



An
Coimisiún
Pleanála

Inspector's Report

PL-500282-KY-25

Development	Subdivision of warehouse unit into 2 units. Change of use from storage/warehouse to storage/warehouse with retail. construction of extension and associated site works.
Location	BALLINORIG ROAD, TRALEE, CO KERRY
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	25/47
Applicant(s)	Micasa Lane Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Catherine Fitzmaurice & others Michael Cunningham
Observer(s)	None

Date of Site Inspection

19th February 2026

Inspector

Suzanne White

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 - Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Ballinorig Road, c. 1km to the east of Tralee Town Centre. The site, which is 0.24ha in area, forms part of a wider existing development of warehouse/industrial type buildings, Ballinorig Business Park, situated on the southern side of Ballinorig Road L-2020. The application site comprises a single storey warehouse unit of 654.74sqm which is set back from Ballinorig Road. Within the setback area is a surface car park, yard/turning area and a grassed area with hedging and a wall bounding Ballinorig Road. The warehouse unit is attached to other industrial units which extend to the south and west.
- 1.2. To the east of the site is Rathass Cemetery, which includes Rathass Church, a national monument (KE029-157) and protected structure (RPS-KY-1004). The lands to the south and west comprise existing buildings within the same complex which are in a mix of uses, including healthcare, retail (pharmacy) and light industrial. Further west and southwest is Michael O'Regan Place and existing residential dwellings ranging between 1-2 storeys in height. To the north, on the opposite side of Ballinorig Road, are existing single storey detached residential dwellings. The wider area contains a mixture of uses, including residential, healthcare and commercial/industrial.

2.0 Proposed Development

- 2.1. The subject application seeks planning permission for:
- The subdivision of the existing singular storage/warehouse unit into 2 units and change of use from storage/warehouse to storage/warehouse with retail.
 - A first-floor extension of 583.06sqm in total to the newly created units (1a & 1b) with all internal/external alterations and development works. The extended units would each have a floor area of 618.9sqm.
 - Proposed continued connection to public water and wastewater services. Surface water to discharge to the public sewer/ drain.
 - No demolition is proposed as part of the works.

In response to a request from the Planning Authority, the application submitted further information on the 11th September 2025. The revised drawings submitted indicated new planting, public lighting and bin storage on site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued notification of a Grant of planning permission, by order dated 24th October 2025, subject to nine conditions.

Condition 3 restricts the use of the units to the sale of bulky household goods such as carpets, furniture and electrical goods and bulky DIY items only.

Condition 4 requires a road opening licence for any future alterations to the public footpath at the entrance to the site and seeks to control/mitigate construction-related impacts on the public road.

Condition 6 requires an assessment of asbestos within the building, prior to commencement.

Condition 7 requires a waste management and disposal plan in relation to demolition waste, to be submitted prior to commencement.

Condition 8 requires good site management practices to be employed during construction.

Condition 9 restricts construction working hours.

3.1.1. Further information

Prior to making a decision on the application, the Planning Authority requested further information from the applicant on the 17th April 2025. The further information request sought:

- Clarification regarding the scale of the retail area proposed, including more detailed floorplans, the type of products to be traded and details of staffing, working hours, frequency of public visits to the site etc.
- Sightline drawings and a road safety audit.
- Photomontage of the proposed development and a visual impact assessment.
- Clarification of proposals for boundary treatment.

- Clarification of the intended use of the units and the management of waste.
- Additional site layout plans, showing boundary treatments, landscaping, storm sewer layout and foul sewer layout.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report, dated 17th April 2025 may be summarised as follows:

- The site is zoned 'Mixed Use -M4: Built up area' as part of the KCDP, Volume 2, Tralee Town Development Plan.
- Warehouses are 'Open to consideration' in areas zoned M4.
- EIA and AA screened out.
- The floorplans show an open plan arrangement. The approach adopted by the Planning Authority is that any trade/retail element will be tightly restricted, in order to avoid a negative impact upon the town centre. Further details required.
- Visual Impact Assessment required, in respect of visual impact and residential amenity.
- Notes request for sightline details and road safety audit.
- The proposal includes 20 parking spaces. Based on 1,237sqm warehouse floor area, 25no. car parking spaces are required, according to Volume 6 of the KCDP and the site's location in 'Area 3'. However, clarity is required with regard to the retail element.

The Planner's Report following receipt of further information, dated 23rd October 2025, may be summarised as follows:

- With regard to the use of the units, it is stated that it is proposed that the use will be restricted to Bulky Retail. It is noted that the Tralee Municipal District Settlements Plan has been adopted under Variation No.1 to the County Development Plan since the F.I. request issued. The site is now zoned Community Facilities S3. As a result, the established and existing uses no longer conform with the new zoning. The matter of non-conforming uses is

addressed in 3.1.8.7 of the Tralee Municipal Districts Settlements Plan. The proposal can be considered as the current and historic, established use of the site does not fall into the retail developments listed in KCDP TR37 or the categories listed in 3.1.8.7(a-d).

- The Tralee MDO Roads and Transportation Department have not raised any further issues with regard to Road Safety.
- The photomontage and Visual Impact Assessment are noted. The removal of one tree, provision of additional planting on the eastern boundary and retention of the existing tree line at the front boundary wall are noted and considered satisfactory.
- Notes that the Environment department are satisfied with the proposals for waste management and bin storage.

3.2.2. Other Technical Reports

- Environment Section (initial): further information requested in respect of the intended use of the units and the proposed management of waste.
- Environment Section (following further information): notes that provisions are now made for segregated waste management and bin storage. Consequently, no objection.
- Tralee Municipal District Roads and Operations: requests clarification on sightline distances and a road safety audit.
- Tralee Municipal District Roads and Operations (following further information): no objection subject to conditions.
- Fire Authority: no objection. Recommends that the Planning Authority advise the applicant of Building Regulations requirements.

Housing Estates Unit: require details of surface water drainage infrastructure, lighting, boundary treatment, landscaping. Conditions recommended in respect of construction details, surfacing and planning bond.

Flooding, Coastal and Marine Unit: no flood risk identified at this location.

3.3. Prescribed Bodies

Iarnród Éireann: no objection.

