



An
Coimisiún
Pleanála

Inspector's Report

PL-500977-KY-26

Development	Retention of dwelling and design change to that granted under 23/305
Location	Port Rd, Dereen Coollegrean, Killarney Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	25/61008
Applicant(s)	Fossa Ventures LTD
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant	David Geary
Observers	None
Date of Site Inspection	21st May 2026
Inspector	Suzanne White

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1.0 Site Location and Description

- 1.1. The site is situated on the northwestern edge of the town of Killarney, approximately 1km from the town centre. The site is located on the eastern side of Port Road (R877) and is accessed via an existing gate and internal private access road serving the Parklands Estate, which bounds the appeal site to the north.
- 1.2. The site forms part of a wider site, for which planning permission was granted by the planning authority under PRR 23/305 for a nine-dwelling scheme. The subject site is located within the northwestern corner of that wider site. Construction has commenced on site and a two-storey dwelling has been erected but was unfinished on the day of my site visit. Levels on site slope down from northwest/west to southeast/east.
- 1.3. The wider area is residential in character. To the north is the Parklands Estate of two storey detached dwellings, while to the east and south is the Millwood Estate which comprises a mix of single and two-storey detached and semi-detached dwellings. To the west, beyond the internal access road and Port Road is Killarney National Park.
- 1.4. The site area is 0.046ha.

2.0 Proposed Development

- 2.1. The proposed development seeks retention permission for a dwelling house as constructed to date with the design changed from that previously granted under Planning Ref 23/305 on site No. 1, all in accordance with plans and particulars submitted.
- 2.2. The proposed development comprises a two-storey detached 4bedroom dwelling of 168.7sqm. The dwelling would have a pitched roof and the external materials would comprise smooth plaster finish, black slate/tiles to roof, uPVC windows and feature stone cladding to entrance.
- 2.3. The dwelling would have a finished floor level (FFL) of +32.900m. The rear garden area is not stated, but measures c. 200sqm on the submitted plans.
- 2.4. The proposed dwelling design, as revised by further information submitted to the Planning Authority on the 13th January 2026, includes one rear facing first floor

window, serving Bedroom 3. Bedroom 4 would be served by 1no. window, facing west.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development, by order dated 18th February 2026, subject to 7no. conditions.

Conditions

Condition 3 required that the dwelling is not used for overnight commercial guest accommodation.

Condition 7 required that: bamboo screening (or similar) be planted between the western side boundary and the proposed dwelling; a practical completion certificate be submitted from a Landscape Consultant on completion of the landscaping works; and no external light to be fitted to any western elevation wall of the dwelling.

Further Information

Prior to making a decision on the application, the planning authority requested further information from the applicant on the 19th December 2025. The information requested included:

- A request to increase the height of the western boundary so as to align with that approved under PRR 23/305.
- Details to show that the proposed development was aligned with details submitted in compliance with landscaping conditions for PRR 23/305.
- Proposals for planting of bamboo screening (or a suitable alternative) along the western boundary of the dwelling, to be maintained to a height of 4-5 metres.
- Omission of the rear facing first floor window serving Bedroom 4.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the initial Planner's Report dated 18th December 2025 may be summarised as follows:

- The application proposes to retain the dwelling house as constructed. Planning permission was granted for 9 houses under pp ref 23/305. Development has not commenced on the remainder of the 23/305 permission.
- The change in design allows for windows at first floor level looking towards the properties at nos. 14 and 15 Parklands to the rear. The window serving bedroom 3 is at an acceptable distance from the rear boundary. The window serving bedroom 4 on the rear boundary should be omitted.
- Further information required in respect of landscaping proposals.
- The proposed development would not have required an AA, EIAR or determination as to whether an EIAR would have been required.

The main points of the initial Planner's Report dated 18th February 2026 may be summarised as follows:

- All of the issues raised in the request for further information have been addressed in particulars received on 13/01/2026.
- A revised landscaping scheme has been submitted which addresses the issues raised in the further information request.
- The applicant had written to the planning authority repeatedly to state that the site notices were being removed maliciously. The site notice was in place on the day of site inspection.
- The first-floor window of bedroom 4 has been omitted as requested. The objector has stated that his dwelling house is overlooked by bedroom no 3 also. It is considered that there is an adequate distance from bedroom no 3 to the rear boundary wall and that overlooking is not an issue.
- The further information submitted does not affect the finding of the screening report completed, which concluded that there is no potential for significant effects to Natura 2000 sites resulting from the development.

