed, vehicle design speeds should be at or near walking pace. This shall be achieved by design features such as curves, ramps, pinch points and other features where appropriate.
- Ensure there is adequate infrastructure provided in new development to support people in making the choice to adopt active travel is important to achieve the aspirations of the policy objectives set out in Chapter 14, Connectivity.

Public Open Space: Section 1.5.4.4 (abbreviated)

- Public open space should be provided at a minimum rate of 15% of total site area. The open space should be designed to complement the residential layout and be informally supervised by residents. The spaces should generally be centrally located within groupings, and be visually and functionally accessible, of a suitable gradient, useable and overlooked by a maximum number of dwellings. Incidental pieces of unusable land shall not be considered to fulfil or partially fulfil the 15% requirement; for example, narrow tracts of open space, which are difficult to manage, will not be acceptable.
- In addition to private open space, provided by the Developer, communal open space must also be provided for apartments, in accordance with the minimum standards set out in 'Sustainable Urban Housing, Design Standards for New Apartments' Section 28 Guidelines, (2020). Communal open space is for the exclusive use of the residents of the development and should be accessible, secure, and usable outdoor space which is inclusive and suitable for use by those with young children and for less mobile older persons. (*repeated in section 1.5.5.3 Communal Open Space*).

Minimum Separation Distance (1.5.4.10)

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

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

NOTE: In respect of the Development Management Standards outlined in Volume six, I draw the attention of the Commission to Section 1.1 which states that the standards outlined in this chapter are, unless otherwise stated, informed by a series of Guideline documents issued by the Minister under Section 28 of the Planning and Development Act, 2000 (as amended). It further states that Specific Planning Policy Requirements set out in Section 28 Guidelines apply, notwithstanding the requirements of this Development Plan and associated Local Area Plans for the County. It acknowledges that Guidelines can be issued at any time by the Minister to Planning Authorities regarding any of their functions under the Act and clarifies that the Council will implement all national guidelines including future guidelines or amendments to existing guidelines, where appropriate in the performance of its duties, following their adoption.

Those national guidelines considered relevant in the assessment of this application are set out in section 6.3 below.

6.2. National / Regional Policy.

Project Ireland 2040 – National Planning Framework, First Revision (April 2025), (NPF):

The National Planning Framework (NPF), initially published in 2018 and revised in 2025, sets out a high-level strategy for the planning and development of Ireland to 2040. The strategy to accommodate this growth in a sustainable way focuses on 10

National Strategic Outcomes (NSOs) that include: Compact Growth (NSO1), Sustainable Mobility (NSO5), Enhanced Amenity and Heritage (NSO7), a carbon neutral and Climate Resilient Society (NSO8) and the Sustainable Management of Water, Waste and Environmental Resources (NSO9). Access to Quality Childcare, Education and Health Services (NSO10).

National Strategic Outcome No. 1 of the NPF relates to Compact Growth. The aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. This is supported by National Planning Objectives, including NPO 9 which seeks to deliver at 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

Regional Spatial and Economic Strategy for the Southern Region 2020-2032

(RSES): - This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint

Chapter 3 People and Places of the RSES includes a settlement hierarchy with different urban typologies. Killarney is identified as a Key Town (second highest level in the hierarchy) in the Region and is attributed as a strategically located urban centres with accessibility and significant influence in a sub-regional context

Strategically located Key Town are intended to play a significant role in strengthening the urban structure of the Region based on their strategic location and influence, record of performance and delivery, employment and service functions, potential for employment led growth, sub-regional interdependencies and scope for collaboration. Based on capacity analysis (including historic growth levels), it is envisaged that local authorities will also plan for significant growth in these Key Towns.

Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness:

Aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. The Plan is built around two pillars ‘Activating Supply’ and ‘Supporting People’, with four key priorities under each pillar.

Climate Action Plan (CAP) 2025: -

Climate Action Plan 2025 builds upon last year’s Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

Climate Action Plan 2024 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board / Commission must be consistent with the Plan in its decision making.

Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030:

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

6.3. Section 28 Ministerial Guidelines:

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2025) (the ‘Apartment Guidelines’) set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines): set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. Applicable policy for the proposed development includes:

- Section 3.3: requires that densities in the range of 30dph-50dph should be applied for sites in ‘Key Town – Suburban/ Urban Extension’ locations.
- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility to public transport options and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Policy and Objective 3.1 requires that the recommended density ranges are applied and that, where appropriate, these density ranges are refined further using the site-specific criteria.
- Policy and Objective 4.1 require the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between

opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.

- SPPR 2 – Minimum Private Open Space specifies new standards for houses (3 bed 40sqm, 4 bed+ 50sqm), and private open space for duplexes remains as per the Apartment Guidelines.
- Policy and Objective 5.1 recommend a public open space provision of between 10%-15% of net site area.
- SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations (e.g., 2 no. spaces per dwelling for intermediate and peripheral locations).
- SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

6.4. **Also of note:**

- The Planning System and Flood Risk Management Guidelines (including the associated Technical Appendices) (2009).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, (2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Design Manual for Urban Roads and Streets (DMURS) 2019.
- Permeability Best Practice Guide – National Transport Authority.

6.5. Natural Heritage Designations

6.5.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). The European site designations in proximity to the appeal site include (as measured at closest proximity between boundaries):

- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365), c. 120m northwest.
- Sheree Bog SAC (Site Code: 000382), c. 2.4km to the southwest.
- Castlemaine Harbour SAC (Site Code: 000343) c. 6.1km to the northwest.
- Old Domestic Building, Curraglass Wood SAC (Site Code: 002041), c 13.7km to the southeast.
- Killarney National Park SPA (Site Code: 004038), c.280m to the northeast.

6.5.2. The pNHA designations in proximity to the appeal site include:

- Killarney National Park, Macgillicuddy Reeks and Caragh River Catchment pNHA (site code: 000365), c.120m to the northwest.
- Sheheree (Ardagh) Bog pNHA (Site Code: 000382), c. 2.4km to the southwest.
- Doo Loughs pNHA (Site Code: 000350), c.5.8km to the southeast.

7.0 The Appeal

7.1. Two third-party appeals have been lodged against the decision of Kerry County Council to grant permission for this proposed LRD at Ross Road, Scrahane, Killarney, Co. Kerry. The appeals were lodged by / on behalf residents of the local area, as follows:

1. Anne O'Connor on behalf of the Castle Falls Residents Association.

The existing residential development of Castle Falls lies to the east of the proposed development site. The proposal includes for three potential

pedestrian connections from the proposed development site to Castle Falls, these potential connections and their impact on the Castle Falls development and its residents is the primary issue raised in this appeal.

The appeal documentation includes an illustrative map detailing the potential connections and their relationship with Castle Falls.

2. Residents of No's 53-65 Cahernane Meadows.

The existing residential development of Cahernane Meadows is located to the southeast of the proposed development site. The appellants properties back on to the proposed development site and would be positioned back-to-back with proposed unit no's 74-84 which run west-east adjacent to the boundary of No. 63-65 Cahernane Meadows and proposed unit No's 90-107 which run north-south adjacent to House No's 62-53 Cahernane Meadows. The impact of the proposed development on the privacy and amenity of the appellants properties is the primary issues raised in this appeal.

The appeal documentation includes maps and extracts from the applicants Arborist Report, photographs of existing rear gardens to illustrate the existing boundary treatment and level change and a map showing the location of those houses in Cahernane Meadows impacted by the proposed development.

7.2. **Grounds of Appeal**

The key issues raised in each appeal are summarised below:

7.2.1. Castle Falls Residents Association:

The main issue raised in the appeal of the first named appellant relates to the three potential pedestrian connections between the proposed development site and Castle Falls, one of the neighbouring residential developments to the west. The issues raised can be summarised as follows:

- Castle Falls is served by a single entrance / access road off Ross Road. This entrance /access road also serves the neighbouring residential development of The Lodges, Killarney Racecourse and its associated amenity venues. It also includes along its western side, a dedicated cycleway/ walkway which as per the details provided in the appeal, acts as the only walkway from Muckross House to Ross Castle. It is contended in the appeal that the entrance / access road and the associated estate roads serving the Castle Falls Estate, are already overburdened by congestion as a result of vehicular traffic, people traffic and parking.
- The main entrance / access road to Castle Falls serves as the main access for emergency vehicles when attending instances at Castle Falls, The Lodges, the Racecourse, Killarney Golf Course and on the cycleway/walkway. The estate roads within Castle Falls act as emergency exits for use in accidents and in the major accident plan for the Racecourse. Inadequate parking facilities and people traffic mean that the roads are frequently blocked and continuously congested. It is contended that the three potential pedestrian connections facilitated by the proposed scheme will increase people density on Castle Falls adding to further congestion and increased safety risk.
- It is considered that increased people density within Castle Falls will have a negative impact on the amenities of existing residents in terms of overlooking / loss of privacy, noise, anti-social behaviour, loitering, security and personal safety and devaluation of property.
- It is also contended that there are environmental risks from littering, dog fouling, damage to existing trees, flower beds, shrubbery and damage to green areas of the estate.

7.2.2. Residents of No's 53-65 Cahernane Meadows

The main issue raised in this appeal relates to the potential impact of the proposed development on the residential amenity of neighbouring dwellings within Cahernane Meadows, one of the neighbouring residential developments to the east. The issues raised can be summarised as follows:

- Insufficient separation distances between existing and proposed dwellings. It is contended that in the case of house numbers 54 and 55, the separation distance is less than 14 sq. m.
- Overlooking and loss of privacy. It is contended that rear gardens will be directly overlooked from opposing first floor windows of proposed dwellings and from the second-floor balcony serving the apartment block (proposed units 105-107).
- Concerns are raised regarding the removal of mature trees and hedgerows which currently provide privacy and shelter as well as biodiversity.
- The level difference between existing properties in Cahernane Meadows and the proposed development site is noted.
- Concerns are raised regarding the accuracy of the plans submitted. The red-line boundary as shown on the drawings is not clear due to the line-weight used and could be misinterpreted. The submitted cross section drawings suggest that the topography is flat while there is a significant drop in elevation between Cahernane Meadows and the proposed development site.
- The appellants call for the retention of existing boundary treatment (sod and stone ditch, hedgerow and trees) to the rear of No's 53-62 Cahernane Meadows; the redesign of balconies serving proposed units 105-107; reduced density of proposed units 90-96; clarification of the boundary treatment and separation distance between proposed units 74-84 and existing House No's 63-69 Cahernane Meadows.

7.3. Applicant Response.

7.3.1. The applicant's response to the issues raised in the grounds of appeal was received on the 18th of November 2025. The main response document includes an overview of the proposed development and of Kerry County Council's assessment of same; as well as the policy context from which the proposed scheme was developed and finalised. The appeal response documentation includes:

- Appendix 1: Landscape Boundary Sections.
- Appendix 2: Proposed Site Sections.

- Appendix 3: Triplex Plans that illustrate the provision of privacy screens to second floor balconies to prevent possible overlooking of private amenity spaces.

7.3.2. The applicant's response to the grounds of appeal can be summarised under the following headings:

Introduction

- In this section the applicant sets out the attributes of the proposed scheme and how it aligns with national, regional and local policy.
- It is contended that the grounds of appeal reference numerous matters that were addressed by Kerry County Council in their assessment of the application and in their decision to grant permission. The decision to grant permission includes clear and concise planning conditions, which will fully address the grounds of appeal raised.

Removal of boundaries and trees abutting appellants properties and elevation changes:

- Regarding the condition of existing site boundaries, the response document refers to the habitat survey of site boundaries carried out as part of the Ecological Impact Assessment (EclA) submitted with the application. As per the habitat survey, the eastern boundary, the subject of the appeal comprises a dense treeline of mature Cypress trees with heavily shaded areas and little or no understorey species. The EclA categorises this boundary as representing lower value non-native species. As such, it is proposed to remove this treeline and to replace it with a native hedgerow with a steel mesh link fence.
- Further south in the site, along the eastern boundary, the EclA notes that there are areas of low growing scrub with occasional semi-mature Holly or Hawthorn species as well as gorse. These are identified as being of lower ecological value. As illustrated in Landscape Plan 4/5 Drawing No. L-504, it is proposed to maintain this hedgerow and treeline with a steel mesh link fence along the boundary.

- The use of steel mesh link fencing on boundaries with existing or proposed hedgerows offers a clear distinctive boundary that allows for security and privacy between existing and proposed dwellings while also allowing bird and mammal species to utilise the habitats created by the hedgerows.
- The proposal has been endorsed by KCC and is in keeping with the EclA.
- Regarding the level change between the proposed development site and existing dwellings in Cahernane Meadows, the site sections submitted with the application and appeal illustrate that on both the south and southeast boundary of the site, the FFL of the proposed dwelling is below that of the existing dwellings in Cahernane Meadows and any level change is minimal. There is some backfill proposed to the rear of the dwellings proposed but this is also minimal.
- It is contended that the proposed development successfully manages the level change using the back gardens of the dwellings and boundary treatments to ensure that the development is not below the level of the existing dwellings in any significant manner.
- It is further contended that the development strategy has been properly considered throughout the design process to carefully account for and respect the relationship of the proposed development and the existing residential dwellings bounding site.