3.4. Third Party Observations

Twelve submissions were received by the Planning Authority in relation to the application, from neighbouring occupiers, including the 3rd party appellants, in this case. The issues raised, which are not covered in the grounds of appeal or observations received, may be summarised as follows:

- Loss of light and overshadowing
- Construction related impacts: heavy machinery, traffic, disruption, noise, dust
- Insufficient parking proposed to serve the development
- Car park layout poses safety hazards, with customer parking/manoeuvring intersecting with delivery truck paths
- Site access from Ballinorig Road requires trucks to make a 180 turn at an existing junction with no radius, forcing them into the opposite lane.
- Westward sightline from the site entrance is poor. The proposed demolition of the front boundary wall, not explicitly mentioned in the application, would further obstruct visibility if vans/SUVs parked in the proposed spaces.
- No provision for refuse storage.
- Non-compliance with building regulations

4.0 Planning History

Application site:

02/36: withdrawn. No details available.

83/135: planning permission granted for erection of extension to factory at Clash East for Kerry Fashion (Sales) Ltd.

82/188: planning permission granted for retention of alterations to factory premises at Clash East, Tralee. The alterations are described as the provision of a replacement side wall with brick finish to the northern elevation of the building.

79/142: planning permission granted for erection of extension to knitting factory at Clash, Tralee. This extension was to the rear (south) of the existing structure.

79/12: planning permission granted for erection of store at Clash East, Tralee. Note: the submitted layout plan indicates that the application relates to an extension to the southern side of the existing factory on site.

77/109: planning permission granted to erect sprinkler storage tank, pump room and boiler house at Rathass, Tralee.

74/10: planning permission refused for the erection of a store at Rathass, Tralee. The reason related to the design of the proposed structure and noted the existing single storey factory.

74/46: planning permission granted to build an extension to factory.

Adjacent site/unit to south:

PL.81.127537 (6112/121/01): this application related to the adjacent unit to the south, within the same building as the application site. The application sought retention of change of use of part of the industrial building to retail use. Permission was refused by the Board for reason that the proposed development would contravene the zoning of the site for industrial use.

00/80: permission refused for change of use of part of Knitwear Factory premises to Paint and Décor Distribution Centre, retail unit and store at Ballinorig Road, Tralee. The reason for refusal stated that the development would contravene materially a development plan objective of the Tralee Development Plan for the use solely or primarily of this area for industrial use.

Adjacent unit to west:

25/60488: Permission granted for retention permission to retain change of use from singular office unit into two separate units consisting of (A) Physiotherapy/Medical use in unit 8a and (B) GP Healthcare use in unit 8b.

Adjacent structure to west within Ballinorig Business Park, Tralee

14/308156: planning permission granted for (a) change of use from office/light commercial to retail; (b) Remove existing windows and construct new entrance

doorway to Unit; (c) Construct new bin storage area and (d) erect advertising signage and all ancillary site works at Unit 1B.

PL 81.238155 (PRR 7920/58/10): Permission granted for (1) to subdivide Unit 1 into 1a and 1b. (2) A change of use of Unit 1a from light commercial to a GP healthcare facility. (3) To reduce the height of the front boundary wall. (4) Signage - all

PL 81.227934 (7581/198/07): planning permission refused to a) retain medical unit on ground floor (b) for planning permission for signage to entrance of building, as per previous planning reg. no. PDA 5832/79/00.

5832/00/79: planning permission granted for an office/warehouse/light engineering development in 3no. units, connected to existing public sewers and utilities, with ancillary parking to service same at former knitwear factory site at Ballinorig Road, Tralee, Co. Kerry.

5.0 Policy Context

5.1. National Policy and Guidance

National Planning Framework – First Revision April 2025

Guidelines for Planning Authorities - Retail Planning (2012)

5.2. Regional Policy

The Regional Spatial and Economic Strategy for the Southern Region is the relevant plan for the region. Tralee is identified as a Key Town in the Settlement Strategy at Table 3.2.

RPO 15 - Tralee

a. To sustainably strengthen the role of Tralee as a self-sustaining regional economic driver, key settlement in the Kerry Hub Knowledge Triangle and on the Atlantic Economic Corridor and build on inherent strengths as an administrative capital, centre of skills and education, innovation, enterprise growth, culture and tourism accessible to regional airport, port, rail and strategic road network assets;

RPO 55: It is an objective to:

a. Improve the physical appearance, vitality and vibrancy of city centre, town centre

and village locations through collaboration between Planning Authorities and Retail Traders Associations in regeneration / public realm projects and other measures;

b. Ensure that retail development is focussed on urban and village centres with the application of a sequential approach to consideration of retail development which does not fall into this category.

5.3. Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. On the 21st July 2025, Proposed Variation No.1 of the Kerry County Development Plan 2022-2028, relating to Tralee Municipal District Settlements' Plan, was adopted by the Council. Variation No.1 provides a settlement plan for the Tralee Municipal District Area, replacing the Tralee Town Development Plan as contained in Volume 2 of the Kerry County Development Plan 2022-2028 and the Tralee Municipal District Local Area Plan 2018-2024.

The relevant policies and objectives pertaining to the proposed development are set out below.

Tralee Municipal District Settlements' Plan

The site is zoned 'S3- Community Facilities'. According to the zoning matrix at Appendix G of the Plan, uses including wholesale warehouse, warehouse/storage/distribution centres, and light industry with showroom are not normally permitted in this zoning. 'Shop' is an 'open for consideration' use within lands zoned 'Community Services/Facilities', subject to a restriction on the net retail area of a shop in this zoning being restricted to 100sqm. The zoning objective, set out in Volume 6 of the CDP, is to "Provide for and protect religious, community and social infrastructure", while the zoning description is "Facilitating the sustainable development of necessary community, religious, social infrastructure for communities of local and neighbourhood importance such as places of worship, community centres and childcare facilities. Where appropriate the provision of ancillary accommodation and facilities will be accommodated."

KCDP TR-1 Ensure that Tralee, as the County town and the principal designated Key Town in the RSES, is a driver of county and regional prosperity by harnessing its strategic location and position on the Atlantic Corridor; its strong urban structure, existing tourism, retail, service and accommodation base; and other competitive advantages, in accordance with RSES RPO 11, RPO 15 and RPO 176.

3.1.8 Retail

The retail core area in Tralee is incorporated within the Town Centre. KCC shall generally support new retail developments within the town centre area, as defined by the Retail Core (see Figure 3.16). This shall be the preferred area for new retail development and regard shall be given to this in adopting the sequential test for new retail proposals.

3.1.8.7 Non-conforming Uses

Recent years has witnessed the establishment of betting offices, discount stores et al at principal locations throughout the town. KCC is concerned that the presence of such development with respect to the number of betting offices/takeaways, as well as their frontage/signage is not in keeping with existing traditional retail frontage in the town. This is considered as detracting from the visual amenity of the town's streetscape thus eroding the historic character of the town. Hence, there is a presumption against the establishment of specified uses in the town where it is considered that such uses:

- a. Would set a precedent and therefore lead to an over concentration of certain types of uses in the town.
- b. Would attribute to certain areas in the town being associated with the sale of products not conforming with the image of the town thereby discouraging the establishment of other retail development both convenience and comparable retail within the immediate area.
- c. Do not conform with the streetscape or existing shop frontage.
- d. Detract from the heritage character of the town.

