



An
Coimisiún
Pleanála

Inspector's Report

PL-500996-KY-26

Development	Construction of two dwelling houses and upgrade of existing road.
Location	Hillview East, Ballycasheen, Killarney
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560878
Applicant(s)	Joan O'Mahony
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Shelley McEwan Browne
Observer(s)	None
Date of Site Inspection	27 th May 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located at the end of a cul de sac on Hillview East, Ballycasheen, approximately 2km southeast of Killarney town centre. The site is relatively flat, measures a stated area 0.170ha, and is overgrown with vegetation with a number of mature trees along the site boundaries. There are vacant sites to the south and east and there are detached houses to the north, west and further south beyond the adjoining vacant site. Existing dwellings in the immediate vicinity of the site comprise detached dwellings in a variety of styles, including a recently constructed two storey dwelling to the south, two storey dwellings to the north on Hawthorn Avenue and a number of single storey and dormer dwellings to the south on Hillview and Woodlawn Terrace.
- 1.2. The site is accessed via an unsurfaced road off Woodlawn Terrace. Woodlawn Terrace is a one-way vehicular access road with a 30kmph speed limit and which provides vehicular access to the rear of properties fronting on to Woodlawn Road and detached properties on Woodlawn Terrace as well as to Hillview and Hillview East cul-de-sacs.

2.0 Proposed Development

- 2.1. Permission is sought for 2 new detached two storey dwellings each with a ridge height of 8.2m and a total floor area of 123 sq.m. Material finishes comprise smooth plaster and stone cladding. Permission is also sought to upgrade the existing access road serving the site with the access road surface to be upgraded with a mastic asphalt surface course, a stop sign and road markings at the junction with Woodlawn Terrace and road markings to provide for a pedestrian walkway. The proposal includes new connection to the public sewer and water main.
- 2.2. Further information was submitted on 29/01/2026 and 04/02/2026 outlining details relating to a tree survey, proposed landscaping plan and proposals for storm water management.

3.0 Planning Authority Decision

- 3.1. **Decision**

On 25th February 2026 Kerry County Council issued notification of decision to grant permission subject to 14 conditions.

3.1.1. Conditions

Condition 8: (a) All upgrading works to the access road shall be out in accordance with the Design Manual for Urban Roads and Streets; (b) The footpath shall be constructed in accordance with the Standards and Specifications of Universal Design at set out by the National Disability Councils Centre of Excellence in Universal Design; (c) Prior to the commencement of the proposed development, the applicant shall submit updated Drawings 25300HD-SW-P02 and 25300HD-SW-P03, clarifying the anomaly between the kerb note and kerb detail shown in the Typical Kerbside Raingarden Section A-A; (d) Prior to the commencement of the proposed development, all works affecting the properties which are in the charge of Kerry County Council shall be agreed in writing with Kerry County Council; (e) A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations acted upon; Reason: In the interests of orderly development and traffic and pedestrian safety.

Condition 11: (a) The upgrading works to the access road shall be completed prior to occupation of the dwelling houses; (b) The Applicant shall submit a report on the completion of the development, prepared by a third-party consulting engineer, to the planning authority certifying the quality of the works undertaken during the construction of the development. The consulting engineer preparing the report shall have Professional Indemnity Insurance and evidence of the same shall be submitted with the report. Reason: In the interests of orderly development and public safety.

Condition 12: Notwithstanding the provisions of the Planning and Development Regulations 2001, no part of the proposed 2 no. dwelling houses shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission. Reason: In the interests of orderly development and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated 21/11/2025 can be summarised as follows:

- Planning permission for a road serving this site was granted under pp ref 15/1012. That road has not yet been constructed. There is an unsurfaced track serving the dwellings and sites in Hillview East.
- The revised proposal showing a reduction from 4 no dwellings to 2 no. dwellings seeks to address one of the reasons for refusal issued by An Coimisiun Pleanala. It is considered that the proposal for 2 dwellings at this location is acceptable in principle.
- The application proposes to upgrade the surface of the access roadway.
- Further information is required in relation to a landscape plan and proposal for storm water management.