Separation distances between proposed units and existing dwellings:

- Regarding separation distances between existing and proposed dwellings, the applicant references SPPR 1 of the Compact Settlement Guidelines which states that *a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.*
- The separation distances between the proposed and existing dwellings, where there are opposing windows serving habitable rooms, vary along the boundary with distances ranging from 17.4m to 26.3m.

- Proposed dwelling no.108 to the south of the site is located 10.7m to the west of the existing dwelling in Cahernane Meadows. However, at this location, the side gable of dwelling no.108 (unit type B1) fronts onto this boundary, where there are no windows serving habitable rooms. This gable features a single window at first floor level serving the bathroom and is to be of opaque glazing.

Overlooking of adjoining properties and gardens:

- It is submitted that the proposed development has carefully considered the receiving environment and has struck an appropriate balance between achieving compact growth on an infill site, and to reduce the potential for overlooking. However, in urban environments with infill and brownfield developments there will always be some unavoidable level of overlooking within such settings.
- The appellant notes the concern raised in respect of overlooking of the back gardens of numbers 54 -57 Cahernane Meadows from the balconies serving the proposed triplex, units no's 105-107. The applicants are satisfied that there is no opportunity for overlooking from the first-floor balcony due to its recessed, single aspect design.
- The second-floor balcony is dual aspect and provides views to the south and east. It is submitted that this does not give rise to an undue loss of privacy to the residents of Cahernane Meadows. However, the applicant is happy to include a privacy screen on the balcony to reduce the aspect, providing a view to the south only, looking over the public open space should the Commission be of the view that this is more appropriate. The applicant has provided as part of the appeal submission (appendix 3), plans and elevations of the concerned triplex units to illustrate how this can be facilitated.

Existing traffic issues relating to the Killarney Racecourse and other venues and associated parking within the Caste Falls estate and traffic generation

- The Traffic and Transportation Assessment (TTA) submitted with the application concludes that the proposed development will not have a

significant negative impact on the operations of the local road junctions identified as part of the assessment.

- While the traffic issues raised in the appeal are regrettable, it is unclear how they relate to the proposed development. The traffic management issues are outside the scope of this planning application, are also outside the control of the Applicant, and are unrelated to the proposed residential development.
- The development provides for sufficient parking provision within the site, and no such need should arise for residents of the proposed development to park within the Castle Falls Estate.
- It is contended that the proposed development will not give rise to any significant or undue traffic issues. The development has provided a reduced parking provision in line with prevailing policy requirements and will provide for a new neighbourhood which will be characterised by a high degree of permeability for both pedestrians and cyclists.

The 'proposed' walkways to adjacent residential developments will have a negative impact on the existing residents by way of pedestrian traffic, loss of privacy, noise, anti-social behaviour.

- It is asserted that it is not proposed to provide pedestrian, cyclist or vehicular links to the adjacent housing developments as part of the proposed development.
- The layout of the scheme as proposed facilitates the potential for connections to adjoining estates of Castle Falls and Kingspark at a later date by extending the internal footpath network to the site boundary. The provision of these links is not proposed by the applicant; this would be a matter for the Planning Authority.
- The design of the development has been guided by the principles of good urban design and as such as sought to increase permeability where possible for cyclists and pedestrians.

7.4. Planning Authority Response

Kerry County Council had no specific comments to make. They are satisfied that the relevant issues are covered in the Planners report.

7.5. Observations

One observation was received from Tom and Susan Hogan, owners/ occupiers of No. 11 The Lodges which adjoins a section of the western boundary of proposed development site. The issues raised in their submission are similar to those set out in the grounds of appeal of Castle Falls Residents Association as one of the three potential pedestrian connections to Castle Falls runs along the side wall of their property. The issues raised can be summarised as follows:

- The pedestrian connection would be out of character with the existing cul-de-sac.
- It would result in anti-social behaviour and disruption to residents.
- They query the need for the access route when the town is in the opposite direction.

8.0 Assessment

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

- Principle of Development – Zoning
- Population and Density
- Design, Layout and Amenity
- Impact on Existing Residential Amenity
- Permeability
- Access, Traffic and Parking
- Flood Risk

- Other Matters

8.1.2. In respect of the proposed development, I have carried out screening determinations for Appropriate Assessment (AA), Water Framework Directive (WFD) and Environmental Impact Assessment (EIA). These are presented in sections 9.0, 10.0 and 11.0 below and are to be read in conjunction with Appendices of this report.

8.2. Principle of Development – Zoning

8.2.1. As set out in KCDP the subject site incorporates two residential zonings. The primary zoning for the site is '*R1 - New/Proposed Residential*' with the objective to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure. Two small sections at the northern end of the site are zoned '*R2-Existing Residential*' with the objective to provide for residential development and protect and improve residential amenity. It is evident, based on the residential zoning, that the development of these lands for residential use is acceptable in principle.

8.2.2. The zoning matrix provided in Vol.2 Section of the KCDP, lists '*Creche*' as a use class that is open to consideration on residential zoned lands. Uses open to consideration may be deemed acceptable where it can be demonstrated that there is a need for such facilities and that it will not affect the predominant use of the area. The proposed creche facility is located towards the northeast corner of the site, crossing both residential zonings. The description for both the R1 and R2 zoning supports a range of ancillary uses, particularly those that have the potential to foster the development of new residential communities. In my opinion, childcare would be an appropriate ancillary use to the primary use of these lands for residential purposes and, the provision of such a facility as part of the proposed LRD would support the appropriate and sustainable development of these lands as envisaged in the KCDP. Therefore, I have no objection in principle to this aspect of the proposed development.

Conclusion: – Principle of Development – Zoning

8.2.3. Overall, I am satisfied that the development of these lands as proposed would accord with the zoning objectives for the area as set out in the KCDP and that material contravention does not arise.

8.3. **Population and Density:**

8.3.1. Killarney is characterised as a 'Key Town' in both the RSES and KCDP. It is envisaged that the 'Key Towns' will be a focus for significant growth (more than 30%). The nature, scale and phasing of this growth will be determined by local authorities depending on a capacity analysis of each town. The Core Strategy for Kerry is set out in Chapter 3 of the KCDP. As per the details provided, Kerry is expected to grow by 9,363 persons by the end of the plan period. KCDP Core Strategy Table 3.7 envisages that up to 46% of this expected growth will occur within the Key Towns of Tralee and Killarney, with 17.5% of the total growth allocated to Killarney, equating to an increase of 1,630 persons. Table 3.7 calculates that an additional 1,277 housing units will be required to meet this target and it is an objective of the Council (*KA 13 Vol 2, P72*) to facilitate the development of 1,277 residential units within the town boundary. The proposed scheme incorporating 134 no. residential units would account for approximately 10.5% of the total housing allocation for the settlement over the plan period. The proposal is therefore well within the population and housing targets for Killarney as set out in the KCDP and would support compliance with the objectives of the plan.

Density

8.3.2. The appeal site has a stated area of 3.94ha, with a net developable area of c. 3.35ha equating to a net residential density of c. 40 units per hectare. The KCDP does not set out blanket density standards but instead relies on national guidance with specific reference to the *Sustainable Residential Development in Urban Areas Planning Guidelines (2009) (Objective KCDP 4-40)*. In this regard, I note that the 2009 guidelines support densities in the general range of 35-50 dph in outer suburban / 'Greenfield Site' of Large Towns (i.e. towns with 5,000 or more people).

- 8.3.3. The Commission will note that since the adoption of the KCDP, the 2009 guidelines have been replaced by the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*, hereafter referred to as the '*Compact Settlement Guidelines*'. It is clearly stated in the KCDP (Vol. 6, p.7), that the Council will implement all national guidelines including future guidelines or amendments to existing guidelines, where appropriate in the performance of its duties, following their adoption and that all Specific Planning Policy Requirements set out in Section 28 Guidelines apply, notwithstanding the requirements of this Development Plan and associated Local Area Plans for the County.
- 8.3.4. It is a policy and objective of the *Compact Settlement Guidelines 2024* (Table 3.5) that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns. As per the guidelines, suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. Having regard to the greenfield nature of the site, its location towards the edge of the built-up area of Killarney and its residential zoning, it is my view that the site is within an urban extension location of a Key Town and that a density in the range of 30 dph to 50 dph would be acceptable in principle.

The proposed development, with a stated density of 40 dph would fall within the accepted density range for the area as set out in both the 2009 and 2024 Guidelines. Furthermore, I consider the density of development proposed to be acceptable in this instance given the locational context of the site, the existing pattern of residential development in the area, its proximity to the town centre, its proximity to local services and amenities and its limited access to public transport. While I note that a density of 40 dph would exceed the estimated density of 25-30 envisaged for these lands in KCC's Settlement Capacity Audit of Zoned Lands (KCDP, Vol. 2, part 6) I am satisfied that the Audit does not preclude the achievement of higher densities. In this regard I note that the Audit states that higher densities and therefore higher housing yield will be considered on a case-by-case basis depending on amongst

other issues – the location of the site, the design and quality of the scheme - how it complies with certain performance criteria and the quality of life proposed for incoming residents in addition to existing or proposed services in the area. Furthermore, I note that the Audit acknowledges that the planning authority is required to have regard to Section 28 Guidelines with respect to densities and compact growth. I have considered the plans and particulars submitted in support of the application and visited the area; I am satisfied that the development of this site as proposed would, due to its location and proximity to existing services and amenities and its design quality would provide an overall good quality of amenity for future residents. Therefore, I am satisfied that a density above that envisaged in the in KCC's Settlement Capacity Audit of Zoned Lands, is justified in this case.

Conclusion: Population and Density

- 8.3.5. In conclusion, I am satisfied that, in principle, the proposed scheme with a density of 40dph, would comply with the policy context set at national, regional and local levels for future growth in Killarney, and would not result in any significant undue impact on the receiving environment and that no material contravention arises.

8.4. Design, Layout and Amenity:

- 8.4.1. The proposed development site comprises 3.94ha of greenfield lands towards the southwestern edge of the development boundary of Killarney. The site is an infill site that is bounded by residential development. Existing residential development in the vicinity of the site comprises mainly detached and semi-detached, two-story houses with a three-storey apartment block within the neighbouring Castle Falls development to the east. The proposed development is to be accessed off Ross Road to the north. Ross Road connects the site with the town centre which is less than a 10-minute walk away (c700m).
- 8.4.2. The proposal comprises a total of 134no. residential units in the form of 116no houses and 18no. apartments, and a childcare facility. All houses are two-storey with a mix of detached, semi-detached and terrace formats proposed. The apartments

units are arranged in six, three-story blocks with each block containing three units, one on each level. The design of the proposed buildings is similar in character and form to existing residential development in the area; this will ensure that the proposed development assimilates effectively with the existing built environment. I have no objections or concerns to the overall design or mix of unit types proposed.

- 8.4.3. In terms of layout, the proposed dwellings are generally arranged in a linear fashion along the site boundaries. In the main, the proposed dwellings are laid out so that they front onto internal access roads and are sited back-to-back or back-to side with existing properties. The Commission will note that proposed dwelling no.1 (house type G), located on the R2 (existing residential) zoned lands to the west of the proposed access road, has been designed and laid out to reflect the established pattern of development along Ross Road i.e. detached dwellings on large plots. This unit is to be accessed separately from the remainder of the development via an extension of existing vehicular access serving 'Blossom Gate', the existing dwelling to the west and once completed will read as part of the lower density development fronting onto Ross Road rather than as part of the proposed residential scheme.
- 8.4.4. The three storey apartment blocks are positioned at the end of housing rows, where they offer dual frontages and passive surveillance over adjoining public areas (roads, pedestrian / cycle links and areas of public open space). The proposed creche facility is located towards the northern end of the development where it would be easily accessible to future residents of the estate and to existing residents of the wider area. The creche is to be served by an outdoor amenity area to the east and a dedicated parking and drop off area to the north. The estate road in this location has been 'looped' to facilitate ease of movement for creche traffic and to reduce the congestion during drop-off / collection times.
- 8.4.5. In terms of the quality of the residential units proposed, I have reviewed the plans and particulars submitted with the application including the applicant's Architectural Design Statement (ADS) and Housing Quality Assessment (HQA), in light of the development management standards and guidelines outlined in the KCDP, the

Quality Housing for Sustainable Communities Guidelines, DCHLG (2007) and relevant Section 28 Guidelines, namely:

- The Sustainable Residential Development and Compact Settlements. Guidelines for Planning Authorities (2024)
- Planning Design Standards for Apartments - Guidelines for Planning Authorities, 2025.

8.4.6. It would appear from my assessment of the plans and particulars provided that all residential units meet or exceed the relevant minimum requirements in terms of unit size, floor area, ceiling height and internal storage and that suitable arrangements have been made within the scheme for bike and bin storage. I note that the proposed scheme, if permitted, would be subject to an Operational Waste Management Plan.