KCDP TR-39 Prevent an over-supply or dominance of betting offices/casinos, discount/phone/vape shops, fast-food outlets, takeaways and off licences in the main

streets of towns and villages and shopping centres within the Municipal District in order to ensure that the vibrancy and vitality of these streets and shopping centres is maintained.

KCDP TR-40 The Town Centre shall be the primary location for retail/office/commercial/medical uses, unless it is demonstrated that a more suitable alternative location is available.

KCDP TR-41 Limit retail development in the Manor West and Manor East area (Zoning Map D) to retail warehousing only as defined in the Guidelines for Planning Authorities, Retail Guidelines, DoECLG, 2012.

KCDP TR-42 Facilitate retail warehousing development in Manor West and Manor East only where it can be demonstrated that such development will not have any impact on the vitality and viability of the existing town centre.

County Development Plan

Chapter 4: Towns and Villages

KCDP 4-42 Promote the development of the town centre as the primary location for retail and as an attractive location for shopping, business, tourism, residential and community life.

KCDP 4-43 Protect the vitality and viability of town centres by ensuring that all significant retail & office developments, with the exception of neighbourhood shops are located in the town centre.

KCDP 4-47 Support and facilitate measures to reduce town centre retail vacancy.

KCDP 4-51 Have regard to the Retail Planning Guidelines for Planning Authorities and associated Retail Design Manual (2012) in the assessment of planning applications for all retail developments.

KCDP 4-52 Encourage the sustainable expansion in the range and number of retail, commercial and community services/facilities within the settlements in tandem with population growth which in turn will provide local employment and improve the quality of life of the local community.

KCDP 4-55 Ensure the development of Regional Towns as sustainable, vibrant, and prosperous Town Centres within the Retail Hierarchy for the County to meet the

retailing needs and offer sufficient retail choice to their local populations and catchment populations.

Tralee is identified as a Key Town at Level 2 in the Retail Hierarchy for the county, set out at Table 4.1 of the CDP.

KCDP 4-58 Encourage sustainable large-scale convenience and comparison retail development in the County to be principally focused at appropriate locations in the Town Centres of the Key towns of Tralee and Killarney in line with the Retail Planning Guidelines for Planning Authorities and associated Retail Design Manual (2012).

KCDP 4-59 Develop and promote the Key towns of Tralee and Killarney as sustainable, vibrant, and prosperous Town Centres operating at the highest retail Level within the Retail Hierarchy for the County, and to further strengthen, improve and diversify the retailing performance of Tralee and Killarney within a regional context.

KCDP 4-60 Facilitate improvements to the quantum and quality of retail offering and function in Tralee and Killarney, and ensure their sustainable development by consolidating, intensifying, and enhancing their existing core retail areas, and by directing new retail opportunities into the core retail areas identified for each.

4.4.4.3.2 Edge of Centre and Out of Centre Retailing

Edge-of-centre sites are generally no more than 300-400m from the primary retail areas in the town whereas out-of-centre retail development is clearly separated from the town centre but within the urban areas identified in the Development Plan. Retail developments of this nature will be directed to town centre locations where it can be demonstrated that there will not be a negative impact on the vitality and viability of the town centre. Proposals for edge-of centre and out of centre retail developments will be assessed having regard to the considerations set out in 'Retail Planning – Guidelines for Planning Authorities 2012'. In the interest of protecting and enhancing the vitality and viability of town and village centres, it is not envisaged that out-of centre retail developments will be permitted during the lifetime of this Plan

KCDP 4-69 Apply the sequential test to new retail development proposals for edge-of-centre and out of centre retail developments and to assess the impact on the

existing town centre having regard to the criteria and considerations set out in 'Retail Planning – Guidelines for Planning Authorities 2012'.

4.4.4.3.3 Retail Warehousing and Retail Parks Retail warehousing or a retail park comprises an agglomeration of retail warehouses grouped around a common carpark selling mainly bulky goods. In keeping with the Retail Planning Guidelines (2012) there will be a presumption against further development of out-of-town retail parks in the county.

KCDP 4-70 Limit the uses within the retail warehousing parks to those defined in the Guidelines for Planning Authorities: Retail Planning (2012), and where it can be demonstrated that there will be no negative impact on the vitality and viability of existing town centres.

Chapter 9: Economic Development

KCDP 9-1 Ensure that a sustainable approach is taken to enterprise development and employment creation across all sectors of the Kerry economy.

KCDP 9-4 Facilitate and support County Kerry's economic recovery through the sustainable implementation of County Kerry's COVID-19 Economic Recovery Plan and the emerging Kerry Local Economic and Community Plan, focusing on a transition to a low carbon and digital economy [assisted by the encouragement of Smart Villages] and through sustainably expanding the county's economic sectors, increasing innovation and research, supporting entrepreneurship, the creation of new and expansion of existing businesses, product exports, access to new markets and the development of intellectual property in conjunction with the higher education sector and research centres.

KCDP 9-9 Optimise the amount of employment growth and enterprise creation across all economic sectors and ensure that growth is distributed in a sustainable manner across the County in accordance with the Settlement Strategy.

KCDP 9-10 Support economic growth within the Key Towns through consolidating, strengthening and promoting the strategic importance of Tralee and Killarney and of key employment locations around the county.

KCDP 9-12 Prioritise the regeneration of areas in need of renewal, for instance in underperforming or outdated commercial and/ or industrial areas, brownfield land and in town and village centres where higher vacancy rates exist.

KCDP 9-19 Identify business parks and industrial estates that are in need of regeneration and revitalisation in line with sustainable measures and engage with all relevant stakeholders and interested parties to encourage their regeneration and revitalisation.

Volume 6 - Development Management Standards and Guidelines

1.3.2 While many areas are zoned M4 Built Up and many uses are “open to consideration” the council shall have regard to the established uses within the area.

1.3.5 Transitional Zonal Areas

While the zoning objectives and control standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these areas it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of the residential properties.

1.3.6 Non-Conforming Uses

Many uses exist in locations where they do not conform to designated use zoning objectives set out for that area and are normally long-term established uses that have developed over time. When extension to, or improvements of premises accommodating these uses are proposed, each shall be considered on its merits and permission may be granted where it can be shown that the proposal does not adversely affect amenities in the vicinity and is compatible with the proper planning and sustainable development of the area.

