



An
Coimisiún
Pleanála

Inspector's Report

PL-500508-KY-25

Development	Construct dwelling and associated site works
Location	Hawthorn Avenue , Woodlawn , Killarney Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560345
Applicant(s)	Colm & Maura Galvin
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Niall and Gaye Casey David Young & Orla Clifford Bryan Fleming
Observer(s)	None
Date of Site Inspection	8 th June 2026
Inspector	Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site is located in approximately 2km southeast of Killarney town centre. The site is located to the side of an existing dwelling house and faces onto the estate road serving Hawthorn Avenue off Woodlawn Road. The site is 0.04ha. in area.
- 1.2. This is a mature residential area and the site forms part of a garden of a dwelling house to the northwest (subject of a separate application to retain within revised site boundaries under KCC Reg. Ref.25/60346). Access to the site is from the existing estate road serving Hawthorn Avenue which has been taken in charge. The Rookery Woods estate is located to the east. House no.'s 18-21 back onto the site. Hawthorn Avenue estate is located to the northwest. There are residential dwellings to the west and south.

2.0 Proposed Development

- 2.1. Permission is sought for a new two storey dwelling with a new vehicular entrance and all associated site works and site services.
- 2.2. The proposed dwelling has a stated floor area of 164sqm.

3.0 Planning Authority Decision

3.1. Decision

On 27th November 2025 Kerry County Council issued notification of the decision to grant planning permission subject to nine conditions.

3.1.1. Conditions

The following PA conditions are noted:

Condition no. 8 relates to landscaping as sets out:

(i) Within 1 year of the completion of the development, the developer shall submit a certificate of compliance prepared by a suitably qualified person stating that all landscaping conditions and requirements pertaining to the grant of planning permission have been complied with.

(ii) Landscaping and drainage arrangements shall be maintained in accordance with the plans and particulars received by the Planning Authority on the 31/10/2025, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of clarity and the proper planning and sustainable development of

the area.

Condition no. 9 relates to lighting

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report dated 18/6/2025 sets out the given the concerns raised by the adjoining properties in relation to loss of amenity, it was considered that a comprehensive landscaping scheme be requested as further information. The Biodiversity Assessment received from the Environmental Assessment Unit KCC also recommended that further information is sought also addresses this issue including the incorporation of nature based solutions.
- A response was received on 31st October 2025. The planners report notes the comments of the ecologist and sets out that a detailed landscaping proposal incorporating biodiversity considerations and informed by a tree survey and the All-Ireland pollinator plan, was submitted and storm water attenuation proposals incorporating nature based solutions. The report notes that it is considered that the biodiversity impact would be acceptable and not in any way significant, particularly having regard to the land use zoning for the site, which is supportive of development at this location.
- Recommendation to grant planning permission.

3.2.2. Other Technical Reports

Ecologist - It is considered that the biodiversity related concerns raised in the FI request have been adequately addressed in the FI response received.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The planners report notes that a number of objections have been received from residents of Rookery Woods to the east, the issues raised include:

- Very close to sharded boundaries.
- Concerns regarding overshadowing and overlooking.

- Concerns about loss of residential amenities.
- Concerns about the loss of mature established trees that contribute to biodiversity (bats and nesting birds)
- Considered to be over development.
- Non-compliance with KCDP Objectives RS-01, NH-02, GI-01

4.0 Planning History

Northwest of site

KCC Reg. Ref. 25/60346 – Permission granted on 21st June 2025 to Colm and Maura Galvin for the retention of as built two-storey dwelling within revised boundaries all at Hawthorn Avenue, Woodlawn, Killarney, Co. Kerry.

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area.

Zoning

Site located in an area zoned “Existing residential”R2 in the Development Plan. The proposed dwelling unit is acceptable in principle.

Relevant Development Plan policies

The plan has regard to national and regional policies in respect of infill development within existing built-up areas.

Killarney is identified as a key town which is described as a ‘Large population scale urban centre functioning as self-sustaining regional drivers and strategically located urban centres with accessibility and significant influence in a regional and subregional context’.

In terms of the Settlement Strategy, it is an objective of the plan as stated in settlement strategy objective KCDP 3-4 to ‘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’.

Policy Objective KCDP 4-22 - Protect, enhance and ensure that existing and proposed developments located within or adjacent to areas of Green Infrastructure incorporate any important biodiversity features into the overall development in a sustainable manner.