Following a request for further information the planning officers report dated 25/02/2026 can be summarised as follows:

- The issues raised in the request for further information have been addressed in particulars received on 29/01/2026 and 04/02/2026.
- It is recommended that planning permission be granted.

3.2.2. Other Technical Reports

Roads Maintenance and Operational Services Section: No objection subject to conditions.

Housing Estates Unit: Report outlines comments and recommendations relating to the proposal.

3.3. **Prescribed Bodies**

None on file.

3.4. **Third Party Observations**

Two submissions received are summarised in the planning officer's report. The issues raised are similar to issues raised in the third-party appeal.

4.0 Planning History

Appeal Site:

23544/ABP-317591-23: Permission refused by PA and ACP for 4 houses and associated site development works. ACP refused permission for 2 reasons as follows:

1. The Board considered that there are deficiencies in the road network serving the site and surrounding area at (i) Woodlawn Terrace, and (ii) Hillview East, due to inadequate width, pedestrian provision, streetlighting, surfacing as well as sightlines from Hillview East onto Woodlawn Terrace. The proposed development of an additional four housing units, therefore, constitutes a traffic hazard in terms of both traffic and pedestrian safety and is contrary to Sub-Section 1.5.4.1 of Development Management Standards contained in Volume 6 of the Kerry County Development Plan 2022-2028, and, also to the proper planning and sustainable development of the area.
2. The proposed development by reason of its layout and form would be discordant with the established urban grain, out of character with the general pattern of development in the area and, therefore, contrary to the proper planning and sustainable development of the area.

22931: Permission refused by PA for construction of 4 no. dwellinghouses with services and ancillary site works and upgrade existing access road and services. Refusal reasons relate to traffic hazard and concerns relating to overdevelopment, design and layout.

171087 Permission granted by the PA to construct a dwellinghouse and extend existing access road including all ancillary services.

Surrounding Area:

There have been a number of recent permissions granted by the PA for individual dwellings accessed from the laneway serving the appeal site, including ref 16/832; 18/557; and 19/832.

The following recent applications were made on Hillview, a cul-de-sac to the west of Hillview East which is also accessed via Woodlawn Terrace:

2360329 / ABP-321054-24: Permission granted by the PA and ACP to construct two semi-detached dwelling houses and all ancillary site works at site 5, Hillview, Woodlawn, Killarney, Co. Kerry.

2360325 / ABP-321101-24: Permission granted by the PA and ACP to construct two semi-detached dwelling houses and all ancillary site works at site 3, Hillview, Woodlawn, Killarney, Co. Kerry.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Kerry County Development Plan 2022-2028 (as varied) is the statutory development plan for the area. 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 4-27 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.
- 5.1.2. 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 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) DEHLG (2009).
- 5.1.3. Volume 2 of the Development Plan includes Variation No. 2 which provides a settlement plan for the Killarney Municipal District Area, replacing the Killarney Town Development Plan as contained in Volume 2 of the Development Plan and the Killarney Municipal District Local Area Plan 2018-2024. Within the Killarney Municipal District Settlements' Plan the site is zoned objective 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’.

5.1.4. Volume 6 of the Development Plan sets out Development Management Standards for residential development wherein Section 1.5 refers to residential development. In relation to density Section 1.5.2 states that the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on ‘Sustainable Residential Development in Urban Areas’ (2009) or any update thereof. Section 1.5.4 outlines General Residential Development Design Standards. Subsection 1.5.4.1 refers to pedestrian and vehicular movement and includes, inter alia, the following requirements:

- All new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport networks.
- Provision should be made for traffic management proposals in all developments. Where shared surfaces are proposed, vehicle design speeds should be at or near walking pace. This shall be achieved by design features such as curves, ramps, pinch points and other features where appropriate.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outlines 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. Section 3.3.6 Exemptions in subsection (c) states in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out.