5.4. Natural Heritage Designations

- Tralee Bay Complex SPA (004188) is c.1.2km to the southwest
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC and pNHA (002070) is c.3km to the southwest

- Ballyseedy Wood SAC (002112) is c.3km to the southeast
- Slieve Mish Mountains SAC (002185) is c.3.7km to the south
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) is c.6km to the northeast
- Akeragh, Banna and Barrow Harbour SAC (000332) is c.10km to the west
- Knockatarriv/Knockariddera Bogs NHA (002448) is c. 10km to the east
- Dooneen Wood pNHA (001349) is c.16km to the east
- Anna More Bog NHA (000333) is c.15km to the southeast

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

Two third party appeals were received, from nearby occupiers. The grounds of appeal can be summarised as follows:

- The proposed development is inconsistent with the 'Community Facilities' zoning of the site and related zoning objective.
- The area is designated as M3 District/Neighbourhood Centre and not M4 Built Up Area.
- The proposed retail and bulky-goods use conflicts with the Retail and Land Use Strategy set out in the Kerry County Development Plan. The application does not adequately address proper retail sequential/need analysis. Allowing

an out-of-centre bulky-goods retail use in this residential/community area would set a damaging precedent that would encourage further erosion of residential amenity and undermining the CDP's strategy for locating retail and bulky retail at appropriate centres. Condition 3 attached by the Planning Authority (which requires planning permission for any change of use) is not in the interest of proper planning and sustainable development. The description of development proposed stated 'bulky goods, construction' but the Council's grant of permission states furniture also, which has raised concern.

- The development would give rise to unacceptable impacts on local traffic movement, parking provision and road safety. Ballinorig Road and adjoining streets are residential in character. There is residential parking on one side, when cars are parked outside homes the road width is significantly reduced and not sufficient for articulated lorries. This road is used by funeral corteges accessing the graveyard and there is potential for congestion caused by trucks accessing the site. It has not been demonstrated that the additional customer and delivery traffic associated with the retail use can be safely accommodated without significant mitigation. In particular, turning movements, servicing/loading operations, visibility splays, pedestrian crossing and the cumulative effect of additional trips were not properly quantified with a full traffic impact assessment. Even uses in M4/R2 area require comprehensive traffic assessment when a new use materially changes trip generation patterns.
- The scale and form of the proposal would result in an overbearing impact on the surrounding area, including loss of established long-range views, including scenic views of the Stack mountains. The proposed development would also result in visual/heritage impacts on the adjacent Rath Cemetery which is an archaeological site and is protected by the National Monuments Act. The applicant's submitted photographs and plans do not adequately show the visual relationship between the proposed first-floor extension/changed use and many homes opposite. The applicant has not supplied proper photomontages/verified long-section drawings or viewpoint analyses from affected properties. Query how a first floor extension of this height on a building of this scale could be acceptable when residents are refused planning

for two storey homes /dormers and certain window designs as they would affect the aesthetics/views of the area.

- Loss of privacy and neighbouring amenity due to increased customer numbers, deliveries, signage, lighting, noise, litter risk and perceived loss of residential amenity for adjacent houses. Loss of privacy from the first floor extension. Lack of noise impact assessment and lighting plan. As existing, there are vehicles arriving at all times of the day and night with lights shining into homes. Request clarity on location of additional public lighting and how it will affect residential amenity.
- The proposal has not adequately addressed potential impacts on the natural environment and local biodiversity. The existing Beech Tree on site is a defining feature of the area and represents one of the few remaining sources of biodiversity on the site. The ecological and visual quality of the locality would be severely diminished by its loss. Its removal will have no bearing on the degree of the turn for 40 foot articulated lorries exiting onto the narrow road. Replacement planting will take years to reach maturity and cannot replicate the habitat value, carbon storage or visual presence of the existing tree.

7.2. Applicant Response

A response to the grounds of appeal was received from the applicant. The points raised may be summarised as follows:

- The zoning of the lands changed during the application process from Mixed Use M4 to Community Facilities S3. The existing uses on site have now become non-conforming uses. It is appropriate that reasonable development of the existing facility, taking into account substantial similar facilities that exist to the rear should form the context of the planning assessment. Existing uses include a substantial warehouse immediately south, a medical centre immediately west, a HSE community facility further south. The area cannot be described as one dedicated to community facilities nor exclusively residential.
- There is a need within Tralee for bulky goods retailing or retail warehousing in reasonable proximity to the town centre.

- None of the prohibitions set out in paragraph 3.1.8.7 of the Tralee Plan, relating to non-conforming uses, apply to the present application.
- The area is not exclusively residential. Warehousing and other commercial uses are long established. A certain amount of traffic movement is to be expected in such an area. It may be anticipated that the incorporation of a certain retail use may increase traffic movements, but more so for shoppers to the area rather than articulated trucks.
- It is the applicant's intention to improve the public lighting along the main Ballinorig Road, which would be a significant improvement. The site is close to the town centre and it is not reasonable to object to normal public lights and light from passing traffic. Screening is proposed on the north boundary and on the east boundary to mitigate potential nuisance from traffic.
- The creation of an additional floor will considerably enhance the appearance of the existing long frontage. There is considerable separation distance to existing houses. The creation of an additional floor onto the already very low buildings will not overshadow or overbear on the houses opposite. The buildings are well set back. The finished height of the proposed building will be 8.3m or somewhat above the ridge height of a two storey building. There are setbacks of 32 and 42 metres from the inner edge of the footpath on Ballinorig Road. Preservation of a view in an urban area is not a matter of planning policy.
- A natura impact assessment and an environmental impact screening have been carried out by the Planning Authority and no negative impacts have been revealed. The appeal statements do not substantiate any potential negative environmental effects.
- The importance of Rathass church is accepted, but it is located in an urban area and at a distance from the development, which is two storey.
- The Tralee Municipal Districts Settlement Plan seeks to limit further development of large retail warehousing parks outside the town centre (para 3.1.8.8 and KCDP TR-41). In this context it seems appropriate to allow a limited amount of bulky goods at a location relatively close to the town centre.

The site location, adjacent to the town centre and with good accessibility and appropriate parking does give an option for bulky goods sale at an edge of town location. The incorporation of retail elements at a very limited scale is unlikely to generate significant additional HGV traffic but will generate additional traffic from purchasers. This is compatible with the area.