Outdoor Amenity

8.4.7. In terms of outdoor amenity, each housing unit is provided with an area of private open space in the form of rear gardens while private open space for the proposed apartment units is provided in the form of either a ground floor garden area or upper floor balcony, all of which are accessed off the main living area. All private amenity areas meet or exceed the relevant minimum standard.

8.4.8. In addition to private open space, both the KCDP (Vol.6 Section 1.5.5.3) and the Apartment Guidelines require the provision of communal open space for apartments. As stated within these documents, communal open space is intended for the exclusive use of residents and should be accessible, secure, and usable outdoor space which is inclusive and suitable for use by those with young children and for less mobile older persons.

8.4.9. As per the Housing Quality Assessment (HQA) submitted in support of the application, the proposed scheme includes for the provision of 102 sq. m. of communal open space which would exactly meet the quantitative standard set out in Appendix 1 of the Apartment Guidelines. As illustrated on the Open Space Strategy

on page 7 of the HQA, two areas of communal open space are proposed. I note that the two areas indicated form part of larger areas of public open space and, as per the landscape details provided, would read as part of same. The HQA clarifies that the 102 sq. m of communal open space proposed is on top of the public open space provision for the development and is not included in the public open space calculation.

8.4.10. While the quantum of communal open space proposed within the scheme is acceptable and in line with the recommended standard, as the two areas of communal open space have been designed effectively as part of the public open space for the scheme they cannot, in my opinion, be considered as '*exclusive*' to residents. Nor do I consider that it would be feasible to formally dedicate these spaces to residents without compromising the design, layout and functionality of the public open space. Notwithstanding, having considered the plans and particulars submitted with the application, I am satisfied that the proposed scheme would deliver an overall high standard of residential amenity for future residents of the apartments and that the identified deficiency in terms of communal open space would not compromise the quality of the scheme to a degree that would warrant refusal or redesign. My opinion this regard is based on the following.

8.4.11. The proposed scheme includes 18no. apartments which equates to 13.5% of the total number of units proposed. The apartment units are arranged in six small blocks, which each block containing only three units. Each block is located either directly adjacent or in proximity to, an area of public open space thus ensuring that residents have easy access to an area of usable outdoor space. Individually, each unit is well sized and would exceed the minimum overall apartment floor area standard stipulated in the Apartment Guidelines. All units are either dual or triple aspect, ensuring adequate levels of daylight/ sunlight, and all units are served by an area of private open space that either meets or exceeds the required standard. Notably, the six ground floor, 2-bed apartments are to be served by private gardens areas ranging in size from 18.8 sq. m to 29.2 sq. m, far exceeding the minimum recommended standard of 6sqm. The 12 remaining upper floor units also have access to a dedicated communal storage facility for bikes and bins.

8.4.12. Further to the above, as the quantitative standard for communal open space has been met and the identified deficiency in communal open space relates to a more general standard of design and layout, I am satisfied that the issue of material contravention does not arise in this instance.

Public Open space:

8.4.13. In terms of public open space provision, I noted that the KCDP in Vol. 6 Section 1.5.4.4 states that public open space should be provided at a minimum rate of 15% of the total site area (*emphasis added*). The proposed scheme would deliver approximately 5,050 sq. m which equates to 15% of the developable / net site area (excluding the primary access street, the existing road network, the crèche area) or 12.8% of the total site area. Therefore, the proposed scheme as presented fails to meet the quantitative standards for public open space stipulated in the KCDP, with a shortfall of c.860 sq. m (this does not include the 102 sq. m of open space identified as 'communal open space'). I consider the extent of deviation proposed sufficient to be deemed a material contravention of the KCDP.

8.4.14. As detailed on the Open Space Strategy (HQA, page 7) four main areas of public open space are proposed within the scheme. These areas range in size from approx. 400 sq. m to 2,000 sq. m and are dispersed throughout the development to be easily accessible to future residents. As detailed on the applicants Landscape General Plan Drawing No. L-100, public open space areas are to be laid out in a mix of lawn, meadow and forest planting facilitating both active and passive amenity. The proposed landscaping scheme also allows for enhanced bio-diversity measures, such as pollinator planting and bee hotels and incorporates nature-based drainage solutions, such as attenuation basins and swales. Following consideration of the applicants Landscape and Green Infrastructure Report and associated plans, I am satisfied that the incorporation of nature-based drainage solutions into the design of the public open space would not compromise its usability / amenity value. Furthermore, I note that the KCDP supports the integration of such features in the design of new development and places no restriction on their use in areas of public open space.

Material Contravention

8.4.15. While I note that the proposed scheme does not meet the quantitative standard for public open space set out in the KCDP (Vo.6 Section 1.5.4.4) and that a material contravention can be considered to arise in this respect, I do not recommend that planning permission be refused on this basis, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My opinion in this regard is based on the following:

- The public open proposed within the scheme would meet the qualitative standards set out in the KCDP and would offer a good standard of amenity to future residents. In my opinion, the public open space areas proposed within the scheme have been designed to complement the residential layout, are adequately sized and designed to cater for a range of active and passive recreational needs while also contributing to both stormwater management and local habitat creation. All public open space areas are well located so as to be both visually and functional accessible and are well served in terms of passive surveillance.
- The surrounding area is well served in terms of open space, amenity and recreation with a range of facilities within walking distance of the proposed development site, sufficient to support the recreational needs of existing and future residents of the area. Notably, the site is within walking distance of Killarney National Park, a significant amenity resource for future residents.

8.4.16. In addition to the above, I note that while the quantum of public open space proposed within the scheme is technically less than stipulated in the plan, it does accord with current Section 28 guidance in respect of public open space provision and I note that the planning authority in their assessment of the application raised no issue regarding the quantum of public open space proposed.

8.4.17. With regard to the above, I consider it relevant to note that the quantitative standards for public open space set out in the current KCDP do not accord with Policy and Objective 5.1 of the Compact Settlement Guidelines 2024 which requires statutory

development plans to include objectives relating to the provision of public open space in new residential developments and that the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. The quantum of public open space proposed at 15% of the net site area, accords with the upper limit set out in the guidelines. Therefore, I am satisfied that the public open space proposed, both in quality and quantity would provide an adequate level of amenity for future residents and would accord with national guidelines.

Conclusion: Design, Layout and Amenity

8.4.18. Overall, following consideration of the plans and particulars submitted with the application and appeal, I have no objection in principle to the development as presented in terms of its design, layout or housing mix and I would be satisfied that the development, if permitted, would provide for an adequate level of amenity for future occupants.

8.5. Impact on Existing Residential Amenity – Cahernane Meadows

8.5.1. The second named appellants, residents of Cahernane Meadows, have raised concerns regarding the potential impact of the proposed development on the residential amenities of their properties by way of overlooking and loss of privacy.

8.5.2. The properties of concern are No's 53-65 Cahernane Meadows, a row of two-storey semi-detached dwellings that back onto the proposed development site. As proposed, the effected dwellings would be positioned back-to-back with proposed unit no's 74-84 which run west-east adjacent to the rear boundary of No. 63-65 Cahernane Meadows and proposed unit No's 90-107 which run north-south adjacent to rear boundary of No's 62-53 Cahernane Meadows. The main points of contention raised in the appeal relate to the layout of the development and the separation distances achieved, the alleged failure of the applicants to adequately address the

level difference between existing and proposed properties and the loss of screening vegetation along site boundaries.

8.5.3. In the first instance I note that the appellants are of the opinion that the plans submitted do not accurately detail the relationship between their properties and the proposed development site. They are concerned that the property boundary, due to the weight of the redline used on the submitted plans, could be misinterpreted and that the cross sections prepared by the applicants Landscape Architect fail to accurately detail the change in ground level. I have considered the drawings submitted with the application and appeal. I accept that the landscape sections do not detail ground level changes however the application drawings also include 'Site Sections' prepared by the project architects which clearly detail both existing and proposed grounds levels. I consider these drawings adequate for assessment purposes. The site layout plans submitted with the application clearly detail the site boundary outlined in red as per the requirements of the Planning and Development Regulations 2001 (as amended). I note that the boundary is not disputed. Should a boundary dispute arise during construction this would be a matter for the applicant and relevant third parties. In the event, that the Commission decide to grant planning permission for the proposed development they may consider it appropriate to attach a note to the Commission Order advising the parties in relation to the statutory provision *Section 34(13)* of the Planning and Development Act, 2000 which makes it clear that a person 'shall not be entitled solely by reason of permission under this section to carry out any development'.

8.5.4. In terms of separation distance, the KCDP (Vol.6 Section 1.5.4.10) generally requires a separation distance of 22 m between directly opposing above ground floor windows (first floor). The separation distances available between the proposed residential units and opposing units in Cahernane Meadows are illustrated on Drawings Nos. 24096/P/003A and 24096/P/003B. As detailed, separation distances between directly opposing windows at first floor vary along the boundary with, distances ranging from c.17.4m to c.26.3m. Therefore, the minimum separation distance of 22m stipulated in the KCDP is not achieved in all cases.

8.5.5. Notwithstanding, I note that it is clearly stated in the KCDP (Vol. 6 Section 1.1) that the Council will implement all national guidelines including future guidelines or amendments to existing guidelines, where appropriate and that Specific Planning Policy Requirements set out in Section 28 Guidelines apply, notwithstanding the requirements of this Development Plan and associated Local Area Plans for the County. In this regard, I refer the Commission to the Compact Settlement Guidelines, in which it is a specific planning policy requirement (SPPR 1) that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. On the basis of the above, I am satisfied that SPPR1 of the Compact Settlement Guidelines 2024 supersedes the standard for separations distances set out in the KCDP (Vol.6 Section 1.5.4.10).

8.5.6. I have considered the plans submitted in support of the application and I am satisfied that separation distances of at least 16m are available between the first-floor windows to the rear of proposed units 74-84 and 90-104 and opposing dwellings in Cahernane Meadows. In the case of the triplex units 105-107 (Unit types H1(m), H2(m) and H3(m)), I note that no first or second floor windows are proposed on the east / rear elevation of this block that would overlook opposing properties. The second-floor balcony on the south elevation could facilitate views eastwards towards the rear garden of No. 54. While the applicants are of the opinion that this arrangement would not give rise to an undue loss of privacy to neighbouring properties, they state that they are willing to include a privacy screen on the eastern elevation of the balcony to alleviate third party concerns and they have included as part of their appeal response, plans and elevations to demonstrate same. I consider this to be a reasonable design amendment as it would, at least, reduce the level of perceived overlooking of neighbouring properties. Therefore., I would recommend

that in the event of a grant of permission, the Commission include a condition that this proposed design amendment be incorporated into the permitted scheme.

- 8.5.7. The boundary between proposed units 74-84 and No. 63-65 Cahernane Meadows currently comprises a dense line of mature Cypress Trees. The EclA submitted in support of the application classified this boundary as representing lower value non-native species. As illustrated on the applicants Landscape Plan 3/5 and 4/5, Drawing No's L-503 and L-504, it is proposed to replace this existing treeline with a new native hedgerow and steel mesh link fence (on the development side). While I accept that the removal of this boundary vegetation would alter the outlook from existing properties in Cahernane Meadows and would temporarily open the rear garden areas, I am satisfied that the removal of this line of Cypress Trees and its replacement with native hedgerow has been adequately justified in terms of bio-diversity gain and that the proposed replacement boundary (which includes steel mesh fencing) would offer an adequate level of security and privacy for both existing and future residents.
- 8.5.8. The boundary between proposed units No's 90-107 and No's 62-53 Cahernane Meadows, comprises a line of hedgerow scrub interspersed with mature trees. As illustrated on the aforementioned landscape plans, this hedgerow is to be maintained. The applicants have indicated in their response to the grounds of appeal that steel mesh fencing is also to be utilised in instances where existing hedgerows are being maintained, thus ensuring the provision of a secure boundary that also allows for bird and mammal species to utilise the habitats created by existing / proposed hedgerows.
- 8.5.9. The relationship between the existing and proposed units is illustrated on site section D-D and G-G submitted with the application and appeal. As illustrated on section G-G a level difference of c 1.9m exists between the FFLs of existing FFL of No. 66 Cahernane Meadows and the opposing dwelling, proposed unit No.79. In my opinion this level difference is not significant, particularly given the separation distances available and, has been appropriately considered in the design of the proposed scheme, which includes some minor changes in ground level. The difference in

ground/ floor levels as proposed should not give rise to undue impacts on residential amenity in terms of overlooking, overbearing or visual amenity.

Conclusion: Impact on Existing Residential Amenity

8.5.10. Following consideration of the plans and particulars submitted with the application and appeal and having inspected the site and surrounding area, I am satisfied that the design and layout of the proposed LRD has been well considered and would not give rise to significant adverse impacts on the amenities of neighbouring properties in Cahernane Meadows. Furthermore, I am satisfied that the design and layout of the scheme and the separation distances achieved is sufficient to ensure no significant adverse impact on existing residential amenity of other properties in the vicinity.