Policy Objective KCDP 4-27 seeks to prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.

Section 4.3.8 deals with residential densities and building heights and includes objective KCDP 4-40 in this regard which seeks to ensure that developments have regard to national policy and Ministerial Guidelines.

Section 13.2.4 Storm Water Management -Objective KCDP 13-26 - Promote and support the retrofitting of Sustainable Urban Drainage Systems (SuDS) in established urban areas. Where possible incorporate nature-based solutions.

Volume 2 of the Development Plan outlines Town Development Plans and includes the Killarney Town Development Plan. The appeal site is located on land zoned R2 Existing Residential: Provide for residential development and protect and improve residential amenity described as 'for existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development'.

Objective 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.

Volume 6 sets out Development Management Standards for residential development.

Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that it is a policy and objective of the Guidelines that residential densities in the range 30 dph-50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns/Large Towns.

5.2. Natural Heritage Designations

- 5.2.1. The site is located c.200m northwest of the Killarney National Park, McGillycuddy and Caragh River Catchment SAC (Reference: 000365) and 1.2km southeast of the Killarney National Park Special Protection Area (SPA).

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

Three no. third party appeals were received from:

1. Niall and Gaye Casey
2. David Young & Orla Clifford
3. Bryan Fleming

6.1.1. The appeals raise similar concerns and to avoid repetition I have summarised the concerns as follows:

- The development fails to safeguard the residential amenity of adjoining occupiers and will result in overlooking, loss of privacy, intervisibility and the height and location it will cause overshadowing to habitable rooms and loss of light to outdoor space.
- Proximity of adjoining properties and concern is raised regarding compliance with minimum set back requirements.
- The development constitutes backland development.
- Concern about the loss of trees in terms of visual amenity and wildlife. The presence of mature trees likely to support bats and nesting birds. The application is based on deficient environmental, ecological and amenity assessments. No baseline biodiversity data was collected.
- The screening assessment does not meet Appropriate Assessment standards.
- The tree survey was not prepared by an arborist and omits BS5837 data.

- The development would not comply with Objective RS-01, NH-02 and GI-01 of the Development Plan. (The Commission will note that these objectives appear to relate to the previous Development Plan and not the 2022-2028 CDP).
- The development is inconsistent with the established grain and scale of the neighbourhood and would set an undesirable precedent.
- Concern raised about traffic and access deficiencies.
- Drainage and flood risk deficiencies' stormwater relies on a soak pit. The reliance on SUD's measures lacks engineering justification.
- The planner and ecologist accepted the applicants documentation without appropriate consideration. Condition cannot remedy a deficient application.

6.2. Applicant Response

A first party response was received on 28th January 20260 The response notes:

- The applicants have resided in Hawthorn Avenue for over 25 years and wish to downsize.
- The site is between 0.6m and 1.25m lower than the gardens of neighbouring properties in Rookery Woods.
- It is set out that when Rookery Woods was granted (KCC 16/780) the landscaping incorporated a buffer zoned inside the 1.8m high wall to provide screening to the boundary of the applicant's site. This was not completed. It is further noted that section of the boundary was not completed between no. 18 & 19 and this boundary is formed by the applicant's laurel hedge. The proposed development provides for a 2m high block wall to the site boundary.
- The house has a floor area of 164sqm and is part 2 storey part single storey with main bedroom and bathroom downstairs to accommodate accessible living. The useable south facing garden is 120sqm.
- The main living and outdoor areas are located on the opposite side to the Rookery Woods thus minimising privacy and overlooking issues.
- There are no windows on the first floor that directly overlook the gardens of adjoining Rookery Woods and the three ground floor windows are service windows and can be

opaque if deemed necessary.