3.2.2. Other Technical Reports

Executive Planner & Ecologist, Environmental Assessment Unit (EAU):

Initial report dated 12th December 2025:

- A previously permitted project at this location was screened in for Appropriate Assessment (PLREF:23.305).
- The matters requiring assessment as part of this AA Screening Exercise relate to potential for light and water pollution, as could significantly affect qualifying interest habitats and species for this SAC / European Site (Killarney National Park MacGillycuddy Reeks & Caragh River Catchment SAC).
- Concludes that the development concerned is not likely to have made or to make any discernible change to light pollution or water quality within the Killarney National Park MacGillycuddy Reeks & Caragh River Catchment SAC as could possibly result in significant effects.

Report dated 17th February 2026, following receipt of further information:

- No objection raised to the landscaping or other aspects of the proposals for this application. Comments raised in respect of aspects of the concurrent application (PRR 25/61009), but notes that these can be dealt with as part of that application.
- Conditions recommended in respect of landscaping, boundary treatment and lighting to be added.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – request that the planning authority has regard to the provisions of relevant official policy in relation to transport.

3.4. Third Party Observations

One third party submission was received by the planning authority, from the appellant in this case. I consider that the points raised are adequately covered in the grounds of appeal, summarised in Section 7 below.

4.0 Planning History

Appeal site

23/305: Permission granted, subject to 31no. conditions, for the construction of 9 dwelling houses with all associated site works. An NIS has been submitted with this application.

Condition 8 required omission of first floor patio areas and required a reduction in glazing on the front of House Type A dwellings.

Condition 27 required that all mitigation measures set out in in the Natura Impact Statement and Invasive Species Management Plan shall be fully implemented and that the proposed 1m high LED bollard lighting shall not be replaced with alternative higher-level lighting without prior authorisation from the planning authority.

Condition 28 specified a Construction Management Plan, which included a 2m high screen to be installed as a light barrier between the development and Killarney National Park and monitoring of construction works by an Ecological Clerk of Works.

Condition 29 required that any external lighting consist of downward directional external light fittings, warm white LED lights (2700 Kelvin or lower) with no UV elements and a peak wavelength higher than 550nm.

Condition 31 required a revised landscaping plan, including provision of a dense evergreen hedge (including a holly) to be maintained as a tall dense permanent light barrier between the development and Killarney National Park.

Lands adjacent to east and south:

PL-501342-KY-26 (25/61009): current appeal in relation to proposal to change design of 8 nr dwelling houses from that previously granted on Planning Ref 23/305, on sites Nr 2 – Nr 9, all in accordance with plans and particulars submitted.

Lands adjacent to the north (Parklands Estate):

22/675: Permission granted to (a) create additional public amenity space in lieu of former tennis court, (b) permission to erect steel railing on existing boundary wall and set back the entrance, wing walls, sliding entrance gate, (c) retention permission to

retain all the development within all revised site boundaries and all ancillary services and all associated site works.

18/1270: permission granted (a) to retain housing development as constructed, all within revised site boundaries (b) permission to alter and construct new boundaries around house numbers 5 and 8, and all site development works.

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. On the 19th January 2026, Proposed Variation No.2 of the Kerry County Development Plan 2022-2028, relating to Killarney Municipal District Settlements' Plan, was adopted by the Council. Variation No.2 provides a settlement plan for the Killarney Municipal District Area, replacing the Killarney Town Development Plan as contained in Volume 2 of the Kerry County Development Plan 2022-2028 and the Killarney Municipal District Local Area Plan 2018-2024.

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

Killarney Municipal District Settlements' Plan

The site is zoned 'R1 – New/Proposed Residential' under Variation No.2 of the County Development Plan 2022-2028. The zoning objective (set out in Volume 6 of the CDP 2022-2028) is "Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure." The zoning description is: "For new residential areas/town extensions to ensure the provision of high quality new residential environments. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of new residential communities."

The adjacent site to the north is zoned 'R2 – Existing Residential', with the objective: "Provide for residential development and protect and improve residential amenity".

KCDP KY-21 Ensure, that all new development located on main entrance routes to the town positively adds to the streetscape/urban edge by promoting sense of place, quality, distinctiveness and high-quality urban design.

KCDP KY-27 Facilitate the development of 1,277 residential units within the Killarney Town boundary in accordance with the Core Strategy (Table 3.7) housing target for Killarney town in the Kerry County Development Plan 2022 - 2028.

2.1.9.4.1 Lesser Horseshoe Bat (LHB) Considerations

The conservation objective report for the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC has identified and named three Lesser Horseshoe Bat Roosts that are located within Killarney National Park and in close proximity to Killarney Town. Lesser horseshoe bats normally commute along and forage within woodlands/scrub 2.5km of roosts. The species follows linear features as commuting routes from roost to foraging grounds and do not cross open ground. Consequently, linear features located within 2.5Km of key roosts, such as hedgerows, treelines and stone walls may provide vital connectivity for this species. Lesser horseshoe bats are very sensitive to light pollution in proximity to commuting, roosting or foraging routes. Accordingly, the location and design of artificial lighting and of proposals which would attract artificial lighting, need to be carefully considered in Killarney Town and its environs. The LHB population in Killarney is currently at favourable conservation condition. It is important for nature conservation purposes and to facilitate the sustainable growth and expansion of the town that reasonable opportunities for LHB habitat enhancements are identified and undertaken as part of development proposals. This approach will help safeguard the LHB population and facilitate growth of the town. Examples of enhancement measures include adjustment of existing lighting arrangements, landscaping / tree planting and or roost structure provision.