8.6. Permeability

8.6.1. In line with the National Planning Framework, the KCDP seeks to facilitate the development of sustainable compact settlements through the “10-minute” town concept, whereby a range of community facilities and services as well as other neighbourhoods are accessible in short walking and cycle timeframes from homes. The KCDP includes several objectives which seek to promote accessibility, mobility and active travel (see section 6.1 above). Notably, Objective KCDP SP-14 (KCDP Variation 1, p15) seeks to Improve (inter)connectivity by ensuring access and linkages from existing and proposed residential areas are provided. Specific to the Killarney, Objective KA 76 (Vol. 2, KTP, p.90) seeks to develop and promote a more cycle and pedestrian friendly network throughout the settlement while Objective KA 78 seeks to develop cycling and walking linkages between Killarney town centre, key strategic public amenities and residential neighbourhoods. To aid in the achievement of these objectives, the development management standards and guidelines outlined in vol.6 section.1.5.4.1 of the KCDP require that all new development maximise permeability and connectivity for pedestrian and cyclists in line with national guidance. It is also stated in this section that movement should be convenient, safe and pleasant, that movement through estates should be guided by the principles of

security, with opportunities for crime and anti-social behaviour minimised and that provision should be made for pedestrian, and cycle network through routes.

- 8.6.2. Cognisant of this policy position, the applicants have designed the proposed scheme to facilitate pedestrian connections (permeability links) to the neighbouring residential developments of Castle Falls to the west and Kingspark to the east. A total of 5no. potential linkages are provided for within the scheme, three to existing cul-de-sacs on Castle Falls and two to existing cul-de-sacs at Kingspark. However, it is of relevance to note that the applicants are not proposing to deliver these permeability links as part of the proposed scheme, as this would require works on lands outside of their control. The applicants contend that the delivery of these permeability links would be a matter for the Planning Authority.
- 8.6.3. The first named appellant, residents of Castle Falls and the observers to this appeal have raised concerns regarding the three potential permeability links to Castle Falls. They contend that these linkages would generate additional people traffic on the estate roads serving Castle Falls which, they state, are already congested by people and vehicular traffic. They are concerned that the provision of these linkages would contribute to congestion and interfere with emergency access to Castle Falls, would alter the character of the existing residential cul-de-sacs, unduly impact the privacy and amenity of existing properties and attract anti-social behaviour.
- 8.6.4. In principle, I would support the delivery of new permeability linkages / through routes between the proposed development site and adjoining developments as I consider that such facilities would improve the level of permeability / connectivity in this residential neighbourhood, i.e. the area between Castle Falls and Muckross Road, to the benefit of existing and future residents. I have considered the concerns raised by third parties and I have visited the site and the surrounding area. In my opinion, the permeability linkages that would be facilitated by the proposed development would be unlikely to attract a significant volume of users from outside of the immediate residential area. Therefore, I do not anticipate that these linkages would generate volumes of additional 'people traffic' sufficient to alter the residential

character of the area or sufficient to generate levels of noise / disturbance beyond what would normally be experienced in residential areas.

- 8.6.5. The proposed linkages are in my opinion, well designed and have been integrated into the scheme so as to be convenient, safe and assessable to users. I note that each access point would be well overlooked from both existing and proposed dwellings. This high level of passive supervision should be sufficient to discourage anti-social behaviour. Additionally, having visited the area I am satisfied that existing pedestrian and road infrastructure within Castle Falls is adequate to cater for additional pedestrian / cycle movements.

Conclusion: Permeability

- 8.6.6. In conclusion, I am satisfied that the applicant's proposal to facilitate pedestrian connectivity between the proposed development site and the neighbouring residential developments of Castle Falls and Kingspark is acceptable and appropriate in light of current planning policy and guidance. I am further satisfied that the delivery of these linkages would not have a significant undue impact on the character of neighbouring residential estates, on the amenities of existing properties, nor would it give rise to issues of traffic / pedestrian safety.

8.7. Access, Traffic and Parking

- 8.7.1. The main access to the proposed development site is from Ross Road to the north. Ross Road connects the site to Killarney town centre via Flesk Road / N71. Ross Road, at the location of the proposed development, is served by a dedicated off-road pedestrian footpath on its northern side and on-road cycle lane on its southern side. At present there are no dedicated off-road pedestrian facilities on the southern side of Ross Road fronting the development site. The design of the entrance includes for the provision of a raised table and pedestrian crossing which would facilitate safe access to and egress from the site for pedestrians and other road users.

8.7.2. In accordance with the information contained in the report of Kerry's Capital Developments Unit in their report to the planning authority (sept. 2025), an Active Travel Facility in the form of a 3-4m wide shared (pedestrian and cycle) space is planned for Ross Road. This planned facility is illustrated on Drawing No. S2 24041-OSL-11-DR-C-1117, entitled Proposed Future Active, Travel Provision. The planning authority have sought a special contribution (condition 3) towards the costs of the works benefiting the proposed development. Details on the cost of the project and basis for the calculation of the applicant's contribution towards same are detailed on Page 21 of the report of the local authority case planner. I consider the payment of a special contribution towards the cost of the planned Active Travel Facility on Ross Road, benefiting the proposed development, acceptable and appropriate in this instance.

8.7.3. The impact of the proposed LRD on the local road network is assessed in the Traffic and Transport Assessment (TTA) submitted with the application. The TTA considers operation phase impacts for the project, predicting total vehicle trips (combined arrivals and departures) of 124 trips during the AM peak hour, and 122 trips in the PM peak hour. This TTA assessment focused on the following traffic junctions:

- Junction A: Ross Road / New Development Priority Junction
- Junction B: Ross Road / Muckcross Road Signalised junction

8.7.4. The TTA concludes that all junctions will operate well within capacity for all design scenarios, with junctions showing no more than a 10% increase in RFC between the "with development" and "without development" scenarios. The TTA additionally concludes that the proposed development would not cause a significant negative impact on the analysed junctions and surrounding area. I have considered the TTA, and I have no objection to the methodology used or assumptions made. I am satisfied that the traffic analysis results presented in this report demonstrate that the local road network can accommodate the volume of traffic likely to be generated by the proposed development. Additionally, as no vehicular connection is proposed via the proposed development site and the neighbouring residential estate of Castle

Falls, I am satisfied that the proposed scheme would be unlikely to generate additional traffic or contribute to congestion on Castle Falls.

- 8.7.5. In terms of parking, the proposed scheme provides for a total of 235no. surface car parking space. This parking provision provides for 2no. spaces per 3-4 bed house, 1no. space per apartment unit and 2-bed houses and 9no. parking spaces, including 2no. set-down for the crèche facility. Universal Access and EV charging spaces are also provided. The level of car parking proposed would not exceed the maximum standards permitted in the KCDP and is in my opinion reasonable given the nature and location of the development proposed. I note that no parking issues were raised by the planning authority in their assessment of the application.

Conclusion: Access, Traffic and Parking

- 8.7.6. In conclusion, I am satisfied, based on the information available, that the proposed development would generate a scale of traffic that can be assimilated into the local road network without adverse impacts. I have no objection to the access or parking arrangements proposed and I consider the planning authorities request for the payment of a special contribution towards the provision of an Active Travel Facility on Ross Road to be reasonable and appropriate.

8.8. **Flood Risk** (New Issue):

- 8.8.1. Areas of Killarney, including part of the appeal site and surrounding lands have been identified as being at risk of flooding. The Planning System and Flood Risk Management Guidelines 2009 sets out a framework for the assessment of flood risk at all stages in the planning process. The guiding principles are the avoidance of development in areas of risk (unless it can be justified on wider sustainability grounds), the substitution to less vulnerable uses where avoidance is not possible and the mitigation and management of the risk where avoidance and substitution are not possible. It is an objective of the KCDP (Vol. 1) to have regard to and implement the recommendations and provisions of the Planning System and Flood Risk

Management Guidelines (hereafter referred to as the Flood Risk Management Guidelines).

- 8.8.2. A justification test for the R1 New Residential Zoned lands within the subject site was undertaken as part of the Strategic Flood Risk Assessment for the Kerry County Development Plan 2022-2028. This effectively concluded that the zoning and development of these lands was essential to achieve compact and sustainable urban growth. However, it states that any application for the development of these lands should be accompanied by a site-specific flood risk assessment to mitigate against flood risk.
- 8.8.3. A Site-Specific Flood Risk (SSFRA) assessment has been submitted in support of the application. The SSFRA identifies the primary potential flood risk to the proposed development site as an extreme fluvial flood event in the River Flesk located 175m beyond the southern boundary of the proposed development site. The SSFRA indicates that the site is not at risk of pluvial or groundwater flooding; however, I note that KCC's Flooding and Coastal Protection Unit identified the main flood risk to the development as Pluvial flooding and failure of the proposed storm water drainage and SuDS systems within the site. They consider it critical that the proposed surface water drainage systems are built and maintained correctly and recommended conditions to be included in a grant of permission. The recommended conditions include for the submission of a fully developed operation and management plan for the proposed SuDS system (condition 38 of the PA decision).
- 8.8.4. The assessment, analysis and flood zone delineation outlined in the applicants SSFRA indicates that a small, limited portion in the northern area of the proposed development site falls within a predictive Flood Zone 'B'. As proposed, this area would include a section of the proposed access road and proposed Unit No.1. The Commission will note that the SSFRA assessment refers to proposed Unit No. 1 as the 'permitted single residential unit' on the basis of the extant outline permission granted under KCC Ref: 23/60005. The vast majority of the development site, including the remaining 133 no. residential units and crèche fall within Flood Zone

'C'. The entrance to the development site from Ross Road and the adjoining section of Ross Road are also shown to be within the Flood Zone 'C'.

8.8.5. In order to ensure a sustainable development, the following flood mitigation measures have been implemented into the design of the project.

- It is proposed to raise the finished ground level of the proposed access road to a minimum level of 23.50m OD, ensuring that the maximum potential flood depth along this portion of the access road will not exceed 0.3m during the occurrence of an extreme 0.1% AEP (1 in 1000 year) fluvial flood event. This will allow fluvial flood waters to be conveyed overland in an east to west direction as per the existing scenario, maintaining the existing hydrological regime of the area while also ensuring that vehicular access to and egress from the proposed development site is not impeded.
- The finished floor level of Unit No. 1 to be constructed to a level of 0.31m above the 0.1% AEP (1 in 1000 Year) fluvial flood level at this location – i.e. 23.79m OD + 0.31m = 24.10m OD.
- The access driveway serving proposed Unit No.1 to be constructed to a level of 23.50m OD, so that the maximum potential flood depths do not exceed 0.3m during the occurrence of a 0.1% AEP (1 in 1000 year) fluvial flood level.
- Additionally, as outlined in section 11 of the SSFRA, the finished ground floor levels of the proposed residential units and crèche located in proximity to predictive delineated 0.1% AEP (1 in 1000 year – Flood Zone 'B') fluvial flood zone, are to be constructed to a minimum finished flood level of 0.3m above the peak 0.1% AEP (1 in 1000 year) flood level.

8.8.6. The SSFRA has regard to Table 3.1 of the Flood Risk Management Guidelines which lists the vulnerability class of various types of development and determines that the area of the proposed access road that falls within Flood Zone 'B' is classified as '*Less Vulnerable Development*.' However, this access road is the only access route proposed to serve the development, it would act as the emergency access / egress point and therefore in my opinion would be more appropriately classified as a '*Highly Vulnerable Development*'. The SSFRA classifies the proposed residential unit

(Unit No.1) within Flood Zone 'B' as 'Highly Vulnerable Development', the development was therefore subject to a Development Management Justification Test as described in Box 5.1 of the Flood Risk Management Guidelines. In response to the specified criteria outlined in Box 5.1, the SSFRA notes that:

1. The lands have been zoned 'residential' under the Kerry County Development Plan, the operative plan for the area.
The site is identified in the Settlement Capacity Audit of Zoned Lands for Killarney (Site K-18) as assessable (with road access and footpaths) and serviced with a potential to yield up to 110 residential units.
2. (i) The results of the hydraulic modelling exercise undertaken as part of the SSFRA demonstrate that the development as proposed will not result in an adverse impact to the existing hydrological regime of the area or increase fluvial flood risk to adjacent lands or properties elsewhere.
(ii) The SFRA references mitigation measures incorporated into the scheme to minimise flood risk.
(iii) The assessment and analysis undertaken as part of the SSFA did not identify any specific residual flood risk to the development as proposed. The development as proposed does not depend on the adequacy of any existing flood protection measures, or on the design, implementation and funding of any future flood risk management measures. The assessment and analysis undertaken as part of the SSFRA demonstrates that emergency vehicle access to and egress from the development as proposed would not be impeded or restricted during the occurrence of an extreme 0.1% AEP (1 in 1000 year) fluvial flood event.
(iv) The proposed residential development in helping meet high-level national and local objectives to increase housing supply is also in keeping with the character of the immediate area in terms of the extent and scale of the proposed residential units.