- The applicants commissioned a road safety audit and have included swept path analysis for vehicles entering/exiting and turning within the site which show that the site can be safely accessed. Given the relatively modest increase in floor area, it is not considered that traffic generation would be significantly greater than for the current warehouse use.
- The proposal will generate a significant improvement to the northern boundary and to the east boundary. The removal of one tree will be more than compensated for.
- Overall, the proposal is relatively modest in scale, provides an opportunity to develop bulky goods use at an edge of centre location. The buildings are existing and providing warehousing use. The proposed use is not discouraged within the current zoning.

7.3. Planning Authority Response

None received.

7.4. Observations

None received.

7.5. Further Responses

None received.

8.0 Assessment

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

- Principle of development
- Compliance with retail planning policy
- Impact on adjoining residential amenity
- Impact on the visual amenity of the area
- Transport and parking
- Environment and biodiversity
- Other matters

I note that consideration was given to other relevant matters including waste management. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

Land-use zoning

- 8.1.1. The 3rd party grounds of appeal contend that the proposed development is inconsistent with the 'Community Facilities' zoning of the site and the related zoning objective.
- 8.1.2. Permission is sought for the subdivision of an existing storage/warehouse unit to create 2no. units; the extension of the units at first floor level and the change of use of the units from storage/warehouse to storage/warehouse with retail.
- 8.1.3. At the time that the application was submitted the site was zoned Mixed Use -M4: 'Built up area' as part of the Kerry County Development Plan 2022-2028 (KCDP), Volume 2, Tralee Town Development Plan.
- 8.1.4. Variation No.1 of the County Development Plan 2022-2028 was adopted on the 21st July 2025. Under this Variation, the zoning of the site changed to 'S3- Community Facilities'. According to the zoning matrix at Appendix G of the Plan, uses including wholesale warehouse, warehouse/storage/distribution centres, and light industry with showroom are not normally permitted in this zoning. The zoning objective, set out in Volume 6 of the CDP, is to "Provide for and protect religious, community and social

infrastructure", while the description is "Facilitating the sustainable development of necessary community, religious, social infrastructure for communities of local and neighbourhood importance such as places of worship, community centres and childcare facilities. Where appropriate the provision of ancillary accommodation and facilities will be accommodated."

Authorised use of the site – new issue

- 8.1.5. The existing use of the building is described as warehousing/storage use in the documents submitted with the application. The available planning history does not include the original permission for the building on site to which the application relates. The most recent grant of permission pertaining to the subject site is PRR 2656/83/135, under which planning permission was granted in January 1984 for erection of extension to factory at Clash East for Kerry Fashion (Sales) Ltd. Earlier planning applications for the site, listed in Section 4 above, which relate to the extension and alteration of the building also refer to the existing use as a factory. I consider that it is reasonable therefore to conclude that the permitted use of the application site is factory (light industrial). Planning permission would be required for change of use from factory (light industrial) to warehouse/storage (repository) use. There is no record of a grant of permission for change of use from factory (light industrial) to warehouse/storage use (repository) relating to the site. As such, it is not clear that the existing use of the site for storage/warehouse is authorised. From review of the planning history of the wider site, I also note that there is no record of planning permission for subdivision of the former factory building, of which the application site is part, into separate units.
- 8.1.6. Having regard to my assessment above, I conclude that the proposed development would result in the consolidation and intensification of unauthorised development on the site and a refusal of permission is recommended on this basis. This is a new issue, and the Commission may wish to seek the views of the parties.
- 8.1.7. Should the Commission be satisfied that warehouse/storage use and subdivision of the former factory building is established on site, I note that Paragraph 1.3.6 of the Development Management Standards and Guidelines (Volume 6 of the County Development Plan 2022-2028), provides that extensions or improvements to premises accommodating non-conforming uses will be considered on their merits

and permission may be granted where it can be shown that the proposal does not adversely affect amenities in the vicinity and is compatible with the proper planning and sustainable development of the area. Furthermore, with regard to the introduction of a retail element to the proposed units, I note that the Zoning Matrix set out at Appendix G of Volume 6 of the County Development Plan 2022-2028 indicates that 'Shop (Class1)' use of up to 100sqm is 'open to consideration' on lands zoned Community Services/Facilities.

8.2. Compliance with retail planning policy

- 8.2.1. An issue raised in the 3rd party grounds of appeal relates to the proposed change of use of the extended building to include an element of retail, which it is stated would conflict with the retail and land use strategy set out in the County Development Plan. Concern is also raised at the range of goods permitted under Condition 3 of the Planning Authority's decision.
- 8.2.2. As originally submitted, the application did not quantify the scale of the retail element proposed, either in the proposed floorplans or on the application form. The proposed use was described in the application documents and site notices as "storage/warehouse with retail", suggesting that the retail element would be ancillary to storage/warehouse use.
- 8.2.3. The Planning Authority sought clarification from the applicant as further information regarding the scale of the retail area proposed, including more detailed floorplans, the type of products to be traded and details of staffing, working hours, frequency of public visits to the site etc.
- 8.2.4. In their further information response, the applicant submitted a revised ground floorplan showing c.276sqm for a customer display area and a service counter in each unit, which would be c. 44% of the total floor area. The cover letter submitted as part of the further information response stated that the applicant intended to stay within the permitted uses of the site and nearby premises, to be in line with the objectives of the M4 zoning (existing built areas of mixed use) and that the type of products which are to be traded will be Bulky Goods e.g. building supplies.
- 8.2.5. The Planner's Report, following receipt of further information, assessed the proposed development against Objective KCDP TR37 and concludes that there is no conflict.

The objective of KCDP TR37 is to prevent an over-supply of certain uses (betting offices/casinos, discount/phone/vape shops, fast-food outlets, takeaways and off licences in the main streets of towns and villages and shopping centres within the Tralee Municipal District. The proposed development is not in conflict with this objective as it is not located on a main street and does not propose any of the uses listed. However, I consider that there are other relevant retail policies to be considered.