KCDP KY-48 Ensure that there is no significant decline in the extent of potential foraging habitat or significant loss of linear features / commuting routes associated with Lesser Horseshoe Bat Roosts named in the Conservation Objective Report for the Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC.

KCDP KY-80 Facilitate the interconnection of links as contained in the Killarney LTP.

County Development Plan 2022-2028 Volume One - Written Statement

Chapter 3: Core Strategy

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

Chapter 4: Towns and Villages

KCDP 4-40 Ensure that developments have regard to the Ministerial Guidelines, Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities the DHPLG (2020), Urban Development and Building Heights – Guidelines for Planning Authorities DHPLG (2018) and Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) DEHLG (2009).

KCDP 6-3 Continue to support the creation of sustainable communities throughout the County by facilitating the creation of attractive neighbourhoods where there are strong links and connections to local services, community facilities and employment areas and where walking, cycling, and public transport is prioritised and which supports the retention of existing ecological features and supports the planting of native species in green and public areas.

Chapter 7: Housing for All

KCDP 7-8 Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the policies of the NPF, RSES, Housing for All and the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 (DoEHLG).

Chapter 11: Environment

KCDP 11-28 Encourage the provision of locally provenanced native tree species including those recommended by the All-Ireland Pollinator Plan as part of development landscaping schemes.

Development Plan Volume 6:

1. Development Management Standards and Guidelines.

1.5.4.2 Estate Design

1.5.4.4 Public Open Space

1.5.4.6 Private Open Space

1.5.4.10 Minimum Separation Distance

1.5.4.11 Screen Walls in Urban Areas

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

National Planning Framework – First Revision April 2025

NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Section 28 Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

5.3. **Natural Heritage Designations**

The nearest designated sites to the appeal site are:

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and pNHA (000365) c. 25m to the west
- Killarney National Park SPA (004038) c. 34m to the west
- Sheheree (Ardagh) Bog SAC and pNHA (000382) c. 3.6km to the south
- Castlemaine Harbour SAC & pNHA (000343) c. 4.4km to the north
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 15.9km to the northeast
- Blackwater River (Cork/Waterford) SAC (002170) c. 16.5km to the east

- Castlemaine Harbour SPA (004029) c. 17.5km to the northwest
- Anna More Bog NHA (000333) c. 13.9km to the north

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.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received, from the occupier of the existing dwelling to the north of the appeal site. The issues raised in the Appellant's grounds of appeal may be summarised as follows:

- The subject structure was commenced and built in contravention of PRN 23/305. An enforcement case was opened by the Planning Authority. Work continued on site after the planning application was lodged. The developer has not adhered to the conditions of PRN 23/305. Consider that this shows the unlikely compliance with future conditions. History of compliance should preclude the developer from the benefit of retention permission.
- Consider that, due to section 34(12) of the Planning and Development Act 2000, as amended, the planning authority was precluded from considering the retention application in the first case. Environmental reports, including a Natura Impact Statement, were requested as further information by the planning authority in relation to PRN23/305. These documents are required for the site and so the planning authority is legally precluded from considering subsequent retention applications for the site.

- Overlooking: caused by bedrooms 3 & 4 of the proposed development.
- Light reduction: due to the height of the proposed development
- Overbearance: the looming presence of the proposed dwelling severely diminishing the appellant's amenity.
- Reduction in property value: due to overlooking caused.
- Significant differences in the drawings as submitted and structure as built, in terms of: the height of the first floor windows; the depth of the roof; the siting of the structure relative to No.14 Parklands; the orientation of the dwelling; the separation distance to the boundary of No. 14 Parklands;
- Environmental concerns raised in relation to proposed use of Chinese origin bamboo near Killarney National Park. Queries how long it will take for the bamboo to form an effective screen and the potential impact on the bat population in the meantime. The extent of bamboo will appear piecemeal and out of character with native trees and shrubs surrounding, detracting from the look of the area. Query of construction work has been monitored by an Ecologist, as required by Condition 28 of PRN23/305.
- There is opposition locally to the plans (letters from neighbours appended).
- Precedent: the proposal could set a precedence which would be contrary to good governance and encourage breaches of planning permission.
- The grounds of appeal raise detailed points in relation to information stated in the application form, the position of site notices, adherence to conditions relating to materials, the accuracy/consistency of statements made in relation to proposed ground levels and proposed landscaping details.