- 8.8.7. The applicants SSFRA concludes that the potential flood risk to and from the development as proposed is low. The development as proposed is not predicted to result in an adverse impact to the existing hydrological regime of the area or increase flood risk elsewhere and is therefore considered to be appropriate from a flood risk perspective.
- 8.8.8. I have considered the content findings and recommendations of the SSFRA and I am satisfied on the basis of the information available, that the flood risk to the proposed development site can be managed to an acceptable level, that the development of this site as proposed, would be unlikely to have a significant adverse impact the existing hydrological regime of the area, would be unlikely to exacerbate the risk of flooding elsewhere and would not result in an impedance or restriction of emergency vehicular access to or egress from the proposed development site.

Flood Risk - Policy Compliance

- 8.8.9. The issue of land use planning and flood risk management is addressed in the various sections of the KCDP. The higher level, overarching policies and objectives of the plan are outlined in Volume One, Section 11.5, these would have informed the zoning of the land for Residential Use. At settlement level, the Killarney Town Plan (KTP), contained in Volume Two of the KCDP, includes in Section 2.12, a series of land use zoning objectives, four of which relate to flooding.
- 8.8.10. Objective KA 90 of the KTP refers to development within existing built-up areas located within Zone A & B. I am of the opinion that that the proposed development site, due to its infill nature and location, forms part of the built-up area of Killarney. KA 90 seeks to ensure that development proposals avoid the identified flood risk area, or if not possible ensure that proposals avoid the identified flood risk properties and consider flood resilient or flood resistant construction design methodologies. As previously established the proposed scheme does include development within a flood risk area (Flood Zone B) and the scheme has been designed to include flood resistant construction design methodologies sufficient to ensure that the identified

flood risk to the proposed development site can be managed to an acceptable level. I am therefore satisfied that the proposal would accord with Objective KA 90.

- 8.8.11. The remaining three flood objectives outlined in Section 2.12, namely KA 86, KA 87 and KA88/KA89, are similar to each other and in my opinion are informed by the provisions of the Flood Risk Management Guidelines, notably Table 3.2 which comprises a matrix of vulnerability versus flood zone to illustrate appropriate development and that required to meet the Justification Test.
- 8.8.12. The flood objectives outlined in Section 2.12 of the KTP are identified as points on an accompanying series of flood maps. Objective KA 89 is shown in the area of proposed development site and therefore I consider this objective relevant to the assessment of this appeal. Objective KA 89 seeks to ensure that highly vulnerable development is not permitted in areas identified in Flood Zone A and B. As stated above, I consider the access road as an emergency access/egress route and as such a highly vulnerable development. For ease of reference, I have included a copy of the relevant section of Map D in Appendix E of this report. As the proposed scheme includes highly vulnerable development within an area identified as Flood Zone B, it would in my opinion materially contravene Objective KA 89. The Commission will note that proposed Variation 2 of the KCDP, relating to the Killarney Municipal District Settlement Plan is currently underway. Once adopted this Variation will replace the current Killarney Town Plan (KTP). However, at the time of assessment the KTP, as outlined in Volume 2 of the KCDP, remains in force.
- 8.8.13. Variation No. 1 of the KCDP, adopted 21st of July 2025, comprising the Tralee Municipal District Settlement Plan also includes an overall '*County Level Settlement Plan Introduction*' which, as stated on page 8 of the variation document, is applicable to the whole County. This introductory chapter includes, in section 1.4.1 a series of flood risk objectives. Notably, the four flood objectives outlined in Section 2.12 of the Killarney Town Plan (KA 86, KA 87, KA 88/89 and KA90) are included under new objectives KCDP SP-17 and KCDP SP-18.

8.8.14. New Objective KCDP SP-17, incorporates the wording of KTP Objectives KA 86, KA 87 and KA88/ KA89. However, as written, KCDP SP-17 relates only to development that is not located within the existing built-up area and therefore is not applicable to the proposed development. New Objective KCDP SP-18 is identical to KTP Objective KA 90; as previously established, the proposed scheme accords with same. Notwithstanding, as the KTP remains in force, Objective KA 89 remains relevant in the assessment of this appeal.

8.8.15. New Objective KCDP SP-20 seeks to ensure that any potential flood risk areas located within residential zoned lands are used for amenity open space use only and / are left as species for nature. In this regard I note that save for the identified section of the proposed access road and proposed Unit No.1 and its access, all lands within the application site and within Flood Zone B are identified for use as open space. Notwithstanding, I accept that the proposal could also be deemed to materially contravene this objective.

Material Contravention:

8.8.16. It has been established that the proposed development includes for the construction of highly vulnerable development on residential zoned lands within Flood Zone B and as such the proposal could be deemed to materially contravene Objective KA 89 of the Killarney Town Plan, which currently forms part of the KCDP and Objective KCDP SP-20, (Variation No. 1). However, I do not recommend that planning permission be refused on this basis, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).

8.8.17. My opinion in this regard is based on the following:

- The subject site comprises an area of underutilised land within the built-up area of Killarney, within walking distance of the town centre. The development of this site as proposed would accord with prevailing pattern of development in the area.

- The lands have been zoned for Residential use under the KCDP. The R1 zoned lands within the subject site have been subject to a Justification Test under the Kerry County Development Plan 2022-2028 which effectively concluded that the zoning and development of these lands is essential to achieve compact and sustainable urban growth.
- It has been demonstrated in the application documentation, which includes a Site-Specific Flood Risk Assessment that the identified flood risk to the proposed development site can be managed to an acceptable level, that the development of this site as proposed, would be unlikely to have a significant adverse impact the existing hydrological regime of the area, would be unlikely to exacerbate the risk of flooding elsewhere and would not result in an impedence or restriction of emergency vehicular access to or egress from the proposed development site. Therefore, the development of this site as proposed is considered acceptable from a flood perspective.
- The proposed development site is currently accessed from Ross Road. To maintain access to the site / proposed development from Ross Road it would be necessary to cross lands identified within Flood Zone B. While it may technically be possible to provide alternative or secondary emergency access / egress to these lands via the neighbouring residential estates, it would appear from the information on file that this option is not currently available to the applicant as it would require works on lands outside of the applicant's control.

In addition to the above, the Commission will note that the 'highly vulnerable development' within flood Zone B proposed as part of this scheme, currently has the benefit of outline planning permission under extant permissions, KCC Ref: 23/60005 and KCC Ref 23/60012, and therefore the principle of this development has already been deemed to be acceptable.

Overall Conclusion – Flood Risk

8.8.18. In conclusion, I am satisfied that the development of this site as proposal is acceptable from a flood risk perspective and that it would support the sustainable and compact growth of Killarney as envisaged in the Kerry County Development Plan 2022-2028 (as varied). Furthermore, I note that no flooding issues were raised

by the planning authority in their assessment of the application or in the grounds of appeal.

8.9. Other Matters:

- 8.9.1. Water supply and foul drainage: The applicants have provided a detailed 'Engineering Services Report' in support of the application. Uisce Éireann have confirmed that a Confirmation of Feasibility (COF) was issued to the applicant and that this advised that both water and wastewater connections are feasible subject to upgrades. The necessary upgrades comprise in relation to water, upsizing of approximately 280 metres of existing watermain from 100mm to 150mm and in relation to Wastewater, the upsizing of approximately 450 metres of existing sewer from 525mm to 750mm. Uisce Éireann reported no objection to the proposed foul drainage and water supply systems subject to condition. Based on the information available, I am satisfied that the applicants' proposals for water supply and foul water drainage are acceptable and feasible subject to connection agreements with Uisce Éireann.
- 8.9.2. Surface Water Drainage: the applicants' proposals for surface water drainage are outlined in the Engineering Services Report' and 'Drainage Impact Assessment' submitted with the application. Surface water from the site is to be collected and attenuated on site, with a peak discharge rate of 17,7l/s (QBAR) for the 1 in 100 Year rainfall event (including an allowance of 20% for climate change). The proposal incorporates a number of SuDS measures to minimise the impact on water quality and water quantity of the runoff and maximise the amenity and biodiversity opportunities within the site. I am satisfied that the proposed surface water drainage system as proposed is acceptable.
- 8.9.3. Impact on Bats: the Ecological Impact Assessment (EclA) submitted with the application considers the impact of the proposed development on bats informed by desk and field-based assessments. A bat activity and emergence survey was carried out on the 23rd of September 2024. Five bat species were recorded during the site survey i.e. Common pipistrelle, Soprano pipistrelle, Leisler's, an unidentified Myotis

sp. and Brown Long-eared bat. No signs of Lesser Horseshoe Bat were recorded. The EclA indicates that the site is utilised primarily for foraging by a small number of relatively common bat species. No evidence of roosting bats was recorded in the buildings or in the mature trees along the site boundaries. The trees identified for removal are deemed to be of low to negligible potential for roosting bats. Mitigation measures are to be implemented during tree removal to ensure there is no direct injury/mortality impacts on bats. The increase in lighting within the proposed development has the potential to reduce the bat foraging value of existing retained and proposed newly planted tree/hedgerow within the site; however, operational lighting has been designed to reduce impacts on foraging bats (and other nocturnal wildlife). It is noted that the proposed development site is surrounded on all sides by existing residential development and that no significant change in light levels is predicted to occur. I am satisfied, on the basis of the information available, that the EclA and field surveys were carried out by suitably qualified professionals in accordance with relevant legislation and best practice guidelines. It is evident from the information available that the site is utilised by foraging and commuting bats; however, I am satisfied that the applicants have demonstrated that the site is not currently utilised by roosting bats and that as such a derogation licence is not currently required. Furthermore, I am satisfied that subject to mitigation as outlined in the EclA, the proposed scheme would not have a significant adverse impact on local bat populations.

- 8.9.4. Devaluation of Property: - I note that third parties are concerned that the development of this site as proposed would result in a depreciation of property value in the area. However, I note that no evidence has been submitted to support this claim. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.0 **Appropriate Assessment**

- 9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or Killarney National Park SPA (Site Code: 004038) in view of their conservation objectives and the Appropriate Assessment under the provisions of Section 177U was required.
- 9.2. Following an examination, analysis and evaluation of the NIS all associated material submitted (see appendix) I consider that adverse effects on site integrity of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or Killarney National Park SPA (Site Code: 004038) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
 - Effectiveness of mitigation measures proposed in the Natura Impact Statement, the outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
 - Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

10.0 **Water Framework Directive Screening:**

- 10.1. The purpose of the Water Framework Directive (WFD) is to protect and enhance all waters as well as water dependent wildlife and habitats, with the aim to achieve 'good' water quality status for all waters subject to the WFD and to mitigate against the risk of a decline in the water body quality and quantity status.
- 10.2. The proposed development comprises large scale residential development of 134no residential units and ancillary creche (refer to section 2for details). No water deterioration concerns were raised in the planning appeal.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground 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 significant risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The location of the development within the built-up area
- The nature and design of the proposed development which includes the provision of Sustainable Urban Drainage Systems
- The effectiveness of the mitigation measures proposed and adoption of a CEMP.

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

11.0 **Environmental Impact Assessment Screening:**

Introduction

11.1. The application includes an EIA Screening Report prepared by Coakley O'Neill Town Planning. The stated purpose of the Environmental Screening Statement is to identify the legal requirement, or otherwise, for an Environmental Impact Assessment of the proposed development. The report has had regard to the criteria set out in in Schedule 7 of the Planning and Development Regulations 2001, as amended (the 2001 Regs).

11.2. This section outlines my assessment of the need for an Environmental Impact Assessment Report (EIAR), which will enable the Commission to make a determination on the matter.

Mandatory Thresholds

11.3. There are no activities listed within Part 1 of Schedule 5 of the Planning Regulations (as amended) which relate to the proposed development. It does not fall within the scope of activities listed in Part 1 of Schedule 5 and a mandatory EIA, as classified under Annex 1 is not required.

11.4. Item (10) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for various Infrastructure Projects. Class 10 (b)(i) relates to the construction of more than 500 dwelling units. The proposed development involves the construction of 134 units and therefore does not exceed the mandatory threshold. Class 10(b)(iv) relates to 'Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use)'. I do not consider that the application site is within a 'business district'. I consider that the site is within part of a 'built-up area' where the 10ha threshold applies. The application site has a total area of 3.94ha and is therefore significantly below the applicable threshold.

Sub-Threshold Development

11.5. Class 15, Part 2, Schedule 5 of the Regulations provides that EIA will be required for 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.

11.6. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Commission determines that the proposed development is likely to have a significant effect on the environment.

11.7. Schedule 7 of the Planning and Development Regulations 2001 (as amended) sets out the criteria for assessing whether or not a project will have 'likely' and 'significant'

effects on the environment, in which case an EIA is also required. The criteria include, characteristics and location of proposed development, and characteristics of potential impacts. These criteria were considered for the proposed development under the topics recommended in EIAR guidance documents and concludes that the proposed development does not meet the criteria where a subthreshold EIA would be warranted.