5.3. Natural Heritage Designations

The site is located c.230m northwest of the Killarney National Park, McGillycuddy and Caragh River Catchment SAC (Reference: 000365) and 1km southeast of the Killarney National Park Special Protection Area (SPA).

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 appeal has been received from Sean Michael Browne and Shelley Browne and includes a copy of an objection to the planning application by Hillview/Ballycasheen Terrace Residents. The appeal can be summarised as follows:

- Condition 7 requires the development to connect to the public water and foul sewerage system subject to agreement with Uisce Eireann. Infrastructure servicing No. 17 Hillview East, including ESB ducting, foul sewer connections and water mains was privately funded and installed by Kerry Ground Control Ltd. on behalf of the appellant to facilitate their connection to the public network.
- Without an appropriate condition the permitted development could connect to or benefit this privately funded infrastructure without the consent of its owners and without any financial contribution which would be inequitable and inconsistent with the protection of private property rights.
- It is requested that the permission be amended to require the developer:
 - Demonstrate clear legal entitlement to connect to any existing service infrastructure along the access road;
 - Obtain written consent of the owners of privately installed infrastructure before undertaking connection works;

- Make a fair financial contribution to the appellant towards the cost of the infrastructure relied upon;
- Ensure all works prevent damage or interference with existing domestic services.
- The proposal is overdevelopment and inconsistent with the scale and character of surrounding development.
- Hillview East Road is inadequate to accommodate increased traffic, poor sightlines exist at the junction of Hillview East and Woodlawn Terrace and increased traffic movements would create risks for vehicles and pedestrians.
- The proposal will increase bins for collection on roads in the vicinity compromising traffic and pedestrian safety.
- No fire hydrants appear to be proposed on the access road raising concerns regarding emergency service access and public safety.
- There are 4 other sites without planning where non owner occupiers could apply for planning with the potential of having 10 more houses on sites in the estate. The proposal should be for 1 house.
- The road to the rear of Ballycasheen Terrace has reached its limits with cars parked and traffic making access for refuse and oil trucks difficult
- There are environmental concerns relating to clearing of mature trees.

7.2. Applicant Response

- The zoning objective permits subdivision of suitable lands and the density proposed is reasonable and supported by guidelines for planning authorities relating to density.
- Property ownership and cost-sharing of private service pipes/ducting is a civil matter between parties and not a planning matter. Demanding compensation before planning is granted attempts to use the planning process to enforce a civil debt.
- Once connected to a public main, the connection point and mains become part of the public utility, subject to Uisce Eireann Code of Practice.

- Planning conditions require connection to utilities subject to agreement with Uisce Eireann.
- National policy encourages higher densities within serviced areas.
- The site can accommodate two dwellings and associated open space, parking and building lines.
- The proposal includes upgrades to the existing access road and a pedestrian walkway which will improve safety.
- Excessive traffic is unlikely to be generated from two houses.
- Adequate on-site storage is provided for bins. Waste collection is an operational issue.
- Fire safety is governed by Building Control Regulations.
- It is likely that the existing public water main upgrade (condition 7) is sufficient to ensure adequate water pressure, any further upgrades will be subject to Uisce Eireann consent.
- The current proposal addresses previous refusal reasons on the site.
- The appellant has carried out unauthorised works resulting in a traffic hazard.

7.3. Planning Authority Response

None received.

7.4. Observations

None received.

8.0 Assessment

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

- Principle of Development
- Connections to Infrastructure

- Design and Layout
- Traffic Safety
- Precedent
- Other Matters

8.2. Principle of Development

8.2.1. The site is located within the Killarney settlement boundary and is located on lands zoned R2 – Existing Residential wherein ‘Residential Unit’ is permitted in principle. The site is surrounded by existing residential development and is within walking distance of Killarney town centre. I consider the proposal for residential development on this site is acceptable in principle.