- 8.2.6. Having regard to Variation 1 of the County Development Plan, the site is located c. 1.1km from the defined town centre and c. 1.2km from the retail core area, as shown in Figure 3.16 of Variation 1 of the Plan. The site is not located in a District or Neighbourhood Centre. The applicant, in their response to the grounds of appeal, maintain that the site is an edge-of-centre site. However, having regard to the Retail Planning Guidelines and section 4.4.4.3.2 of the County Development Plan, I consider the site to be an out-of-centre location, being clearly separated from the town centre but within an urban area and not meeting the criteria for 'edge of centre' locations, which are generally no more than 300-400m from the primary retail areas.
- 8.2.7. Objective KCDP TR40, relating to Tralee, states that the Town Centre shall be the primary location for retail uses, unless it is demonstrated that a more suitable alternative location is available. Objective KCDP 4-43 seeks to protect the vitality and viability of town centres by ensuring that all significant retail and office developments, other than neighbourhood shops, are located in the town centre. Objective KCDP 4-51 states that regard will be had to the Retail Planning Guidelines (2012) in the assessment of planning applications. KCDP 4-52 seeks to encourage the sustainable expansion in the range and number of retail, commercial and community services/facilities within the settlements. Objective KCDP 4-69 states that the sequential test will be applied to new retail development proposals for edge-of-centre and out of centre retail developments. Section 4.4.4.3.2 of the County Development Plan states that, in the interest of protecting and enhancing the vitality and viability of town and village centres, it is not envisaged that out-of-centre retail developments will be permitted during the lifetime of the Plan.
- 8.2.8. The Retail Planning Guidelines (2012) state, in Chapter 4, that development proposals not according with the fundamental objective to support the vitality and viability of city and town centre sites must demonstrate compliance with the

sequential approach before they can be approved and that retail impact assessment and transport impact assessments may be required for significant retail development which, due to their scale and/or location, may impact on the vitality and viability of city and town centres. The Guidelines also state that, where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies are not required.

8.2.9. I am mindful that the proposed use is warehouse/storage with retail, indicating that the retail element would be an ancillary element, and not comparable to a retail warehouse. I also note that the design of the units and development as a whole is more indicative of industrial/warehouse use rather than retail, noting the HGV turning area and loading bays at the front of the site and the lack of retail frontages proposed. I note also that the proposed development would regenerate the site and, by incorporating an element of retail use, would be likely to result in an increase in employment on site. These aspects of the proposed development would be supported by the economic objectives of the Development Plan, particularly: KCDP 9-12 & 9-19 which support the renewal/revitalisation of business parks/industrial areas; KCDP 9-1, KCDP 9-4 and KCDP 9-9 which generally seek to support economic growth and employment.

8.2.10. As noted above, 'Shop' use (Class 1) of up to 100sqm floor area is an 'open to consideration' use for lands zoned Community Facilities, according to the zoning matrix in Variation No.1 of the current Development Plan. In the context of the proposed units of 618sqm each, 100sqm retail area would be ancillary, in my view. Moreover, in the context of Tralee, which is a Key Town, I consider that this level of retail floor area would not be significant. Taking into account the zoning objective of the site and the presence of an existing retail unit within the wider business park, I consider that an element of retail use would be acceptable in this location, but should be limited to 100sqm in each unit and for the sale of bulky goods only, in order to comply with the zoning objective for the lands and to prevent a negative impact on the vitality and viability of the town centre.

8.3. Impact on adjoining residential amenity

- 8.3.1. The third party grounds of appeal raise concern at the impact of the proposed development on the amenity of adjoining residential occupiers by way of loss of privacy and disturbance arising from noise, traffic and lighting associated with the proposed development.
- 8.3.2. The applicant, in response, asserts that, given the separation distance between the proposed development and the nearest residential dwellings, no overbearance or overshadowing impacts would occur. They add that the proposed lighting levels are not unusual in an urban area and that the proposed boundary screening will mitigate such impacts.
- 8.3.3. The Planner's Reports note similar issues raised in submissions but do not address them in detail.
- 8.3.4. The proposed first floor extension would maintain the building lines/footprint of the existing building. Scaling from the plans submitted with the application, the closest residential property, which is the address of one of the appellants, would be c. 42 metres to the north, on the opposite side of Ballinorig Road. The row of houses to the north of the site are bungalows.
- 8.3.5. The submitted proposed drawings show that the northern facade of the extension would be clad with an architectural wall panelling. No windows are indicated at first floor level on the plans or elevations facing north, only a door leading into Unit 1B accessed from an external staircase. Having regard to the separation distance, the storage use at first floor level, the lack of north-facing fenestration at first floor level in the proposed building and the 'front-to-front' nature of the relationship with the dwellings to the north, I do not consider that any issues arise with regard to loss of privacy or overlooking for neighbouring occupiers from the proposed development.
- 8.3.6. Similarly, having regard to the significant separation distance between the proposed extended building and surrounding residential properties and to the proposed 8.36m height of the building, I do not consider that there would be any negative impact on nearby occupiers in terms of overshadowing or overbearance.
- 8.3.7. Three public lighting lamps are proposed, situated within the car park to the north of the building. The height and specification of these is not stated. I note that the

existing 1.9m high northern boundary wall is to be retained, which would prevent some lighting overspill to the north. I am also mindful that Ballinorig Road to the north is a public road with public lighting, of which there are 2no. lamp posts on the northern boundary of the site. I consider that the potential for material impacts on neighbouring occupiers arising from the proposed lighting lamps could be adequately controlled by a condition requiring that they be designed to minimise lightspill and that details be submitted for approval.

- 8.3.8. With regard to noise and disturbance, I note that the application site is in existing use as a warehouse/storage facility though I have concluded above that the last permitted use on site was light industrial. I also note that the application site is set within a wider site which contains a range of uses including medical, retail and light industrial. Within this context, the uplift in floor area of the subject building is modest, in my view. Notwithstanding the proposed retail element, the corresponding increase in traffic, including HGVs, and general 'comings and goings' would not be significant in the context of the existing operations on the wider site and along Ballinorig Road generally. In terms of noise generated by the building itself, I note that 2no. loading bays are included. Given the separation distance to residential development, the commercial use on site, the existing context which includes noise generated by traffic on Ballinorig Road and, subject to a condition restricting the hours of operation of the proposed development, I consider that noise impacts arising from the proposal would not result in a loss of amenity to adjoining residential occupiers.
- 8.3.9. Overall therefore, having regard to the existing and permitted use of the site, its position within an existing business park with a mix of uses, the separation distance to residential properties, the modest scale and nature of the proposals and, subject to conditions, I consider that the proposed development would not result in significant adverse impacts on nearby residential amenity.

8.4. Impact on the visual amenity of the area

- 8.4.1. The 3rd party grounds of appeal raise concern that the scale and form of the proposal would result in an overbearing impact on the surrounding area, principally by virtue of the loss of established long-range views, loss of an existing mature tree and negative impacts on the adjacent Rath Cemetery and Rathass Church RPS.