11.8. I am therefore satisfied, having regard to:

(a) The criteria set out in Schedule 7, in particular:

(a) the nature and scale of the proposed housing development, in an established residential area served by public infrastructure.

(b) the absence of any significant environmental sensitivity at the site.

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

(b) The results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the Strategic Environmental Assessment of the Kerry County Development Plan 2022-2028 under the SEA Directive.

(c) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Appropriate Assessment Screening Report and Natura Impact Assessment, Drainage Impact Assessment, Operational Waste Management Plan, Site Specific Flood Risk Assessment, and Archaeological Impact Assessment.

that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required. (See EIA Screening Determination Form 3)

12.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

12.1. Reasons and Considerations:

Having regard to the following:

- a) The location of the site within the development boundary of Killarney, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Kerry County Development Plan 2022-2028.
- b) The residential zoning for the site and the policies and objectives for the area as set out in the Kerry County Development Plan 2022-2028.
- c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- d) The provisions of Project Ireland 2040 - National Planning Framework, First Revision (April 2025).
- e) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure.
- f) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.
- i) The Climate Action Plan 2025 prepared by the Government of Ireland.

- j) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009.
- k) The infill nature of the site and the existing pattern of residential development in the area.
- l) The nature, scale and design of the proposed development.
- m) The proximity of the site to the urban centre of Killarney and the availability of a wide range of physical, social and community infrastructure and services in the area.
- n) The infrastructure upgrade works that will be delivered / supported by the proposed development and that will improve the sites accessibility and connectively.
- o) The submissions received.
- p) The reports from the Planning Authority.

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Kerry County Development Plan 2022-2028, as varied, save for (i) the quantitative standard for public open space provision (Vol. 6 Section 1.5.4.4) and (ii) the Flood Risk Objectives KA 89 (Vol. 2, Section 2.12) and KCDP SP-20 (Variation No., Section 1.4.2) on the basis that the proposal includes highly vulnerable development on residential zoned lands identified as being at risk of flooding (Flood Zone B).

However, having regard to the overall design quality of the proposed residential scheme and the quality the public open space proposed in terms of its design, layout and location it is considered that the proposed scheme would deliver a high standard

of residential amenity to future occupants that would be further supported by a variety of open space, amenity and recreational facilities available in Killarney.

Furthermore, having regard to the residential zoning of the lands in the Kerry County Development Plan 2022-2028, the location of the development and the prevailing pattern of residential development in the area and, the design of the proposed scheme which incorporates flood resilient / resident construction design methodologies sufficient to that the identified flood risk to the site can be managed to an acceptable level without adverse impacts, it is considered that the development of this underutilised site as proposed would be acceptable from a flood risk perspective.

Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

13.0 **Recommended Draft Order**

13.1. **Appeal By** Anne O Connor on behalf of Castle Falls Residents Association and Sheilagh McGirl on behalf of residents of Cahernane Meadows against the decision made on the 30th day of September 2025 by Kerry County Council to grant permission to Homeland Projects Ltd.

13.2. **Proposed Development:**

The proposed development will consist of a largescale residential development (LRD), comprising of 134no. residential dwellings as follows: 65no. houses consisting of 10no. 4-bed dwellings and 55no 3-bed dwellings; 51no. townhouses consisting of 32no. 3-bed units and 19no. 2-bed units; and 18no. apartments consisting of 12no. 2-bed units and 6no. 1-bed units. The proposed development also includes a crèche with capacity to accommodate 102no. children. The proposed development will include the demolition of existing agricultural sheds; provision for car parking, including EV charging points and bicycle parking. The proposed development will also include the provision of private, communal, and public open spaces; internal roads and pathways; pedestrian and cyclist routes; hard and soft landscaping and boundary treatments; waste storage; plant; signage; a new vehicular and pedestrian access with raised table and pedestrian crossing onto the Ross Road to serve the development; connection to the existing vehicular access serving the dwelling Blossom Gate to provide vehicular access to proposed unit G fronting onto the Ross Road; public lighting; 2no. substations; all associated site development works; and all drainage and foul sewer infrastructure and network works including connections to the existing networks and nature-based SuDS measures.

13.3. **Decision**

GRANT permission for the above proposed development, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

13.4. **Reasons and Considerations:**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Commission had regard to the following:

- a) The location of the site within the development boundary of Killarney, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Kerry County Development Plan 2022-2028.
- b) The residential zoning for the site and the policies and objectives for the area as set out in the Kerry County Development Plan 2022-2028.
- c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- d) The provisions of Project Ireland 2040 - National Planning Framework, First Revision (April 2025).
- e) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure.
- f) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.
- i) The Climate Action Plan 2025 prepared by the Government of Ireland.
- j) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009.
- k) The infill nature of the site and the existing pattern of residential development in the area.
- l) The nature, scale and design of the proposed development.
- m) The proximity of the site to the urban centre of Killarney and the availability of a wide range of physical, social and community infrastructure and services in the area.

- n) The infrastructure upgrade works that will be delivered / supported by the proposed development and that will improve the sites accessibility and connectively.
- o) The submissions received.
- p) The reports from the Planning Authority.
- q) The report of the Planning Inspector

13.5. **Appropriate Assessment (AA): Stage 1**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the documents submitted with the planning application and appeal including the Appropriate Assessment Screening Report, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or Killarney National Park SPA (Site Code: 004038), in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement was, therefore, required.

13.6. **Appropriate Assessment (AA): Stage 2**

The Commission considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the file and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA, in view of the sites' Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. The Commission concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC or Killarney National Park SPA in view of the

sites' Conservation Objectives and qualifying interests. This conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, the outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

13.7. Environmental Impact Assessment Screening:

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- a) The criteria set out in Schedule 7, in particular:
 - a. the nature and scale of the proposed housing development, in an established residential area served by public infrastructure.
 - b. the absence of any significant environmental sensitivity at the site.
 - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
- b) The results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the Strategic Environmental Assessment of the Kerry County Development Plan 2022-2028 under the SEA Directive.
- c) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the

environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Appropriate Assessment Screening Report and Natura Impact Assessment, Drainage Impact Assessment, Operational Waste Management Plan, Site Specific Flood Risk Assessment, and Archaeological Impact Assessment.

It considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required.

13.8. Conclusions on Proper Planning and Sustainable Development:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Kerry County Development Plan 2022-2028, as varied, save for (i) the quantitative standard for public open space provision (Vol. 6 Section 1.5.4.4) and (ii) the Flood Risk Objectives KA 89 (Vol. 2, Section 2.12) and KCDP SP-20 (Variation No., Section 1.4.2) on the basis that the proposal includes highly vulnerable development on residential zoned lands identified as being at risk of flooding (Flood Zone B).

Nevertheless, however, having regard to the overall design quality of the proposed residential scheme and the quality the public open space proposed in terms of its design, layout and location it is considered that the proposed scheme would deliver a high standard of residential amenity to future occupants that would be further supported by a variety of open space, amenity and recreational facilities available in Killarney.

Furthermore, having regard to the residential zoning of the lands in the Kerry County Development Plan 2022-2028, the location of the development and the prevailing pattern of residential development in the area and, the design of the proposed scheme which incorporates flood resilient / resident construction design methodologies sufficient to that the identified flood risk to the site can be managed to an acceptable level without adverse impacts, it is considered that the development of this underutilised site as proposed would be acceptable from a flood risk perspective.

Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6th day of August 2025 and 28th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the provisions of the Planning and Development Regulations 2001, no part of the proposed 245 no. residential units shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission.

Reason: In the interests of orderly development and residential amenity.

3. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing within the planning authority prior to the commencement of development. The first phase shall consist of not more than 74 dwelling units and shall include the construction and operation of the childcare facility, together with all associated site development works, unless the developer can demonstrate to the written satisfaction of the planning authority that the childcare facility is not needed at this time.

(b) Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the Planning Authority. Work on any subsequent phases shall not commence until such time as the written agreement of the Planning Authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the Planning Authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. (a) The mitigation measures contained in the submitted Natura Impact Statement (NIS) and Ecological Impact Assessment (EclA), and associated appendices shall be fully implemented, except as may be otherwise required or specified by way of planning condition.

(b) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person will be responsible for ensuring that all construction stage environmental control measures are fully implemented and maintained and would also act as the point of contact in the event of any environmental difficulties arising with the project. Contact details of the person appointed shall be forwarded to Kerry County Council in advance of any works commencing on-site.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

Reason: To protect the integrity of European Sites.

5. The mitigation measures contained in the submitted Archaeological Assessment shall be implemented.

Reason: To protect the Archaeological Heritage of the area

6. The proposed development shall be amended as follows:

(a) A privacy screen to a minimum height of 1.8m, shall be fitted to the side (east) elevation of the balcony serving the second floor Apartment within triplex unit 105-107.

Reason: In the interests of residential amenity.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development

8. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas

9. (a) Prior to the commencement of the proposed development all works affecting the properties which are in the charge of Kerry County Council shall be agreed in writing with the Kerry County Council.

(b) The detail design for the provision of Pedestrian Crossing and Table-Top Ramp on the Ross Road shall be submitted to the Kerry County Council Non-National Road Design Office at least 3 months prior to the proposed start date of their construction. This detail design of the infrastructure shall be designed in accordance with TII Pedestrian Crossing Specification and Guidance and shall also adhere to current TII and Design Manual for Urban Roads and Streets Specification for Tabletops. All design, types of material and method of construction shall be agreed prior to the commencement of construction.

- (c) All works which impact on the public road/footpath shall be completed within 12 months of submission of the Commencement Notice and before the occupation of the first house.

Reason: In the interests of orderly development and traffic and pedestrian safety.

10. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities

11. (a) The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority

(b) Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority, a fully developed operation and management plan for the proposed Sustainable Urban Drainage Systems. The plan shall address the immediate and long-term requirements of operating and maintaining the proposed drainage systems including site specific inspection regimes for each element, details on their lifetime expectancy, replacement requirements, landscape management, waste management associated with contaminated silt and other materials and whole life costs of O&M.

Reason: In the interest of public health and surface water management

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of property in the vicinity.

15. (a) All the Recommendations of the Road Safety Audit for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the Planning Dept of Kerry County Council for their approval.

(b) A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations acted upon.

Reason: In the interests of orderly development and traffic and pedestrian safety.

16. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

17. 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 include all environmental and ecological measures arising from conditions of this permission and from the environmental assessments submitted with the application. In addition, the CEMP shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (l) Off-site disposal of construction/demolition waste and details of how it

is proposed to manage excavated soil.

- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection

18. 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.

19. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the development. Thereafter, the 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.

20. Proposals for Landscaping and boundary treatment as illustrated on the application drawings prepared by Simon Ronan Landscape Consultants and submitted to the planning authority on the 6th day of August 2025 shall be implemented. Planting shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

21.(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. The developer shall submit a report prior to occupation of the dwellings, prepared by a third-party consulting engineer, to the Planning Authority certifying the design and quality of all the works undertaken during the construction of the development. The consulting engineer preparing the report

shall have Professional Indemnity Insurance and evidence of same shall be submitted with the report. The developer shall also submit the following documents prior to occupation of the houses:

- (a) 5 copies of as-constructed drawings indicating the on-site position of all structures and services. These drawings shall include the location of all sewers, watermains and underground ducting. Details of all pipe sizes, inverts, manholes, cover levels, hydrants, sluice valves, gullies and stop-cock locations as well as all records of pipe tests shall be included as a minimum.
- (b) Certificate that the public lighting is in accordance with KCC policy on public lighting.
- (c) 2 copies of defect-free CCTV Survey of the foul and storm sewers after all remedial works are identified and carried out.
- (d) Copy of a defect-free manhole condition survey of foul and storm manholes.
- (e) 2 copies of defect-free Water Audit after all remedial works are identified and carried out.

Reason: In the interests of orderly development

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the

planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

24. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space 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 or maintenance 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. The developer shall pay a financial contribution of €99,000.00 (ninety-nine thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the planned Active Travel Facility along Ross Road which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the

Development Contribution Scheme or the Supplementary Development Contribution Scheme, and which will benefit the proposed development.

27. 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 An Coimisiún 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.

Lucy Roche
Planning Inspector

12th January 2026

Case Reference	ACP-323813
Proposed Development Summary	LRD – construction of 124 residential units and a creche
Development Address	Ross Road, 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 checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<p>No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p>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>Relevant thresholds arising from Class 10(b):</p> <ul style="list-style-type: none"> - Class 10(b)(i) – more than 500 dwelling units. - Class 10(b)(iv) – urban development in an area greater than 10ha

<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</p> <p><input checked="" type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No</p> <p><input type="checkbox"/></p>	

Inspector: _____ Date: _____

Appendix B - Screening for Appropriate Assessment - Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project

The proposed development is described in Section 2 of this report. In brief, the project is a large-scale residential development, comprising the demolition of existing agricultural structures and the construction of 134 no. residential units, a childcare facility and all associated site works and services.