- The height ridge height is 7.65m with the majority of the building 3.7m in height with a finish floor level of 30.85m. The development is significantly below the ridge height of Rookery Woods and will have minimal impact on the daylight to the end of the rear garden (considering the existing planting) and no impact on daylight provision to the existing houses.
- The site is currently part of the applicants private garden and not a public amenity space. It is set out that there is only 1 native ash tree on site with evidence of ash die back. A small leaved lime and 2 no. European hybrid lime were also identified. These are non-native and the root structure of the lime has spread proud of the ground and is a trip hazard and will be removed.
- The landscaping plan submitted incorporates biodiversity enhancements including sustainable drainage and appropriate planting consistent with Irelands National Pollinator Plan 2021-2025.
- The development is in keeping with the land use zoning, aligns with planning policy on infill, the scale and height will have minimum impacts or overlooking and it is set out that the adjoining residences are not entitled to a view of the private garden. The provision of screening was provided for under 16/780 and the onus is not on the applicants to provide this screening.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

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

- Principle of Development
- Residential Amenity

- Landscaping & Biodiversity
- Other Matters

7.2. Principle of Development

- 7.2.1. Permission is sought for the construction of a contemporary part two storey part single storey dwelling of 164sqm on a 0.04ha. in area. The subject site is located on land zoned R2 'Existing Residential' with the objective to 'provide for residential development and protect and improve residential amenity described as 'for existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development'. The development of a residential unit is therefore permissible within this zoning.
- 7.2.2. I further note that Policy Objective KCDP 4-27 seeks to prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.
- 7.2.3. The proposed site is the subdivision of a larger residential plot and is currently in use as a private garden. I note the applicants propose to downsize form their large family home to the north of the site to the proposed development. While the third parties contend that the site is backland development, this is not the case as the site has direct frontage onto the estate road. Similarly, the site is an underused private garden space and as such the development of a residential unit of the site would be consistent with Policy Objective KCDP 4-27 and Objective KA 15 to '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.'
- 7.2.4. The principle of the proposed dwelling in therefore in accordance with the zoning of the site subject to detailed consideration below and consistent with KCDP 3-4 to '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'.

7.3. Residential Amenity

- 7.3.1. Third parties contend that the proposed development will have a negative impact on their residential amenity and will result in overlooking, loss of privacy, intervisibility and the height and location it will cause overshadowing to habitable rooms and loss of light to outdoor space. Concern is also raised the development does not comply with compliance with

minimum set back requirements.

7.3.2. In terms of overlooking there are no first floor windows facing the rear elevations of the residential units to the northeast of the site (Rookery Woods). First floor bedroom windows are positioned in the south facing elevation looking onto the proposed garden. SPPR1 of the Compact Settlement Guidelines establishes a separation distance of at least 16 metres between opposing windows serving habitable rooms at first floor level, however SPPR1 goes on to state that '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'. In this instance as set out above there are no windows in the rear elevation and therefore no opposing first floor windows. In addition, the Commission will note that the proposed eastern most first floor window is blocked from any direct views by the building alignment looking southeast. I am satisfied that the proposed development will not unduly overlook the development to the east of the site.

7.3.3. Regarding concerns raised about compliance with separation distances SPPR1 states that 'there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy'. The separation distance between the proposed dwelling and the rear site boundary ranges from a minimum of 1.7m to a maximum of 2.5m. While I accept that the third parties may perceive the development will result in a loss of privacy, by virtue of the fact that:

- the proposed development does not overlook the rear gardens of the residential properties to the east;
- the two storey element of the proposed design extends to only 8.45m of the overall dwelling length of 22.0m;
- the site is between 0.6m and 1.25m lower than the gardens of neighbouring properties in Rookery Woods;
- the landscaping plan includes the construction of a new plastered and capped 2m high rear boundary wall, which would not be uncommon in an urban area and will ensure no ground floor windows will look directly into the rear gardens of the adjoining properties,

I am satisfied that the development will not result in any loss of privacy and the separation distances are acceptable.

- 7.3.4. Therefore, the proposed development is in compliance with SPPR1 of the Compact Settlement Guidelines, in my opinion, and I am satisfied that the design has adopted a considered approach to ensure the protection of the amenity and privacy of the adjoining properties to the northeast of the site. This is consistent with Section 1.5.4.10 *Minimum Separation Distance* of the Development Plan which advocates that separation distance '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.'
- 7.3.5. With respect to concerns raised about overshadowing and loss of light. The applicant in response out the appeal sets out that the development is significantly below the ridge height of Rookery Woods and will have minimal impact on the daylight to the end of the rear garden (considering the existing planting) and no impact on daylight provision to the existing houses.
- 7.3.6. The Commission will note that the development is located to the west-southwest of the properties at Rookery Woods. By avoiding obstructions to the south, the development can protect sunlight penetration to both amenity spaces and rooms of adjoining properties. The sun is at its highest point in the sky around midday resulting in shorter shadow casts. Having regard to building orientation addressing west/south-west and not directly south and combined with the predominantly a single storey structure ranging in height from 3.7m to 4.750m to a maximum of 7.650m over a limited 8.45m, while I accept that a degree of overshadowing and loss of light is acceptable in an urban context, I am satisfied that development will not determinately reduce sunlight to the rear garden of the properties in Rookery Woods nor will there be any significant loss of light or overshadowing.
- 7.3.7. Notwithstanding, the above and in order to reduce any perceived sense of overbearing impact and assist in the protection of light to adjoining gardens, the mono-pitch raised roof extending over the living area to the south of the site shall be reduced in height from 4.750m to 3.7m to reflect consistency with the other single storey sections of the proposed dwelling.