- 8.4.2. The Planner's Report noted the photomontage and Visual Impact Assessment submitted by the applicant as further information, the removal of one tree and provision of additional planting, and considered the proposals to be satisfactory.
- 8.4.3. The applicant's response to the grounds of appeal, considers that the addition of a second floor to the existing building is modest in the context and will improve the building frontage. They state that the proposal will not have a significant heritage impact given the modest height and separation distance and notes also that boundary treatments will be improved.
- 8.4.4. The existing building on the application site is a single storey warehouse building of modern construction. It is somewhat run-down in appearance and, in my view, does not contribute positively to the visual amenity of the area. Objectives KCDP 9-12 and 9-19 support the regeneration of areas in need of renewal, including underperforming or outdated commercial and/or industrial areas, brownfield land and business parks. The proposed first floor extension would result in a structure of similar height and appearance to the existing unit adjacent to the west, also finished in cladding panels at first floor level. Whilst the houses directly opposite to the north are single storey in height, there are also two storey dwellings nearby to the northeast on Ballincorig Road and to the southwest on Michael O'Regan Place. It is also relevant to note that the extension at first floor level relates only to the northern portion of the subject building and will be setback from Ballinorig Road. Consequently, having regard to the existing context, to the proportions of the proposed extension and to the setback from Ballincorig Road, I consider that the proposed extension can be accommodated within the streetscape and would not result in a negative impact on visual amenity locally.
- 8.4.5. The shorter side of the extension would be alongside Rathass Cemetery and, in views from the cemetery, will be seen in the context of the two storey industrial building adjacent to the west. Rathass Church, a national monument (KE029-157) and protected structure (RPS-KY-1004), is located in the southeast portion of the cemetery, c. 190m from the proposed extension. Given the separation distance and noting that the proposed development will be viewed from the cemetery and church within the context of the existing two storey industrial structure to the west, I do not consider that the proposed development will result in any material impact on the setting of the protected structure and national monument, which is located within an

existing built up area and context which includes other existing industrial type development in closer proximity to its east and south.

- 8.4.6. I note the concerns raised with regard to the loss of scenic views towards the Stack Mountains, however views from the private dwellings and the public realm in Ballincorig Road are not protected by the objectives of the Development Plan. The formation of a two storey structure would not be unusual in the context and, in terms of its scale, massing and separation distance from the street and nearby dwellings, the proposed development would not result in adverse impacts on the amenity of adjoining residential occupiers.
- 8.4.7. The 3rd party grounds of appeal refer to two storey houses and dormer extensions locally which were not permitted. In this regard, I note that all appeal cases must be assessed and determined on their own merits, having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

8.5. Transport and parking

- 8.5.1. The 3rd party appellants, in their grounds of appeal, raise concern that the proposed development would give rise to unacceptable impacts on local traffic movement and road safety and would not provide sufficient parking provision.
- 8.5.2. In their response to the grounds of appeal, the applicant identifies that given the relatively modest increase in floor area, it is not considered that traffic generation would increase significantly and that, any additional movements are more likely to be associated with shoppers i.e. car born trips rather than articulated trucks. The applicant also highlights that a road safety audit with swept path analysis was submitted as further information to the Planning Authority, which shows that the site can be safely accessed.
- 8.5.3. The Planning Authority sought, as further information, clarity on the frequency of public visits, staff details, working hours, type of products to be traded, sightline drawings and a road safety audit. Following the submission of sightline drawings and a road safety audit, the Tralee Municipal District Office Roads and Transportation Department raised no objection, subject to conditions, and the Planner's Report proceeded to a recommendation to grant permission.

Road safety

- 8.5.4. The road safety audit submitted by the applicant to the Planning Authority made recommendations in respect of the entrance width into the application site, provision of public lighting, swept path assessment and sightlines at the entrance onto Ballinorig Road. The revised site layout plans submitted as further information to the Planning Authority seek to address the issues identified. The changes proposed include setting back and reducing the height of the northern boundary wall with Ballinorig Road and removing a kerbed grassed area and tree within the business park, but outside the application site boundary.
- 8.5.5. The plans submitted with this application do not indicate that the applicant owns lands beyond the application site boundary, where the boundary wall is proposed to be lowered and the tree and kerbing removed. However, application ref. 25/60488 submitted to the Planning Authority in June 2025 relates to the attached adjacent site (Unit 8) to the west and was submitted by the same applicant. Plans submitted with that application indicate that the lands to the west, encompassing the entrance to the business park and the circulation area to the west of Unit 8 is within the ownership of the applicant for this application. Retention planning permission was granted under PRR 25/60488 to retain the change of use from singular office unit into two separate units consisting of (A) Physiotherapy/Medical use in unit 8a and (B) GP Healthcare use in unit 8b. In response to a request from the Planning Authority, the applicant submitted a road safety audit in relation to PRR 25/60488. This is the same road safety audit document submitted to the Planning Authority in respect of this application. Revised plans submitted with PRR 25/60488 propose the removal of the existing silver birch tree, kerbing and a reduction in the green space located to the west of Unit 8. They also show the northern boundary wall directly east of the business park entrance to be reduced in height from 1m to 0.8m in order to provide sightlines, while a section of the wall further east is to be set back for the same reason. The revised plans also show an existing entrance on the eastern side of Unit 8, accessed via the current application site, converted to use as an emergency exit only, removing a potential conflict between pedestrians and vehicles entering/exiting the current application site. A footpath is also shown along the eastern side of Unit 8, providing a buffer between Unit 8 and the current application site. These works are all within the application site boundary for PRR 25/60488. Condition 3 of PRR 25/60488 requires that all recommendations of the Road Safety Audit and the works

shown on the revised drawings submitted be carried out within 6 months of the date of grant (29th October 2025).

- 8.5.6. Having regard to the plans submitted under PRR 25/60488 and Condition 3 of that permission, most of the works recommended by the Road Safety Audit submitted in respect of the subject application have been approved and are subject to a condition requiring their implementation within a set timeframe. Further works are proposed under this application, as set out within the revised plans submitted to the Planning Authority as further information on the 30th September 2025. These include setting back part of the northern boundary wall of the site to improve sightlines and provision of public lighting within the parking and turning area of the site. The Municipal District Roads and Operations Section, on review of the details submitted as further information to the Planning Authority, raised no objection subject to conditions. Overall, having regard to the submitted Road Safety Audit and the works proposed under the current application and PRR25/60488, I am satisfied that the proposed development would be acceptable in terms of road safety.

Traffic generation

- 8.5.7. In terms of traffic generation, although the proposed increase in floorspace (583sqm) is significant in relation to the existing unit, in the context of the wider business park and the urban area within which the site is located, I do not consider that the proposed development would give rise to a significant increase in traffic movements. The Municipal District Roads and Transportation Department did not raise any concerns in this regard. Overall, I consider that the proposed development is acceptable in terms of traffic impact and safety.