8.3. Connection to Infrastructure

- 8.3.1. The appeal outlines that Infrastructure servicing No. 17 Hillview East, including electricity ducting, foul sewer connections and water mains was privately funded and installed by the appellant to facilitate their connection to the public network and that the proposal could benefit from this infrastructure without the owner’s consent or any financial contribution.
- 8.3.2. I note that the application form states that it is proposed to connect to the public water main and sewer to facilitate the proposed development and that there is no submission on the file from Uisce Eireann.
- 8.3.3. The appellant’s property was granted permission by Kerry County Council under reference 16832 and included a proposal to connect to the public sewer and public water main. Condition no. 6 attached to the appellant’s grant of permission requires the development shall be connected to the public water and public foul sewerage system subject to a connection agreement with Irish Water (Uisce Eireann).
- 8.3.4. Having regard to the foregoing I do not consider it appropriate that the development should require consent from, or payment of a financial contribution to, the appellant in relation to infrastructure serving the proposed development. I am satisfied that a condition requiring a pre connection agreement with Uisce Eireann is appropriate if the Commission decides to grant permission. I do not consider matters relating to connection to electricity network or potential damage to existing services are relevant to this assessment.

8.4. Design and Layout

- 8.4.1. The appeal raises concerns in relation to the density proposed and that the design proposed is inconsistent with the scale and character of surrounding development.
- 8.4.2. The overall site area is indicated as 0.170 ha which includes the access road and proposed parking area. I estimate the net site area is approx. 0.077ha amounting to a net density of approx. 29 dwellings per hectare (dph). Whilst the proposed density is slightly below the density recommendation contained in Compact Settlements Guidelines of 30 dph to 50 dph in suburban and urban extension parts of Key Towns such as Killarney, having regard to the planning history of the site, the size of the site, and to the pattern of development in the vicinity, and noting exemptions to density recommendations in Section 3.3.6 of the Compact Settlements Guidelines, I consider the density proposed is acceptable at this location and in accordance with the Development Plan provisions in objective KCDP 4-40 and Volume 6 Section 1.5.2.
- 8.4.3. I note the pattern of development in the immediate vicinity of the site is detached dwellings in a variety of styles, including a recently constructed two storey dwelling to the south, two storey dwellings to the north on Hawthorn Avenue and a number of single storey and dormer dwellings to the south on Hillview and Woodlawn Terrace. The proposed detached dwellings are two storeys with a ridge height of 8.2m and a floor area of 123 sq.m. per dwelling. The dwellings are set back from site boundaries and have rear garden depths in excess of 11m for unit 1 and in excess of 9m for unit 2.
- 8.4.4. Having regard to the variety in dwelling type and height in the area and to the design and layout proposed, I do not consider the proposed two storey detached dwellings are out of character with those in the vicinity and I note that adequate rear amenity space, separation distances and car parking is proposed to serve the dwellings.
- 8.4.5. I note the Commission previously refused permission for a proposed terrace of four dwellings on the site with the refusal reason stating that the proposal, by reason of its layout and form, would be discordant with the established urban grain and out of character with the general pattern of development in the area. I consider the proposal for two detached dwellings has addressed the Commissions previous refusal reason relating to design.
- 8.4.6. I consider the proposal is appropriate having regard to the surrounding pattern of development. I am satisfied that the proposal complies with Development Plan policies

relating to increased densities on infill sites without undue impacts on existing residential amenities. Having regard to the above, and to the number of units proposed, I do not consider the proposal results in overdevelopment of the site.