I am satisfied that this matter can be addressed by way of condition should the Commission be minded to grant planning permission.

7.3.8. Regarding the intervisibility of the scheme, this site is located in an urban area and the intervisibility of various forms of development is a common occurrence. I have no concerns in this regard.

7.3.9. Overall, I am satisfied that the proposed contemporary design approach is acceptable and will not have a detrimental impact on the established amenities of the adjoining properties subject to compliance with the attached schedule of conditions. I am further satisfied that the proposed development is consistent with the general character of the residential area which incorporates a mix of unit types and designs. This conclusion is based on the existing site context.

7.4. Landscaping & Biodiversity

7.4.1. Concerns were raised about the loss of trees, the impact on wildlife including the presence of mature trees likely to support bats and nesting birds and loss of visual amenity. It is argued that the application is based on deficient environmental, ecological and amenity assessments and no baseline biodiversity data was collected.

7.4.2. As regard the baseline, the site is a landscaped private garden with manicured lawn and laurel hedging along the boundaries which offer limited ecological value.

7.4.3. However, the Commission will note that in response to RFI a revised landscaping scheme incorporating a tree survey was submitted. 4 no. trees were identified on site, one native ash tree with evidence of ash die back, a small leaved lime and two no. European hybrid lime were also identified. The 4 no. trees identified on site are proposed for removal. I refer the Commission to the Tree Survey submitted in response to RFI received 31st October 2025, having regard to this report, I am of the opinion the tree no. 4 *Tilia x europae* located to the extreme southwest of the site and identified in good condition can be retained as this is located in the proposed garden area of the house and the applicant has not provided adequate justification for its removal. I accept that owing to the ash die back the ash tree will be required to be removed and similarly trees no. 2 and 3 are located in proximity to the proposed dwelling and the development works will compromise the trees.

- 7.4.4. While third party concerns were raised that the tree survey was not prepared by an arborist and omits BS5837 data. I am satisfied that owing to the scale of the development and the limited number of trees of site that the survey is acceptable.
- 7.4.5. In addition to the above the comprehensive landscaping scheme submitted seeks to maximum green areas incorporating native tree planting, a biodiverse corner, pollinator perennials and grasses and a series of sustainable drainage systems including bioretention garden measures etc. Overall, the landscaping reflects consistency with planting for biodiversity and takes cognisance of the All-Ireland Pollinator Plans 2015-2020 as issued by the National Biodiversity Data Centre along with the most up to date 'Plants for Pollinators' plant lists as issued by the RHS and will assist in addressing the objectives of the National Biodiversity Action Plan (NBPA) 2023-2030. The scheme will result in a welcome biodiversity net gain on the site and is therefore acceptable.
- 7.4.6. In relation to concerns raised about bats, I refer the Commission to Appendix 2 and section 8.0 below. Regarding the potential for nesting bird in the trees on site under the Wildlife Act damaging active nests is a criminal offense and tree felling during the bird nesting season (March 1 to August 31) is generally prohibited. The felling of any trees will be required to take place outside of the nesting season.
- 7.4.7. In summary, I am satisfied that the proposed landscaping and biodiversity enhancement proposed are acceptable in the context of this urban infill site.

7.5. Other Matters

Traffic

- 7.5.1. Concern was raised about traffic and access deficiencies. The proposed development is for a single dwelling house on zoned lands in an urban area. The site is accessed via Hawthorn Avenue an existing access road serving the wider residential estate, the access road provides for two lanes of vehicles and is serviced by footpaths on either side. I am satisfied that the access is acceptable and that the traffic generated by a single dwelling house would not be significant to generate a traffic hazard. Nor would the development interfere with emergency vehicles access the wider area. Regarding the location of the entrance close to a bend in the estate road, I note the PA raised no concerns in this regard, I further note the speed limit in estates in Killarney is 30kmph and visibility in both direction at the proposed entrance is unobstructed. I have no concerns in this regard.