Parking

- 8.5.8. Section 1.20.2 Parking of Volume 6 of the County Development Plan 2022-2028 (Development Management Standards and Guidelines) states that car parking should be provided in accordance with the standards set out in Table 3 below. The maximum parking requirement for warehousing is 2 spaces per 100sqm and for retail is 3 spaces per 100sqm + 1 space per staff member. For the proposed retail floor space of 552sqm, the maximum requirement would be 17no. spaces + staff spaces. The maximum requirement for the remaining 684sqm warehousing/storage space would be 14 spaces, giving a total maximum of 31no. spaces + staff spaces. One EV

parking space per 5 spaces and one disabled space per 5-25no. spaces are included within these figures. The proposed site layout plan indicates 20no. car parking spaces, including 1no. accessible space. Given that the car parking standards are expressed as a maximum requirement, that the proposed development relates to warehousing/storage with retail use and having regard to the urban context of the area, I consider that the level of car parking proposed is acceptable. In the event of a grant of permission, a condition should be attached requiring the provision of EV charging points in line with the Development Plan requirements.

- 8.5.9. I note that bicycle parking is not indicated on the plans submitted to the Planning Authority. Section 1.20.9 of the Development Standards and Guidelines (Volume 6) of the Development Plan requires 1no. space per 100sqm floorspace + 1 space per staff member. There is no requirement related to warehouse/storage space. Having regard to the standards and to the nature and scale of the proposed development, I consider that 4no. spaces would be adequate. These could be secured by condition.

8.6. Impacts on trees, environment and biodiversity

- 8.6.1. The 3rd party grounds of appeal state that the proposal has not adequately addressed potential impacts on the natural environment and local biodiversity, particularly in relation to the proposed removal of an existing beech tree.
- 8.6.2. The applicant maintains, in their response to the grounds of appeal, that the removal of one tree will be more than compensated for, referencing their proposals for new planting and boundary improvements to the northern and eastern boundaries.
- 8.6.3. As noted above, the removal of the existing beech tree located inside the entrance to the business park has been approved under PRR 25/60488. In relation to the present application, it is proposed to reduce the extent of green space within the north eastern portion of the site. The existing trees within the northern boundary wall of the site are shown retained on the revised site layout plans submitted as further information to the Planning Authority and new native tree planting is proposed along part of the eastern boundary. The site as existing is of low ecological value in my opinion, noting the predominance of hardstanding and buildings and limited area of

grass and planting. Consequently, I do not consider that the proposed development would result in significant impacts on the natural environment or local biodiversity.

8.7. Other matters

- 8.7.1. Condition 6 of the Planning Authority's decision required an assessment on the presence of Asbestos or other hazardous materials within the building to be carried out and a report submitted to the Planning Authority prior to commencement. Asbestos is, however, a notifiable substance and is therefore the subject of a separate legal code. I do not therefore consider that a condition in this regard is necessary.
- 8.7.2. Condition 4(a) of the Planning Authority's decision required a road opening licence for potential future alterations to the public footpath. I do not consider that this condition is directly relevant to the proposed development.

9.0 Appropriate Assessment

- 9.1. I have considered the proposed development at Ballinorig Road, Tralee, Co Kerry in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located c. 1.2km from the nearest European Site.
- 9.3. The proposed development comprises the construction of a first floor extension to an existing storage/warehouse building and the change of use of the building to include retail use also. The wider site within which the development is located comprises a mix of retail, medical and industrial uses within buildings ranging between 1-2 storeys. See Section 2 of the Inspector's Report for a more detailed description.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The modest scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The location of the site within an existing serviced urban area.
- The qualifying interests and conservation objectives of the Tralee Bay Complex SPA (004188), Tralee Bay and Magharees Peninsula, West to Cloghane SAC and pNHA (002070), Ballyseedy Wood SAC (002112), the Slieve Mish Mountains SAC (002185), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) and Akeragh, Banna and Barrow Harbour SAC (000332).
- Taking into account the screening determination of the Planning Authority.

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

10.0 Water Framework Directive

- 10.1. The subject site is located within an existing urban area, c.0.45km west of the Lee (Tralee)_030 river waterbody (WFD status: Poor) and c.1.3km east of the Big River (Tralee)_010 river waterbody (WFD status: moderate). The underlying groundwater body is Tralee, IE_SH_G_226 (WFD status: not at risk), which is categorised as karstic. The subsoil is listed as 'made ground'.
- 10.2. The proposed development comprises a first floor extension to an existing storage/warehouse building and change of use of the building to storage/warehouse with retail.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am

satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows:

- the location of the proposed development within a serviced urban area;
- the modest scale of the development and its nature, comprising a first floor extension to an existing building and ancillary works; and
- the distance from the nearest water bodies and lack of hydrological connections.

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

11.0 Recommendation

11.1. I recommend that permission is refused.

12.0 Reasons and Considerations

1. Having regard to the planning history of the site, it appears to the Commission that the proposed development relates to a structure the subdivision and use of which for the carrying on of warehouse/storage use is unauthorised for the and that the proposed development would facilitate the consolidation and intensification of this unauthorised use. Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of a permission for the proposed development in such circumstances.

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.

Suzanne White

21st August 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500282-KY		
Proposed Development Summary	Subdivision of existing storage/warehouse unit into two units, extension at first floor level of both units and change of use of the units to storage/warehouse with retail.		
Development Address	Ballinorig Road, Tralee, Co Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in	The proposed development is sub-threshold. Proceed to Q.4

		the case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Suzanne White

Date: 21/08/2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-500282-KY
Proposed Development Summary	Subdivision of existing light industrial/warehouse unit into two units, extension at first floor level of both units and change of use of the units to storage/warehouse with retail.
Development Address	Ballinorig Road, Tralee, Co Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The c.0.24ha site comprises an existing light industrial/warehouse unit within a wider site which comprises a mix of healthcare, retail and light industrial uses. The site is located within the settlement of Tralee and is serviced. There is an existing two storey building in proximity to the west. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site: • Tralee Bay Complex SPA (004188) is c.1.2km to the southwest • Tralee Bay and Magharees Peninsula, West to Cloghane SAC and pNHA (002070) is c.3km to the southwest • Ballyseedy Wood SAC (002112) is c.3km to the southeast • Slieve Mish Mountains SAC (002185) is c.3.7km to the south

cultural or archaeological significance).	• Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) is c.6km to the northeast • Akeragh, Banna and Barrow Harbour SAC (000332) is c.10km to the west • Knockatarriv/Knockariddera Bogs NHA (002448) is c. 10km to the east • Dooneen Wood pNHA (001349) is c.16km to the east • Anna More Bog NHA (000333) is c.15km to the southeast The development would be located within an existing urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White

Date: 21/08/2026