7.2. **Applicant Response**

The applicant's response to the grounds of appeal may be summarised as follows:

- The planning authority is not precluded from granting permission for the development, this is a misinterpretation of the law. The original application, 23/305, contained an appropriate assessment but this does not imply that the application for retention of alterations to that permission would require such an assessment. All matters relating to potential impacts on the nearby European

site have already been well ventilated in the original application and what is to be determined now is whether the minor alterations to what was previously granted would of its own right require an appropriate assessment. The planning authority concluded that AA was not required in this case. The appropriate assessment governing the original permission still governs the present application.

- The purpose of a retention application is to rectify the planning status of alterations which have been carried out. The existing building could not be considered to be an “unauthorised structure”. Failure to follow proper procedure in regard to pre-development conditions is not the same as failure to apply for planning permission. There is no justification for suggesting that there was a history of non-compliance such as would influence the decision being made in this case. The applicant has now applied for retention permission.
- The applicants have previously amended the layout of the dwelling to facilitate the appellant and there is no basis to contend that the alterations the subject of this application cause interference with amenity. Under the original application the distance from the rear of the dwelling house to the appellant’s boundary was 3.15m and this has been considerably increased by the present application. The rear first floor window has been deleted in the further information submission lodged with the application. The applicant has not yet blocked up the window as they did not wish to carry out any further work pending the result of the appeal. A photograph is more difficult to take a level line from, given difficulty of perspective and the horizontality of the camera position. The applicant confirms that the floor levels shown on the drawing submitted with the application are correct as to what is on site and comply with the original floor levels indicated in permission 23/305. The house is constructed in accordance with the drawings forming the present application.
- The bamboo screening has been agreed with the planning authority and has been agreed through the landscape plan indicated on permission 23/305.
- There is no evidence for widespread support for the appellant’s position. The fact remains that the appellant is the only person who has objected to, or appealed against, this development.

- The application was accepted as valid by the planning authority.
- The revisions made to the design are aimed at improving structural durability and lifecycle performance.
- The applicants have made minor variations which have little or no planning implication and which have been accepted by the planning authority as such.

The applicant's response includes a letter from the applicant's agent regarding floor levels and a copy of the response from the applicant's agent to the warning letter from Kerry County Council.

7.3. Planning Authority Response

A response from the planning authority states that it is satisfied that the relevant issues raised in the third-party appeal were covered in the Planner's Report.

7.4. Further Responses

None.

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
- Impact on adjoining residential amenities
- Environmental impacts
- Other issues

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including dwelling design. 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

- 8.1.1. Permission is sought for the retention of a two-storey detached dwelling house within the built-up area of Killarney town. The site (House No.1) forms part of a wider development of nine dwellings which was originally granted planning permission under PRR 23/305. A proposed change of house design for Units 2-9 of that scheme is the subject of a separate 3rd party appeal, PL-501342-KY-26.
- 8.1.2. Under Variation No.2 of the Kerry County Development Plan 2022-2028, the lands are zoned "R1- Existing Residential" for which the zoning objective is *'Provide for residential development and protect and improve residential amenity'* and the description is *'For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered.'*
- 8.1.3. Having regard to the zoning objective of the lands and to the extant permission for residential development on the site, I consider that the development of a housing unit on the subject site is permissible in principle, subject to accordance with other relevant objectives of the Development Plan.

8.2. Impact on adjoining residential amenities

- 8.2.1. A key concern raised by the 3rd party appellant in their grounds of appeal is potential overlooking from the proposed dwelling, specifically from the windows serving bedrooms 3 & 4 of the dwelling to be retained.
- 8.2.2. The applicant notes, in their response, that the rear first floor window has been deleted in the further information submission lodged with the application.
- 8.2.3. In response to a further information request by the planning authority, the applicant submitted revised plans omitting the rear (north-facing) window serving Bedroom 4. The Planner's Report notes that: *"the first floor window of bedroom 4 has been omitted as requested. The objector has stated that his dwelling house is*

overlooked by bedroom no 3 also. It is considered that there is an adequate distance from bedroom no 3 to the rear boundary wall and that overlooking is not an issue."

8.2.4. Section 1.5.4.10 Minimum Separation Distance of the Development Plan 2022-2028 (Volume 6 Development Management Standards) states that a minimum distance of 22 metres between directly opposing above ground floor windows (first floor) should generally be observed for new, reciprocal overlooking housing, although this will be informed by considerations such as topography, design and housing type and mix.

8.2.5. The revised drawings submitted to the planning authority as further information on 13/01/26, show the rear facing window of Bedroom 4 omitted. Although the window opening is present currently, I consider that this can be required to be blocked up by condition, in the event of a grant of permission. On this basis, I am satisfied that the only potential source of overlooking from the proposed dwelling is the rear facing window of Bedroom 3.