8.5. Traffic Safety

- 8.5.1. The appeal raises concerns in relation to capacity of the road network to serve the development and in relation to sightlines and bin storage on roads resulting in a traffic hazard.
- 8.5.2. I note that a previous application for permission for 4 no. dwellings on the appeal site was refused permission. The reason for refusal under reference ABP-317591-23 referred to deficiencies in the road network serving the site and surrounding area at Woodlawn Terrace and Hillview East, due to inadequate width, pedestrian provision, streetlighting, surfacing, as well as sightlines from Hillview East onto Woodlawn Terrace and it was considered the proposal constitutes a traffic hazard in terms of traffic and pedestrian safety.
- 8.5.3. During my site inspection I noted that the Hillview East cul-de-sac road surface is comprised of a compressed gravel surface and without streetlighting or footpaths. I also note that Woodlawn Terrace operates a one-way route for traffic with traffic travelling in a westerly direction, that a 30kmh speed limit applies, and that this road does not contain footpaths or street lighting. A white line on the southern side of the road provides for a pedestrian route. I also note recent applications on Hillview to the west of Hillview East which is also accessed via Woodlawn Terrace reference ABP-321054-24 for two dwellings and ABP-321101-24 for two dwellings. In assessing these proposals, the Commission considered they would be acceptable in terms of traffic safety and convenience and no concerns were raised in relation to deficiencies on Woodlawn Terrace.
- 8.5.4. The site layout plan relating to the proposed development works includes the upgrade of Hillview East and indicates the road has a width in excess of 7m which reduces to approx. 5.5m towards the southern end close to the junction with Woodlawn Terrace. Works proposed include the creation of a shared space for pedestrian and vehicular traffic in compliance with DMURS. The site layout plan indicates road markings to provide for a pedestrian walkway, the access road surface to be upgraded with a mastic asphalt surface course, and a stop sign and road markings at the junction with Woodlawn Terrace. The Local Authority Roads Engineer report outlines no objection to the proposal, subject to

conditions which include the requirement for a Stage 3 Safety Audit on completion of the proposed development and that all works shall be in accordance with the Design Manual for Urban Roads and Streets.

- 8.5.5. In relation to sightlines, I note that the Design Manual for Urban Roads and Streets recommends visibility splays based on the design speed of a street with a recommendation of 23 metres on roads with a design speed of 30km/h and with a reduced requirement where the design speed is reduced. I note that sightlines are not indicated on drawings submitted and that the Local Authority roads engineer raised no concerns in relation to sightlines. I note the character of Woodlawn Terrace which is a narrow one-way route with traffic required to travel in a westerly direction, and that it has a speed limit of 30kmh and contains multiple vehicular entrances and that traffic speeds were low at the time of my site inspection. On inspection of the site I noted there is a low wall located on the northern side of Woodlawn Terrace to the east of Hillview East (the direction of oncoming traffic on this one-way street). I also note that the site layout plan includes a proposal to provide a stop junction, traffic sign and road marking at the junction of Hillview East and Woodlawn Terrace.
- 8.5.6. I note the proposed works to Hillview East including resurfacing and road markings and signage which I consider addresses the Commissions previous refusal reason relating to the condition of Hillview East. I also note the planning history of the wider area wherein no concerns were raised by the Commission in relation to capacity of Woodlawn Terrace for a similar scale of development on Hillview (refer to Section 8.5.3 above). Having regard to the foregoing I am satisfied that the proposal is acceptable with regard to vehicle and pedestrian access and capacity of the existing road network. I consider the proposal is acceptable with regard to the content of sub-section 1.5.4.1 of Development Management Standards contained in Volume 6 of the Development Plan. If the Commission decides to grant permission I recommend the inclusion of conditions as outlined by the Local Authority Roads Engineer, including a requirement for a Stage 3 road safety audit and that the upgrading works to the access road shall be completed prior to occupation of the dwellings.
- 8.5.7. In relation to bin collection, I am satisfied that sufficient space exists for storage of bins on the appeal site and I do not consider obstruction of the road by bins is a matter for refusal.

8.6. Precedent

- 8.6.1. The appeal raises concerns that the proposal will result in a precedent on other vacant sites in the vicinity. I consider each application should be assessed on its merits and having regard to the findings of my assessment above I am satisfied the proposal is acceptable and would not result in an unacceptable precedent.