The project seeks connections to public mains water supply, wastewater drainage and surface water drainage on Ross Road. The application includes a Confirmation of Feasibility from Uisce Éireann which identifies that both water and wastewater connections are feasible subject to upgrade. For water supply, the upgrade works include the upsizing of approximately 280m of the existing 100mm diameter (in Ross Road) to a 150mm diameter water main. For wastewater disposal, the upgrade works required includes the upsizing of approximately 450m of the existing 525mm diameter to a 750mm diameter foul sewer. The foul sewer ultimately discharges to the Killarney Wastewater Treatment Plant. I have consulted Uisce Eireann's on-line capacity registers which confirms that capacity is available in both water and wastewater services in the area.

There are no watercourses within or adjacent to the proposed development site. The River Flesk, part of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, is located c.175m south of the proposed development site. During operation, surface water will discharge via an existing 300mm public storm sewer on Ross Road which ultimately discharges to Lough Leane (1.5km west). Prior to discharge to the public sewer surface water will first be collected and attenuated on site, with a peak discharge rate of 17,7l/s (QBAR) for the 1 in 100 Year rainfall event (including an allowance of 20% for climate change). A number of SuDS features are proposed as part of this development, these include petrol interceptors, swales, bio-retention raingardens, tree pits and permeable paving.

Brief description of development site characteristics and potential impact mechanisms	<p>The subject site is located on the southern side of Ross Road in Killarney, c600m southwest of the town centre. The site, with a stated area of c.3.8ha is predominantly greenfield in nature under grass. The site hosts existing agricultural sheds on the northwest boundary (for demolition). The proposed development site is dominated by improved agriculture grassland with common grassland and herbaceous species. This is a managed habitat with low diversity. There are mature treelines present along the northern and eastern boundaries of the site, with some remnants of old stone wall.</p> <p>Land use in the vicinity of the site is dominated by residential development with existing housing estates located to the east, south and west as well as individual dwellings to the north along the Ross Road.</p>			
Screening report	Yes			
Natura Impact Statement	Yes			
Relevant submissions	No issues / concerns have been raised in the grounds of appeal regarding appropriate assessment or potential impact of the development on European Sites			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, 10/12/2025)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Killarney National Park,	Killarney National Park , Macgillycuddy's Reeks and	120m NW	A source-pathway-receptor	Yes

<p>Macgillycuddy's Reeks and Caragh River Catchment SAC</p> <p>(Site Code: 000365)</p>	<p>Caragh River Catchment SAC National Parks & Wildlife Service</p>		<p>link exists between the proposed development and the SAC via proximity, surface water run-off, surface water and foul water discharge.</p>	
<p>Sheree Bog SAC (Site Code: 000382)</p>	<p>https://www.npws.ie/protected-sites/sac/000382</p>	<p>2.4km SW</p>	<p>No pathway exists to terrestrial qualifying habitats.</p>	<p>No</p>
<p>Castlemaine Harbour SAC (Site Code: 000343)</p>	<p>Castlemaine Harbour SAC National Parks & Wildlife Service</p>	<p>6.1km NW</p>	<p>Located in a separate catchment. Therefore, there is no hydrological pathway. Given the distance from this SAC and the absence of a</p>	<p>No</p>

			hydrological pathway, no pathway for disturbance or ex-situ impacts on QI species have been identified.	
Old Domestic Building, Curraglass Wood SAC (Site Code:002041)	Old Domestic Building, Curraglass Wood SAC National Parks & Wildlife Service	13.7km SE	Lesser horseshoe will forage within 2.5km (up to 5km) from roosts. Given the distance from this SAC, no pathway has been identified	No
Killarney National Park SPA (Site Code: 004038)	Killarney National Park SPA National Parks & Wildlife Service	280m NW	A source-pathway-receptor link exists between the proposed development the SPA via proximity, surface water runoff, surface	Yes

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1:</p> <p>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)</p> <p>QI list</p> <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae 	<p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • impacts on water quality as a result of surface water runoff during construction and operational phases • Impacts on water quality from Wastewater discharge • disturbance to ex situ foraging habitat, • spread of invasive species) 	<p><u>Water Quality:</u></p> <p>Although unlikely, uncontrolled surface water runoff during construction could impact on the River Flesk c.175m south of the site. Therefore, the proposed development has the potential to impact on water quality within SAC / SPA as well as qualifying species which use aquatic habitats. Possibility of significant effects cannot be ruled out without further analysis and assessment</p> <p>The addition of the effluent discharge from the proposed housing development to the Killarney WWTP is well within its design capacity and will not comprise the operational capability of the WWTP to treat effluent to comply with emission limit values. Therefore, the impacts from the proposed development will be negligible given the current operating conditions at the WWTP. The current discharge does not have an observable negative impact on the Water Framework Directive status of surrounding waterbodies/watercourses. No likely significant effects on water quality within Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC have been identified from the proposed wastewater discharges.</p>

<p>and/or Isoeto-Nanojuncetea [3130]</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Calaminarian grasslands of the Violetalia calaminariae [6130] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Blanket bogs (* if active bog) [7130] 		<p><u>Noise and Disturbance:</u></p> <p>The proposed development site is located within the 2.5km buffer zone for the Lesser Horseshoe Bat within the SAC. It is noted that the proposed development is already impacted by light spillage from surrounding development and therefore habitats within the site are unsuitable for commuting Lesser Horseshoe Bat. However, inappropriate lighting of the proposed development site could impact habitats in the vicinity including habitats within the SAC boundary c.120m northwest and c.175m south along the River Flesk.</p> <p>No signs of Otter were recorded on site and as local watercourses and waterbodies are separated from the proposed development site by existing housing and roads, there is no potential for disturbance to Otter</p> <p>It is noted that there are no aquatic habitats within the proposed development and therefore no potential for disturbance impacts on aquatic QI species i.e., Freshwater Pearl Mussel, Sea Lamprey, River Lamprey, Atlantic Salmon, Killarney Shad will occur</p> <p>Given the location of the site within an existing sub-urban setting, no disturbance impacts to SCI birds have been identified.</p> <p><u>Spread of Invasive Species:</u></p> <p>No third schedule invasive species were recorded within the proposed development site. The high impact Cherry Laurel was recorded, however there is no statutory obligation to remove this species. Given the distance from the SAC boundary and the absence of a direct hydrological connection, no pathway for spread of this species to the SAC/SPA has been identified. Therefore, no impact</p>
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<ul style="list-style-type: none"> • Depressions on peat substrates of the Rhynchosporion [7150] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Taxus baccata woods of the British Isles [91J0] • Geomalacus maculosus (Kerry Slug) [1024] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Euphydrias aurinia (Marsh Fritillary) [1065] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Salmo salar (Salmon) [1106] 		<p>on the qualifying interests and conservation objectives for European sites from the spread of invasive species is likely to occur.</p>
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<ul style="list-style-type: none"> • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] • Lutra lutra (Otter) [1355] • Najas flexilis (Slender Naiad) [1833] • Alosa fallax killarnensis (Killarney Shad) [5046] • Vandenboschia speciosa (Killarney Fern) [6985] 		
<p>Likelihood of significant effects from proposed development (alone): Yes</p>		
<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>		
	<p>Impacts</p>	<p>Effects</p>
<p>Site 2:</p> <p>Killarney National Park SPA (Site Code: 004038)</p> <p>Qualifying Interests:</p> <ul style="list-style-type: none"> • Merlin (Falco columbarius) • Greenland White-fronted Goose (Anser albifrons flavirostris) 	<p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • impacts on water quality as a result of surface water runoff during construction and operational phases 	<p>As Above.</p> <p>Likely significant effects on the Killarney National Park SPA from surface water runoff during construction and operation cannot be ruled out</p> <p>No likely significant disturbance effects have been identified for Killarney National Park SPA in terms of disturbance or spread of invasive species.</p>

	<ul style="list-style-type: none"> • Impacts on water quality from Wastewater discharge • disturbance to ex situ foraging habitat, • spread of invasive species) 	
Likelihood of significant effects from proposed development (alone): Yes		
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or Killarney National Park SPA (Site Code: 004038) from effects associated with water quality degradation during construction and operation and disturbance to Lesser Horseshoe Bat.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at screening stage.</p> <p>It has been concluded beyond reasonable scientific doubt, based on objective information, and considering the conservation objectives of the relevant European sites, that significant impacts from the project, individually or in combination with other plans and projects, on the following Natura 2000 sites can be excluded: o Sheheree (Ardagh) Bog SAC (000382) o Castlemaine Harbour SAC (000343) o Old Domestic Building Curraglass Wood (002041)</p>		

Appendix C - Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed LRD in view of the relevant conservation objectives of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365) or Killarney National Park SPA (Site Code: 004038) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement (NIS) prepared by Dixon Brosnan, environmental consultants.
- National Parks and Wildlife Service Conservation Objectives Supporting Document (July 2012) and related publications.
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

I note that there were no issues raised by submissions in relation to AA.

Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation)

(ii) Disturbance of mobile species (Lesser Horseshoe Bat)

Qualifying Interest features likely to be affected	Conservation Objectives: Maintain or Restore favourable conservation condition Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary) NIS SECTION 5.4
Rhinolophus hipposideros (Lesser Horseshoe Bat)	Maintain No decline in winter, summer or auxillary roosts. No significant decline in potential foraging habitat.	The proposed development site is located within 2.5 kilometres of a qualifying roost. Therefore, increased lighting could create disturbance of linear commuting habitat in the vicinity. Disturbance to foraging and commuting habitat within the site could potentially have negative impacts on this species.	Lighting for the proposed development has been designed in line with bat conservation guidelines as recommended by the Lesser Horseshoe Bat national action plan (NPWS & VTT (2023)). This will minimise light spillage outside the proposed development site
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	Restore Habitat area stable or increasing Maintain appropriate natural hydrological regime necessary to support the habitat	These habitats are located downstream of the proposed development site and are potentially connected to the proposed development site via Lough Leane.	Implementation of CEMP Pollution control measures Monitoring of water quality parameters A range of SuDS and surface water control

	<p><u>Water Quality:</u></p> <p>Restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency</p> <p>Restore the concentration of nutrients in the water column to sufficiently low levels to support the habitat and its typical species</p> <p>Restore appropriate water quality to support the habitat, including high chlorophyll a status</p> <p>Maintain appropriate water quality to support the habitat, including high phytoplankton composition status</p> <p>Restore/maintain trace/absent attached algal biomass and high phytobenthos status</p> <p>Maintain high macrophyte status</p> <p>Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natural processes</p>	<p>Potential impacts on these habitats could occur due to surface water impacts during the construction and operational phase.</p>	<p>measures have been included at the design stage of this project to ensure there will be no impact on local water quality or runoff rates during the operational phase of the proposed development.</p>
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	<p>Restore/maintain appropriate water colour to support the habitat</p> <p>Restore/maintain appropriate organic carbon levels to support the habitat</p> <p>Restore/maintain appropriate turbidity to support the habitat</p>		
<p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea</p>	<p>Restore</p> <p>Habitat area stable or increasing</p> <p>Maintain appropriate natural hydrological regime necessary to support the habitat</p> <p>Restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency</p> <p>Restore the concentration of nutrients in the water column to sufficiently low levels to support the habitat and its typical species</p> <p>Restore appropriate water quality to support the habitat, including high chlorophyll a status</p> <p>Maintain appropriate water quality to support</p>		

	<p>the habitat, including high phytoplankton composition status</p> <p>Restore/maintain trace/absent attached algal biomass and high phytobenthos status</p> <p>Maintain high macrophyte status</p> <p>Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natural processes</p> <p>Restore/maintain appropriate water colour to support the habitat</p> <p>Restore/maintain appropriate organic carbon levels to support the habitat</p> <p>Restore/maintain appropriate turbidity to support the habitat</p>		
<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</p>	<p>Maintain</p> <p>Maintain appropriate hydrological regimes.</p> <p>Maintain/restore appropriate water quality to support the natural structure and functioning of the habitat</p>		

	Maintain the area and condition of fringing habitats necessary to support the habitat and its sub-types		
Alosa fallax killarnensis (Killarney Shad) [5046	<p>Restore</p> <p>Water quality, oxygen levels: No lower than 5mg/l</p> <p>Spawning habitat quality: Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth and macrophyte (rooted higher plants) growth</p>	<p>Killarney Shad is unique to Lough Leane, located approximately 850m from the proposed development site, which is potentially connected to the proposed development site via the surface water discharges.</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase.</p>	
Najas flexilis (Slender Naiad)	<p>Maintain</p> <p>Water quality: Maintain/restore appropriate water quality to support the populations of the species</p> <p>Acidification status: Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the populations, subject to natural processes.</p>	<p>Records for Najas flexilis exist for seven lakes in the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. Potential impacts on this species could occur due to surface water impacts during the construction and operational phase.</p>	