8.2.6. The site layout plan (drawing no. 24-087-02) submitted as part of the application to the planning authority shows the distance from the rear facing window of Bedroom 3 to the boundary with No.14 Parklands to be 9.5m. Measuring from the same plan, the distance from the window to the nearest part of the rear elevation of No.14 is c. 14m. I note the following relevant considerations:

- No14 Parklands is positioned at a higher ground level than the proposed dwelling, is oriented at an angle to the service road and proposed dwelling and has a relatively shallow rear garden depth of c.5-6m. Two of its three side elevation windows (at ground and 1st floor level) are oriented away from the proposed dwelling, towards Port Road. The third window, which is at ground floor level in the side elevation of No.14, overlooks the enclosed rear garden of that dwelling.
- the rear-facing window serving Bedroom 3 of the proposed dwelling to be retained would be set below eaves level of the new dwelling, slightly higher than the ground floor windows of No.14 and set back c. 9.5m from the boundary with No.14. Given the levels difference, orientation of the windows of No.14 towards the road (and not directly opposite the window of Bedroom 3), the separation distance and the intervening existing

boundary treatment, there would be no direct overlooking to the 1st floor window or ground floor window below it.

- given the intervening boundary treatment and the position of the ground floor window facing the rear garden of No.14, there would be no direct overlooking of that window from the window serving Bedroom 3.

8.2.7. Having regard to my assessment above, I consider that the proposed dwelling to be retained would not result in a material adverse impact on No.14 Parklands due to overlooking and would be in accordance with Section 1.5.4.10 of the Development Plan 2022-2028 (Volume 6).

8.2.8. In relation to the issue of overbearance, the appellant refers to the looming presence of the proposed dwelling diminishing their amenity. The design of the dwelling for retention features a staggered rear elevation. The two-storey rear projection of the proposed dwelling would be situated c. 10-11.5m from the nearest point of the side/rear elevation of No.14 Parklands and c. 5.8m from the rear boundary. The remainder of the proposed dwelling, amounting to approximately half its width, would be situated c. 14m from the side/rear elevation of No.14 and c. 9.5m from the rear boundary, also at a height of 2 storeys. The dwelling for retention is set at a lower ground level to No.14 Parklands, such that its ridgeline would be lower than that of No.14.

8.2.9. Overall, considering the lower ground level of the proposed dwelling, the separation distance between the dwellings, the staggered rear building line of the new dwelling, and the orientation of No. 14, I am satisfied that the proposed dwelling for retention would not result in a material negative impact on the residential amenity of occupiers of No.14 Parklands as a result of overbearance.

8.2.10. The grounds of appeal also raise concern that the height of the proposed development will result in a reduction in light at the appellant's property. The proposed development is located to the south of No.14 Parklands and there is therefore the potential for impacts on daylight/sunlight and overshadowing. However, having regard to the separation distance between the dwellings, the staggered footprint and massing of the rear portion of the new dwelling, the lower ground level of the appeal site and intervening boundary treatment, I am satisfied

that the proposal would not result in a material reduction in daylight and sunlight or increased overshadowing of the appellant's property.

8.2.11. Overall, I conclude that the proposed development for retention would not result in material negative impacts on the amenity of neighbouring residential occupiers. The proposed development would therefore be in accordance with the zoning objective for the lands to '*provide for residential development and protect and improve residential amenity*' and with the relevant provisions of Volume 6 Part 1 (Development Management Standards and Guidelines) of the County Development Plan 2022-2028.

8.2.12. I note the related concerns raised in the grounds of appeal in respect of the devaluation of the appellant's property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.3. Environmental impacts

8.3.1. The third-party grounds of appeal raise concerns in relation to the appropriateness of the proposed bamboo on the western boundary of the dwelling, given its proximity to Killarney National Park. They add that the bamboo will appear piecemeal and out of character with native trees and shrubs surrounding, detracting from the look of the area. The grounds of appeal query how long it will take for the bamboo to form an effective screen and the potential impact on the bat population in the meantime. As a related issue, the grounds of appeal maintain that, due to section 34(12) of the Planning and Development Act 2000, as amended, the planning authority was precluded from considering the retention application on the grounds that environmental reports, including a Natura Impact Statement, are required in relation to the application, as were requested as further information by the planning authority in relation to PRN23/305.

8.3.2. The applicant's response to the grounds of appeal maintain that the bamboo screening has been agreed with the planning authority and has been agreed through the landscape plan indicated on permission 23/305.