8.7. Other Matters

- 8.7.1. I note that the planning authority included a condition that no part of the proposed 2 no dwelling houses shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission. I note that the first party has not appealed the inclusion of this condition. Having regard to the location of the proposed development in Killarney town and in the vicinity of tourist amenities, I consider it appropriate in the event of a grant of permission that the Commission include a condition to this effect.
- 8.7.2. In relation to concerns regarding the absence of fire hydrants, this matter is addressed under separate regulations and I do not consider it relevant to the assessment of this appeal.
- 8.7.3. Concerns are raised by the appellants in relation to clearing of trees and resulting environmental concerns. I note that a tree survey was submitted to the PA in response to further information which outlines details of trees to be removed and retained. Having regard to the findings of the Tree Survey and to the location of the site in an urban area on land zoned for residential use, I consider the proposal to remove vegetation from the site is acceptable. If the Commission decides to grant permission I consider it appropriate that a condition be attached requiring a detailed landscaping plan.
- 8.7.4. The first party response to the appeal refers to unauthorized works on the appellants property. I note that matters relating to enforcement are a matter for the planning authority and are not relevant to the assessment of this appeal.

9.0 AA Screening

- 9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.

I have considered case PL-500996-KY-26 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an established residential area and comprises the construction of two dwellings, upgrades of existing road and all associated site works. The closest European Sites are Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365 located c.230 m south of the site and Killarney National Park SPA Site Code: 004038 located c.1km northwest of the site.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- Having regard to the screening determination of the PA.

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

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

11.0 Recommendation

11.1. I recommend that planning permission should be granted, subject to conditions.

12.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028 as varied, 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 safety. 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 29/01/2026 and 04/02/2026, 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. The following requirements of the Local Authority shall be complied with:
 - (a) All upgrading works to the access road shall be out in accordance with the Design Manual for Urban Roads and Streets;
 - (b) The footpath shall be constructed in accordance with the Standards and Specifications of Universal Design at set out by the National Disability Councils Centre of Excellence in Universal Design;
 - (c) Prior to the commencement of the proposed development, the applicant shall submit updated Drawings 25300HD-SW-P02 and 25300HD-SW-P03, clarifying the anomaly between the kerb note and kerb detail shown in the Typical Kerbside Raingarden Section A-A;
 - (d) Prior to the commencement of the proposed development, all works affecting the properties which are in the charge of Kerry County Council shall be agreed in writing with Kerry County Council;
 - (e) A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations acted upon;
 - (f) The upgrading works to the access road shall be completed prior to occupation of the dwelling houses;
 - (g) The Applicant shall submit a report on the completion of the development, prepared by a third-party consulting engineer, to the planning authority certifying the quality of the works undertaken during the construction of the development. The consulting engineer preparing the report shall have Professional Indemnity Insurance and evidence of the same shall be submitted with the report.

Reason: In the interests of orderly development and public safety.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interests of public health.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder

(iv) Hard landscaping works, specifying surfacing materials and finished levels

(v) A timescale for implementation

Reason: In the interest of residential and visual amenity.

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

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

8. Proposals for a naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of urban legibility.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, 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.

Reason: In the interest of public safety, environmental protection, and residential amenity.

12. 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.

Reason: In the interest of sustainable transport and safety.

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

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

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

15. 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 the An Bord 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.”

Bernadette Quinn
Planning Inspector

23rd June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500996-KY-26
Proposed Development Summary	Construction of two dwelling houses and upgrade of existing road.
Development Address	Hillview East, Ballycasheen, Killarney
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	State the Class here

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	State the Class and state the relevant threshold
☒ 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)	State the Class and state the relevant threshold Class 10 (b) (i) and Class 10 (b) (iv).

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: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500996-KY-26
Proposed Development Summary	Construction of two dwelling houses and upgrade of existing road.
Development Address	Hillview East, Ballycasheen, Killarney
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development has a modest footprint, comes forward as a standalone project, 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 environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	Briefly comment on the location of the development, having regard to the criteria listed The site comprises an urban infill site within an existing built up area characterised by residential development. The proposed development would therefore not be

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).	exceptional in the context of the existing environment in terms of its nature. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.
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).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, 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	EIA is not required.

effects on the environment.	
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)