7.5.2. In the interest of safety and residential amenity a condition relating to construction management and traffic management should be included in any grant of planning permission should the Commission be minded to grant.

Drainage

7.5.3. Concern was raised about drainage and flood risk deficiencies' in so far as the stormwater relies on a soak pit and the reliance on SUD's measures lacks engineering justification. The Commission will note that Section 6.2.3 *Housing for Sustainable Communities* of the Development Plan establishes that it is a policy of Kerry County Council to 'promote biodiversity, the use of SuDs and other nature-based solutions in the design, construction and maintenance of residential developments. Furthermore, Objective KCDP 13-26 seeks to 'promote and support the retrofitting of Sustainable Urban Drainage Systems (SuDS) in established urban areas. Where possible incorporate nature-based solutions.' The proposed stormwater strategy is consistent with the Development Plan objectives. While I note the concerns of the third parties, given the minor nature of the development, I am satisfied that the stormwater generated by the proposed development can be managed on site through SuDs measures proposed to ensure stormwater runoff rates and volumes from the developed site do not exceed greenfield rates. In the event the Commission is minded to grant planning permission a suitable condition can be attached requiring the applicant determine the volume of runoff the site will generate and that the SuD's measures proposed can adequately accommodate this volume.

7.5.4. I am satisfied that the use of SuDs is in accordance with the Development Plan objectives and subject to a condition requiring the applicant demonstrate suitable capacity to accommodate runoff to greenfield rate I am satisfied that the site is not a risk of flooding nor will it increase flood risk elsewhere and stormwater generated will be actively managed on site.

8.0 AA Screening

8.1. See completed screening determination form in Appendix 2. The Commission will note the concerns raised as regards bats and I have addressed this matter in Appendix 2 of this report. Owing to the limited ecological value of the site, I am satisfied that the development will not have a significantly detrimental impact on bats including the Lesser Horseshoe Bat.

8.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the

proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, namely Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.3. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by the Local Authority

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 **Water Framework Directive**

9.1. The subject site is located c. 200m northwest of the River Flesk waterbody (IE_SW_22F020310 (good water body status) and the groundwater body is IE_SW_G_048 Luane Muckross (good water body status). I refer the Commission to Appendix 2 of this report.

9.2. The proposed development comprises construction of a dwelling house.

9.3. I have assessed the proposed dwelling 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 including the disposal of effluent via an on-site wastewater treatment system in accordance with EPA standards and the implementation of SUDs measures on site and , 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. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development.

- Location-distance from nearest water bodies and lack of direct hydrological connections.

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

10.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028 including the R2 Residential land use zoning of the site, to the pattern of development in the area, to the infill nature and size of the site and the separation distance from existing dwellings, and to the design of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of impacts on traffic. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27 th April 2025 as amended by the further information received by the planning authority on 31 st October 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.
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	Reason: In the interest of clarity
2	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority revised plans and particulars as follows:</p> <p>(a) the mono-pitch raised roof extending over the living area to the south of the site shall be reduced in height from 4.750m to 3.7m to reflect consistency with the single storey sections of the proposed dwelling.</p> <p>Reason: In the interest of proper planning and orderly development and in the interest residential amenity.</p>
3	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority revised details and drawings, as may be required setting out the volume of runoff the site is likely to generate and demonstrate that the SuD's measures proposed can adequately accommodate this volume.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area</p>
4	<p>(a) Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority a revised landscaping plan providing for the retention of tree no. 4 Tila x europae located to the extreme southwest of the site.</p> <p>(b) Within 1 year of the completion of the development, the developer shall submit a certificate of compliance prepared by a suitably qualified person stating that all landscaping conditions and requirements pertaining to the grant of planning permission have been complied with.</p> <p>(c) Landscaping and drainage arrangements shall be maintained in accordance with the plans and particulars received by the Planning Authority on the 31/10/2025, unless otherwise agreed in writing with the Planning Authority in accordance with point (a) above and condition no. 3.</p> <p>Reason: In the In the interest of clarity and the proper planning and sustainable development of the area</p>