8.3.3. I have undertaken an Appropriate Assessment Screening exercise for this application (attached as Appendix 3 to this report), which concluded that

the proposed development, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and Killarney National Park SPA (004038), in view of the conservation objectives of these sites. In reaching that conclusion, I assessed the type of lighting proposed to be installed on the site to be low level, generating minimal light spill. I consider that the provision of a 2.2m boundary wall and planting on the western boundary of the dwelling to be standard measures to provide residential amenity and security for future occupiers and to aid the integration of the dwelling within the streetscape. These measures will further reduce any lightspill from the proposed development. I also note the existing context, where there is existing street lighting on the Port Road, between the application site and the SAC. My AA Screening Assessment therefore concluded that the lighting proposed in the development would not result in a significant increase in artificial light intensity along a bat commuting route.

- 8.3.4. I note that the report of the planning authority's Executive Planner & Ecologist concluded that there was no realistic possibility of the proposed development affecting Lesser Horseshoe Bats or creating significant increases in artificial light intensity in Killarney National Park. They noted that light emanating from the dwelling would be blocked and dissipated by the boundary treatment and landscaping (including the boundary wall) forming part of the proposal. These comments were based on the visualisations (Drawing 24-087-08) submitted with the original application which indicated new planting on the western boundary of the dwelling to complement existing. The specification of the proposed planting was not stated. Subsequently, in response to the planning authority's request for further information, the applicant submitted a landscape plan indicating bamboo screening on this boundary. The Executive Planner & Ecologist report, dated 17th February 2026) stated no objection to the proposed planting and recommended a condition requiring that the proposed bamboo screening (or suitable similar alternative to be agreed in writing with the Planning Authority) shall be planted and maintained to a height of 4-5m. A similar condition (Condition 31) was attached to the planning authority's decision in respect of PRR 23/305, but required that the then proposed whitethorn hedging be omitted and replaced with a dense evergreen hedge (composed of a mixture of native holly and one or more non-invasive, but not

necessarily native, species), to be maintained as a tall dense hedgerow so as to act as a permanent light-barrier between the development and Killarney National Park and, in addition, that 3no. medium sized semi-mature trees be planted inside the western boundary of House No.1. That wording reflected the comments (dated 30th April 2024) of the Development Applications Unit in relation to PRR 23/305 which recommended a condition as follows:

"A dense evergreen hedge (composed of one of more non-invasive, but not necessarily native, species) will be planted and maintained to act as a light barrier between the development and the National Park, with a temporary artificial screen of sufficient height erected beforehand while the hedge is growing to full height and width; alternatively, a permanent artificial screen of sufficient height will be erected and maintained indefinitely"

- 8.3.5. It should be noted that the proposed scheme under PRR 23/305 was materially different to the current proposal, in that it was a larger scheme of nine dwellings, the dwellings proposed included external 1st floor terraces and the scheme layout included dwellings facing the SAC. I note that the planning authority notified the Development Applications Unit in respect of the current application and that no response was received.
- 8.3.6. The landscaping scheme proposed for the wider development, under PRR 25/61009, does not propose bamboo in any other part of the site. Policy Objective KC DP 11-28 encourages the provision of locally provenanced native tree species as part of development landscaping schemes.
- 8.3.7. I consider that the proposed bamboo is not a typical boundary treatment in this area and, on account of the amount and prominence of the proposed bamboo in this case, I consider that it would appear incongruous in the context. Having regard to my conclusion in respect of AA Screening I do not consider that bamboo is necessary to mitigate the impacts of the development on the QI species and conservation objectives of the SAC. From my review of the planning history of the site, I note that an evergreen hedge was previously recommended by the DAU and the planning authority's Executive Planner & Ecologist for this boundary, albeit in relation to a different development proposal.

- 8.3.8. Overall, I consider that the bamboo screen is neither necessary to mitigate the impacts of the proposed development on the SAC nor appropriate in the context. I consider that this issue can be addressed by requiring an alternative boundary treatment by condition.
- 8.3.9. Having regard to this conclusion and to my AA Screening conclusion, I consider that Stage 2 Appropriate Assessment is not required in this case. Additionally, given my conclusion set out in Section 6 of this report, I conclude that the proposed development does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.4. Other issues

Procedural matters

- 8.4.1. An issue raised by the appellant in their grounds of appeal is that the applicant has not adhered to the conditions of PRN 23/305 and that their history of non-compliance should preclude the developer from the benefit of retention permission.
- 8.4.2. The applicant notes that the application was accepted as valid by the planning authority.
- 8.4.3. From the details on file, I note that an enforcement file (ref. 10276) was opened by the planning authority in relation to non-compliance with conditions attached to PRN 23/305. The matter of enforcement falls under the jurisdiction of the planning authority. I note that the provisions of Section 35 of the Planning and Development Act 2000 (as amended) are not engaged unless the planning authority considers that any failures to comply with a previous permission are of a substantial nature. In this case, there are no details before the Commission of an enforcement notice having been issued in respect of non-compliance with PRN 23/305. Consequently, I do not consider that the provisions of Section 35 are engaged in this case.
- 8.4.4. A related issue raised in the grounds of appeal is that the proposal could set a precedent by encouraging breaches of planning permission. As noted above, the issue of enforcement falls under the jurisdiction of the planning authority and an enforcement case was opened by the planning authority to investigate the matter.