	<p>Water colour: Maintain appropriate water colour to support the populations</p> <p>Associated species: Maintain appropriate associated species and vegetation communities to support the populations</p>		
<p>Margaritifera margaritifera (Freshwater Pearl Mussel)</p>	<p>Restore</p> <p>Water quality: macroinvertebrate and phytobenthos (diatoms): Restore water quality -</p> <p>Substratum quality: restore</p> <p>Substratum quality: oxygen availability: Restore to no more than 20% decline from water column to 5cm depth in substrate</p> <p>Hydrological regime: Restore appropriate hydrological regime</p> <p>Host fish: Maintain sufficient juvenile salmonids to host glochidial larvae Fringing habitat: area and condition: Maintain the area and condition of fringing habitats necessary to support the population</p>	<p>The distribution for this species target lengths include the perimeters of lakes in each catchment</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase.</p>	

<p>Petromyzon marinus (Sea Lamprey)</p>	<p>Maintain.</p> <p>Distribution: Greater than 75% of main stem length of rivers accessible from estuary</p> <p>Population structure of juveniles: At least three age/size groups present</p> <p>Juvenile density in fine sediment: Juvenile density at least 1/m² (all sites)</p> <p>Extent and distribution of spawning habitat; No decline in extent and distribution of spawning beds Availability of juvenile habitat: More than 10% of sample sites positive</p>	<p>These species can occur within freshwater and thus could be affected by impacts on water quality. Impacts on prey availability could impact on Otter. It is noted no disturbance effects or loss of habitat have been identified for these species.</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase</p>	
<p>Lampetra planeri (Brook Lamprey)</p> <p>Lampetra fluviatilis (River Lamprey)</p>	<p>Maintain.</p> <p>Distribution: Access to all water courses down to first order streams</p> <p>Population structure of juveniles: At least three age/size groups</p> <p>river/brook lamprey present</p> <p>Juvenile density in fine sediment: Mean</p>		

	<p>catchment juvenile density of brook/river lamprey at least 5/m²</p> <p>Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds</p> <p>Availability of juvenile habitat: More than 50% of sample sites positive</p>		
<p>Salmo salar (Salmon)</p>	<p>Maintain.</p> <p>Adult spawning fish No. Conservation Limit (CL) for each system consistently exceeded</p> <p>Salmon fry abundance: Maintain or exceed 0+ fry mean catchment-wide abundance threshold value.</p> <p>Out-migrating smolt abundance: No significant decline</p> <p>Number and distribution of redds: No decline in number and distribution of spawning redds due to anthropogenic causes</p> <p>Water quality: At least Q4 at all sites sampled</p>		
<p>Lutra lutra (Otter)</p>	<p>Maintain.</p> <p>No significant decline in distribution, habitat or fish biomass</p>		

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Killarney National Park SPA (Site Code: 004038)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures
Greenland White-fronted Goose Anser albifrons flavirostris	Restore favourable conservation condition	The SPA is located downstream of the proposed development site and is potentially connected to the proposed development site via the Lough Leane. It is noted no disturbance effects or loss of habitat have been identified for these species. Potential impacts on wetland habitats used by Greenland White-fronted Geese could occur due to surface water impacts during the construction and operational phase.	AS above

Assessment of issues that could give rise to adverse effects view of conservation objectives

Impacts on surface water quality during construction/ operation:

During construction there are potential sources of pollution from excavation and drainage from the site resulting from runoff and erosion from site earthworks and temporary stockpiles. The presence of fuels, lubricants and other chemicals from construction activities also have the potential to temporarily affect the surface/ground water regime of the area if not managed properly. These sources of pollution have the potential to impacts on water quality within the Killarney National Park, Macgillycuddy's Reeks, Caragh River Catchment SAC and Killarney National Park SPA downstream.

In the absence of appropriate design and mitigation, high levels of silt in surface water run-off from construction works, could theoretically impact on fish species. If of sufficient severity, adult fish could theoretically be affected by increased silt levels as gills may become damaged by exposure to elevated suspended solids levels. Excessive siltation can cause eggs and fry to be smothered. In particular impacts on spawning lamprey and salmonids can be significant. If of sufficient severity, aquatic invertebrates may be smothered by excessive deposits of silt from suspended solids. In areas of stony substrate, silt deposits may result in a change in the macro-invertebrate species composition, favouring less diverse assemblages and impacting on sensitive species e.g. Freshwater pearl mussel. Aquatic plant communities may also be affected by increased siltation. Submerged plants may be stunted and photosynthesis may be reduced. Inadvertent spillages of hydrocarbons during construction could introduce toxic chemicals into the aquatic environment via surface water run-off or groundwater contamination and have a direct toxicological impact on habitats and fauna.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), application of specific mitigation measures and monitoring effectiveness of measures.

Measures include:

- All personnel involved with the project will receive an on-site induction relating to operations and the environmentally sensitive nature of nearby European sites and to re-emphasize the precautions that are required as well as the precautionary measures to be implemented.
- Implementation of CEMP
- Best practice construction methods
- A temporary positive drainage system to be installed prior to the commencement of the construction works to collect surface water runoff by the site during construction.
- Water quality monitoring

- Appropriate safe storage of all by-product and waste materials to be implemented. Only approved storage system for oil / diesel within the site will be permitted. The bunded area will accommodate the relevant oil / diesel storage capacity in case of accidental spillage. Any accidental spillages will be dealt with immediately on site.
- The construction compound will include adequate staff welfare facilities including foul drainage. Foul drainage discharge from the construction compound will be removed off site to a licensed facility until a connection to the public foul drainage network has been established.
- The cleaning of public roads in and around the subject site
- Appropriate monitoring of groundwater levels during site works.
- A range of SuDS and surface water control measures have been included at the design stage of this project to ensure there will be no impact on local water quality or runoff rates during the operational phase of the proposed development.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species / habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

(ii) Disturbance of mobile species

Lesser horseshoe bats are extremely sensitive to artificial light, even at low light intensities, and they avoid brightly lit areas. Artificial light at or near roosts may impact the bats by delaying their emergence time at dusk, reducing reproductive success or even cause roosts to be abandoned (Bat Conservation Trust & Institute of Lighting Professionals, 2018). It is recommended that there is no significant increase in artificial lighting adjacent to roosts of importance, or along commuting routes within 2.5km of Lesser horseshoe bats roosts. The proposed development site is located within the 2.5km buffer of a qualifying Lesser Horseshoe Bat roost. However, there are no suitable habitats for lesser horseshoe bat within the proposed development site. Woodland areas within the SAC boundary (c.120m northwest) and the riparian corridor along the River Flesk (c.175m south) are likely to be the closest suitable location for foraging/commuting Lesser Horseshoe Bat. These areas are separated from the proposed development site by continuous residential development. Although unlikely given the location of the proposed development site surrounded by urban, lit areas, the precautionary principle has been applied to ensure there will be no significant light spillage onto commuting habitats outside the proposed development site boundary.

Mitigation measures and conditions

Lighting for the proposed development has been designed in line with bat conservation guidelines as recommended by the Lesser Horseshoe Bat national action plan (NPWS & VTT (2023)). This will minimise light spillage outside the proposed development site. Moving away from the site, light spillage

will be imperceptible and there will be significant increase in artificial light intensity along commuting routes within 2.5km of those roosts.

I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to maintain the favourable conservation condition for the Lesser Horseshoe Bat will not be adversely affected and that the proposed development will not prevent or delay the attainment of the conservation objective to maintain favourable conservation condition.

Overall, I am satisfied that the mitigation measures set out in Section 6 of the NIS are sufficient to ensure that any effects on the conservation objectives of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA will be avoided during the construction and operational phases of the proposed development such that there will be no risk of adverse effects on the integrity of these European sites.

Mitigation measures are captured in Planning condition 4 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Killarney National Park, Macgillycuddy's Reeks, Caragh River Catchment SAC and Killarney National Park SPA. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Killarney National Park, Macgillycuddy's Reeks, Caragh River Catchment SAC and Killarney National Park SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix D:		WFD IMPACT ASSESSMENT STAGE 1: SCREENING	
Step 1: Nature of the Project, the Site and Locality			
ACP ref. no.	323813-25	Townland, address	Ross Road, Killarney, Co. Kerry
Description of project	Large-scale residential development: comprising 134 no. residential units and a childcare facility. The proposal includes demolition of existing agricultural structures on site.		
Brief site description, relevant to WFD Screening,	<p>The proposed development site is dominated by improved agriculture grassland with common grassland and herbaceous species. This is a managed habitat with low diversity.</p> <p>The proposed development site is located within the Laune-Maine-Dingle Bay (Code 22) catchment and within the Laune_SC_010 sub-catchment</p> <p>There are no watercourses within or adjacent to the proposed development site. The River Flesk, part of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, is located c.175m south of the proposed development site. During operation, surface water will discharge via an existing surface water network along the Ross Road which ultimately discharges to Lough Leane (1.5km west). Given the proximity of local watercourses/waterbodies, surface water runoff during construction and discharges during operation could potentially impact on local water quality.</p>		

The Site-Specific Flood Risk Assessment submitted with the application indicates that a small, limited area in the northeastern portion of the proposed development site falls within a predictive 0.1% AEP (1 in 1000 year – Flood Zone ‘B’) fluvial flood zone associated with the River Flesk. The proposed development site does not fall within a predictive 1% AEP (1 in 100 year – Flood Zone ‘A’) fluvial flood zone. The vast majority of the site falls within Flood Zone ‘C’. In order to ensure a sustainable development, and to ensure that the potential flood risk to the portion of the proposed access road that falls within the delineated predictive 0.1% AEP (1 in 1000 year - Flood Zone ‘B’) fluvial flood zone is mitigated to an acceptable level, it is proposed to raise the finished ground level of the proposed access road to a minimum level of 23.50m OD which will ensure that the maximum potential flood depth along this portion of the access road will not exceed 0.3m during the occurrence of an extreme 0.1% AEP (1 in 1000 year) fluvial flood event. In consideration of findings and output of this Site-Specific Flood Risk Assessment, the potential flood risk to and from the development as proposed is considered to be low. The development as proposed is not predicted to result in an adverse impact to the existing hydrological regime of the area or increase flood risk elsewhere and is therefore considered to be appropriate from a flood risk perspective.

Within the subject lands, ground levels predominantly fall in a northerly direction across the site from circa 26.25m OD along the southern site boundary to the northern boundary at an elevation of approximately 22.22m OD.

<p>Proposed surface water details</p>	<p>There is no formal surface water network within the subject lands. There is an existing 300mm diameter surface water sewer to the north of the site, within Ross Road. This surface water sewer drains westward and eventually discharges into Lough Leane. It is proposed to service the proposed development by means of a connection to the existing 300mm diameter surface water pipe to the north.</p> <p>A number of SuDS features are proposed as part of this development.</p>
<p>Proposed water supply source & available capacity</p>	<p>Connection to the public network identified. No capacity issues identified.</p>
<p>Proposed wastewater treatment system & available capacity, other issues</p>	<p>Connection to the public network identified. No capacity issues identified.</p>
<p>Others?</p>	<p>Not applicable</p>
<p style="text-align: center;">Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</p>	

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	172m – Nearest point	River Flesk Luane_010 (IE_SW_20L010100)	Bad	At risk		Surface water runoff to River Flesk and downstream water bodies during construction.
Lake Waterbody	c. 1.5km downstream	Leane (IE_SW_22_210)	Moderate	Not at Risk		
Lake Waterbody	6.8km	Ross Bay (IE_SW_22_209)	Moderate	At risk		During operation - discharge to the existing stormwater network which in turn discharges to the River Flesk and downstream water bodies.
Groundwater	Underlying site	Laune Muckross IE_SW_G_048	Good	Not at risk		Drainage

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Clearance works/ demolition/ Construction	River Flesk Luane_010 (IE_SW_20L010100)	Surface water runoff	Temporary. Potential to impair its physico-chemical quality from accidental release of hydrocarbons and/or other	Standard Construction Measures / Conditions including submission and compliance with CEMP	No	Screened out:

				materials such as cement onsite			
2.	Clearance works/ demolition/ Construction	Leane (IE_SW_22_210)	As above	As above	As above	No	Screened out
3.	Clearance works/ demolition/ Construction	Ross Bay (IE_SW_22_209)	As above	As above	As above	No	Screened out
4.	Clearance works/ Demolition/ Construction	Laune Muckross IE_SW_G_048	Drainage	Hydrocarbon Spillages	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface water drainage	River Flesk	Surface water discharge to River Flesk and	imperceptible negative impact on	Implementation of SuDS measures as	No	Screened out

		Luane_010 (IE_SW_20L010100)	downstream water bodies	physico-chemical quality	outlined in Drainage Impact Assessment		
2.	As above	Leane (IE_SW_22_210)	As above	As above	As above	No	Screened out
3.	As Above	Ross Bay (IE_SW_22_209)	As above	As above	As above	No	Screened out
4..	Drainage	Laune Muckross IE_SW_G_048	Drainage	Hydrocarbon Spillages	As above	No	Screened out
DECOMMISSIONING PHASE N/A							

Appendix E – Killarney Flood Map D