5	<p>There shall be no clearing, cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during period beginning on 1st March to 31st August.</p> <p>Reason: To protect nesting birds and other wildlife.</p>
6	<p>The use of external lighting within the site shall be minimised and where required this lighting shall be targeted downwards and shall be fitted and maintained with 'warm white spectrum' bulb type lighting with 2700K or lower.</p> <p>Reason: In the interests of clarity, biodiversity protection and the proper planning and sustainable development of the area.</p>
7	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann to provide for a service connection(s) to the public water supply and/or wastewater collection network</p> <p>Reason: in the interest of public health</p>
8	<p>Proposals for a naming/numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.</p> <p>Reason: in the interest of urban legibility</p>
9	<p>All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p>Reason: In the interest of amenity</p>
10	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: To safeguard the amenity of property in the vicinity
11	<p>The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.</p> <p>Reason: in the interest of public safety, environmental protection, and residential amenity</p>
12	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: in the interest of sustainable transport and safety.</p>
13	<p>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</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

Irené McCormack
Senior Planning Inspector

23rd June 2026

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500508-KY-25
Proposed Development Summary	Construct dwelling and associated site works
Development Address	Hawthorn Avenue , Woodlawn , Killarney Co. Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) >500 dwellings

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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

Case Reference	PL-500508-25-KY
Proposed Development Summary	Construct dwelling and associated site works
Development Address	Hawthorn Avenue , Woodlawn , Killarney Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>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).</p>	<p>The proposed development is for residential development in an urban area. The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential cluster environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster. The increased height and scale are not considered to result in significant environmental effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g., wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located in an urban area, and the development is consistent with the established landscape character. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>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).</p>	<p>There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
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Appendix 2: Standard AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500508-25-KY	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Permission for the construction of dwelling. The subject site is located c. 200m northwest of the River Flesk waterbody.</p> <p>A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Kerry County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kerry County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Killarney National Park, McGillicuddy and Caragh River Catchment SAC (Reference: 000365) located c.200m northwest and the Killarney National Park Special Protection Area (SPA) 1.2km southeast of</p>
Screening report	N
Natura Impact Statement	N
Relevant submissions	N/A
No nature conservation concerns were raised in the appeal.	

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

The proposed development site is not located within or immediately adjacent to any site designated as a European Site. The boundary of the nearest European Site, Killarney National Park, MacGillycuddy and Caragh River Catchment SAC (Reference: 000365) is c.200m of the proposed development.

Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC is a very large site encompasses the mountains, rivers and lakes of the Iveragh Peninsula, and the Paps Mountains which stretch eastward from Killarney towards Millstreet. The majority of the site is in Co. Kerry, with a small portion in Co. Cork. This is the most mountainous region in Ireland and includes Carrauntoohil, the highest peak in the country at 1,039m. The underlying geology is almost entirely Old Red Sandstone, although Carboniferous limestone occurs on the eastern shores of Lough Leane, and rhyolitic lavas occur above Lough Guitane. The dramatic sandstone ridges and valleys have been shaped by glacial processes and many of the lakes are impounded by glacial moraines. Located close to the Atlantic in the southwest of Ireland, the site is subject to strong oceanic influences. Generally, Lusitanian flora and fauna is well-represented, while the high peaks and cliffs support arctic alpine relicts.

Given the limited scale of the proposal, the location within an established urban environment and lack of ecological connections, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC	Habitats: [3110] Oligotrophic Waters containing very few minerals [3130] Oligotrophic to Mesotrophic Standing Waters [3260] Floating River Vegetation [4010] Wet Heath [4030] Dry Heath [4060] Alpine and Subalpine Heaths [5130]	0.200km	Indirect via surface water discharge	N

	<p>Juniper Scrub [6130] Calaminarian Grassland [6410] Molinia Meadows [7130] Blanket Bogs (Active)* [7150] Rhynchosporion Vegetation [91A0] Old Oak Woodlands [91E0] Alluvial Forests* [91J0] Yew Woodlands*</p> <p>Species: [1024] Kerry Slug (Geomalacus maculosus) [1029] Freshwater Pearl Mussel (Margaritifera margaritifera) [1065] Marsh Fritillary (Euphydryas aurinia) [1095] Sea Lamprey (Petromyzon marinus) [1096] Brook Lamprey (Lampetra planeri) [1099] River Lamprey (Lampetra fluviatilis) [1103] Twaite Shad (Alosa fallax) [1106] Atlantic Salmon (Salmo salar) [1303] Lesser Horseshoe Bat (Rhinolophus hipposideros) [1355] Otter (Lutra lutra) [1421] Killarney Fern (Trichomanes speciosum) [1833] Slender Naiad (Najas flexilis)</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Due to the nature of the development site and the presence of a buffer area between the site and the River Flesk, I consider that the proposed development would not be expected to generate

impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During site clearance and construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. During operation stage surface water will be disposed of via on site sock pit and SUD's measures will be implemented on site including bio-retention rain garden and bin storage will be provided with a light sedum roof.

I note the concerns raised in the appeal as regards bats and the lack of a bat survey with particular reference to the trees on site. The Commission will note that the SAC supports two E.U. Habitats Directive Annex II species including the Lesser Horseshoe Bat, with a total population of about 300 individuals distributed at several locations, including both nursery and hibernation sites. Map 10: Killarney National Park, Macgillycuddy's Reeks And Caragh Reeks River Catchment Sac Conservation Objectives Lesser Horseshoe as identified on the NPWS website (reviewed 4/6/2026) identified the closest Roosts ID 263 and 296 to the west of the site. However, Map 10 does not identify the site as a potential foraging ground for the Lesser Horseshoe Bat.

Furthermore, the conservation objective targets establishes 'no significant decline' in the extent of potential foraging habitat and 'No significant loss, within 2.5km of qualifying roosts.' On this basis and having particular regard to the small scale nature of the development and the already established lack of/broken vegetation connectivity as a result of development and the identified ash dieback on site which will result in the removal of the ash tree on site, I am satisfied that the development will not result in significant detrimental impact on the commuting routes and foraging grounds of the Lesser Horseshoe Bat. Nor will the development generate significantly more lighting than the already established urban housing immediate to the site.

I draw the Commission's attention to the report from the KCC Biodiversity Officer which sets out that:

'The site is an infill one, located on zoned land characterised by amenity grassland with a hedgerow dominated by laurel to the east and with a number of non-native trees along the roadside. These trees are relatively young in age and are not considered to be of significant ecological value. They are located close to the roadside and associated street lighting and do not offer roosting opportunities for bats. Bat activity in the area can be expected though the habitat is not suitable for lesser horseshoe bats. There is no potential for the proposal to effect habitat of importance for LHBs or to otherwise effect any European Natura 2000 site, as there is no realistic pathway for impact. Overall, the proposed site is not considered to be of high ecological value.'

The contained nature of the site with no direct ecological connections or pathways and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to distance and lack of meaningful connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.

In combination effects

Having reviewed Kerry County Council and An Bord Pleanála's online mapping systems, I do not consider that there are any projects, which could have the potential to have significant in combination effects on a European Site when considered alongside the proposed development. Similarly, I am not aware of any plans that could have the potential to have in-combination effects on a European Site when considered alongside the proposed development.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by the Local Authority

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 3 – Water framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500508-25-KY	Townland, address	Hawthorn Avenue , Woodlawn , Killarney Co. Kerry
Description of project	Construct dwelling and associated site works		
Brief site description, relevant to WFD Screening,	The site is an infill site in a urban area surrounded by residential development. The subject site is located c. 200m northwest of the River Flesk waterbody.		
Proposed surface water details	Surface water will discharge to a soak pit on site.		
Proposed water supply source & available capacity	Connection to Public Water. Uisce Eireann Capacity Register reviewed 2/6/2026 indicated 'Capacity Available - LoS improvement required'		
Proposed wastewater treatment system & available capacity, other issues	Connection to Public Wastewater . Uisce Eireann Capacity Register reviewed 2/6/2026 indicated '• Green = spare capacity available.'		
Others?	Not applicable		

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	200m	River Flesk waterbody (IE_SW_22F020310)	Good	Not At risk	None	Not hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying site	IE_SW_G_048 Luane Muckross	Good	At risk	Agriculture	Free draining soil conditions.

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.	Surface	River Flesk waterbody (IE_SW_22F020310)	None	None	None	No	Screened out
3.	Ground	IE_SW_G_048 Luane Muckross	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out

OPERATIONAL PHASE

3.	Surface	0010	None	None	None	No	Screened out
4.	Ground	0020	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						