Accuracy of the submitted drawings

- 8.4.5. The appellant's grounds of appeal raise concern that there are significant differences in the drawings as submitted and the structure as built, in terms of: the height of the first floor windows; the depth of the roof; the siting of the structure relative to No.14 Parklands; the orientation of the dwelling; and the separation distance to the boundary of No. 14 Parklands.
- 8.4.6. The applicant maintains that the house is constructed in accordance with the drawings forming the present application.
- 8.4.7. I examined the structure on site and its position relative to No.14 Parklands. I measured the distance between the rear wall of the proposed structure and the boundary wall with No.14 to be in accordance with the distance indicated on the submitted site layout plans. Overall, I did not observe any significant differences between the proposals detailed in the submitted plans and the structure as built (other than the window opening to Bedroom 4 which is to be blocked up).

Other detailed points raised

- 8.4.8. In addition to the issues addressed above, further detailed points were raised in the appellant's grounds of appeal in relation to the accuracy of information stated in the application form, the position of site notices, adherence to conditions relating to materials and the accuracy/consistency of statements made in relation to proposed ground levels. In relation to the site notices, I note that both the original site notice and site notice relating to the submission of significant further information were deemed acceptable by the planning authority. In relation to materials, the condition referenced required the boundary wall to be stone faced, in order to align with the neighbouring boundary wall to the north. In relation to pre-application consultation, a site visit and issuing of a warning letter would not constitute pre-application consultation. In relation to the proposed ground levels, having reviewed the file for PRR 23/305, I am satisfied that there is no change to the finished floor level (32.90m) of the dwelling approved on site under PRR 23/305 and that now proposed.

9.0 AA Screening

- 9.1. 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 Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) and Killarney National Park SPA (004038) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The location of the site within an existing built-up area, with service connections available.
- The qualifying interests and conservation objectives of the Killarney National Park SPA (004038) and Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365).

9.3. Taking into account the screening determination of the planning authority.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission is granted.

12.0 Reasons and Considerations

Having regard to the 'R1 – New/Proposed Residential' zoning objective for the site to "Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure", to the planning history of the site, the pattern of development in the area, the siting, scale and design of the proposed development, and the objectives of the Kerry County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to the environment or biodiversity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of January 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to occupation of the dwelling, the 1st floor rear facing window serving bedroom 4 shall be removed and the opening blocked up and finished in accordance with the proposed House No.1 plans (drawing no. 24-087-03 Rev A), received by the planning authority on the 13th January 2026.

Reason: In the interest of clarity and to protect neighbouring residential amenity.

3. The proposed bamboo screening along the western boundary of the site shall be omitted and replaced with tree and hedge planting comprised predominantly of native species. A revised landscaping plan and particulars for the site, showing the species, variety, number, size and locations of all proposed planting on the site shall be submitted to and agreed in writing with, the planning authority prior to occupation of the development.

Reason: In the interest of residential and visual amenity.

4. Prior to the occupation of the dwelling, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

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

5. All water quality and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the planning authority for written agreement.

Reason: in the interest of public health and surface water management.

6. The external walls and windows of the dwelling shall be neutral in colour, tone and texture.

Reason: To integrate the structure into the surrounding area.

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

Reason: To safeguard the amenity of property in the vicinity.

8. No external light fitting shall be fitted to any west facing elevation wall of the dwelling proposed to be retained.

Reason: In the interest of biodiversity.

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

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

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

Suzanne White

Planning Inspector

16th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500977-KY-26
Proposed Development Summary	Retention of dwelling and design change to that granted under 23/305
Development Address	Port Rd, Dereen Coollegrean , 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.
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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 16th June 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500977-KY-26
Proposed Development Summary	Retention of dwelling and design change to that granted under 23/305
Development Address	Port Rd, Dereen Coollegrean, Killarney, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The c.0.046ha site comprises undeveloped land within the built-up area of Killarney town. The site is serviced. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development has a modest footprint, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development	The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site: • Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and pNHA (000365) c. 25m to the west • Killarney National Park SPA (004038) c. 34m to the west

	• Sheheree (Ardagh) Bog SAC (000382) c. 3.7km to the southeast • Castlemaine Harbour SAC & pNHA (000343) c. 4.4km to the north • Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 15.9km to the northeast • Blackwater River (Cork/Waterford) SAC (002170) c. 16.5km to the east • Castlemaine Harbour SPA (004029) c. 17.5km to the northwest • Anna More Bog NHA (000333) c. 13.9km to the north The development would be located within an existing built up area, with existing residential estates to the north, south and east 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.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location within a built-up area of Killarney town, the absence of direct hydrological links to sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

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: 16th June 2026

Appendix 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500977-KY-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of dwelling and design change to that granted under 23/305. See detailed description in Section 2 of the Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	The 0.046ha site comprises a two storey dwelling nearing completion, with ancillary garden and parking areas. The dwelling is proposed to be connected to the public foul sewer network. SuDS features are included as part of the design. The lands slope up from southwest to northeast. The site is located c.25m east of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and c.34m west of Killarney National Park SPA (004038). Castlemaine Harbour SAC (site code: 000343) is c.4.4km to the northeast. The Deenagh River runs through Killarney National Park c. 50m from the site.

Screening report		N		
Natura Impact Statement		N		
Relevant submissions		The 3 rd party appellant has raised concern that the proposed development may impact on the Lesser Horseshoe Bat and Killarney National Park.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC	Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC National Parks & Wildlife Service	c. 25m west	Indirect via contaminated surface water runoff and disturbance	Y
Killarney National Park SPA (004038)	Killarney National Park SPA National Parks & Wildlife Service	c.34m west	Indirect via contaminated surface water runoff and disturbance	Y

Sheheree (Ardagh) Bog SAC (000382)	Sheheree (Ardagh) Bog SAC National Parks & Wildlife Service	c. 3.7km southeast	No	No
Castlemaine Harbour SAC (000343)	Castlemaine Harbour SAC National Parks & Wildlife Service	c. 4.4km to the north	Hydrological link via Lough Lean and the Laune River	No, given the limited scale of the development and distance to the SAC

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) <u>QI list</u> Oligotrophic waters containing very few	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality and due to construction related	With the implementation of standard construction phase pollution control measures and having regard to the modest

minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	emissions including increased sedimentary and construction related pollution. Increased lighting and noise disturbance during the construction and operational phases.	scale of the development, the separation distance to the SAC and presence of stormwater drainage infrastructure within the access road and Port Road, the possibility of contaminated water reaching the SAC is low. SuDS features proposed as part of the landscaping design will prevent contaminated water leaving the site at operational stage. The Conservation Objectives for Lesser Horseshoe Bat, in relation to light pollution, include the target 'no significant increase in artificial light intensity along commuting routes within 2.5km of roosts'. Significant increase in artificial light intensity along commuting routes within 2.5km of roosts could cause preferred foraging areas to be abandoned, thus increasing the energetic cost for bats. The lighting proposed in the subject development comprises internal light emanating from windows in the western elevation of the dwelling, 1no. low level bollard located in the front garden and 1no. recessed light fitting within the entrance of the dwelling. I consider the type of lighting proposed to be installed on the site to be low level, generating minimal light spill. In the
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Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Geomalacus maculosus (Kerry Slug) [1024] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Euphydryas aurinia (Marsh Fritillary) [1065] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]		context, where there is existing street lighting on the Port Road, I do not consider that the lighting proposed in the development would result in a significant increase in artificial light along the commuting/foraging route of the SAC boundary. A 2.2m high boundary wall is proposed along the western boundary of the dwelling, which would screen light emanating from the ground floor windows. I consider this to be a standard measure and not directly related to the mitigation of impacts on the QI species of the SAC. Bamboo screening is proposed inside the western boundary wall of the dwelling site, the purpose of which as stated in the covering letter submitted by the applicant in response to the planning authority's further information request is to provide a year-round screen to prevent artificial light generated during the operational phase of the development to spill into the National Park. I consider the provision of planting along the western side of the proposed dwelling to constitute a standard measure to aid the integration of the development visually within the streetscape and wider context. Consequently, I do not consider that the bamboo planting proposed is necessary to mitigate impacts on the QI
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Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Alosa fallax killarnensis (Killarney Shad) [5046] Vandenboschia speciosa (Killarney Fern) [6985]		species of the SAC. Although the applicant proposes bamboo planting along the boundary, I note that condition 7 of the planning authority's decision allows for an alternative hedge species to be planted. I note that the notional screening exercise completed by the planning authority's Executive Planner & Ecologist concluded that the development concerned would not have and does not require Appropriate Assessment.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.	
	Impacts	Effects
<u>Site 2</u>: Killarney National Park SPA (004038) <u>QI list</u> Merlin (Falco columbarius) [A098] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Direct: None. Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.	With the implementation of standard construction phase pollution control measures and having regard to the modest scale of the development, the separation distance to the SPA and presence of stormwater drainage infrastructure within the access road and Port Road,

		the possibility of contaminated water reaching the SPA is low. SuDS features proposed as part of the landscaping design will prevent contaminated water leaving the site at operational stage.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
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 Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) and Killarney National Park SPA (004038), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.		