



An
Coimisiún
Pleanála

Inspector's Report

PL-501110-KY-26

Development

Demolition of dwelling house.
Construction of 85 dwelling, pre-school and associated site works. A NIS was submitted to the Planning Authority with this application.

Location

The Parsonage , Bell Height , Kenmare

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2560038

Applicant(s)

OFSolutions Ltd

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Richard Chute
Frances O'Brien and Others
Patrick Henderson

Observer(s)

None

Date of Site Inspection

8th June 2026

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 2.77 hectares is to the south of Kenmare town centre accessed from Bantry Road/Bell Height (N71) within the town's 50 kph speed limit. Pier Road is c. 100 metres to the south. Bantry Road is relatively narrow with on-street parking precluded by way of double yellow lines along the site frontage.
- 1.2. The front of the site addressing Bantry Road is occupied by a vacant, detached two-storey dwelling which is served by a long rear garden which is now overgrown. The site widens out to encompass a field to the rear (west) which is currently in agricultural use. The site is relatively level and is bounded by mature trees and detached two storey properties to the south which are accessed from Pier Road. The western and northern boundaries are delineated by stone walls and hedgerows. To the immediate south of the narrow roadside portion of the site is a small scheme of 2 storey apartments with the shared boundary delineated by a c.3.5 metre high stone wall. To the immediate north is a single storey dwelling, the shared boundary of which is delineated by a stone wall and post and wire fence. There is a two storey dwelling to the north of same followed by a small scheme of two storey dwellings (Ard na Greine) which bound the site to the north-east.

2.0 Proposed Development

- 2.1. Subsequent to a request for Further Information dated 25th March 2025 the scheme was revised. In summary, permission is sought to:
 - (a) Demolish existing dwelling house
 - (b) construct 85 residential units consisting of 13 no terrace dwelling houses; 24 no semidetached dwelling houses; Apartment Block A containing 19 Residential units (13 x 1-Bed, 6 x 2 bed); Apartment Block B containing 7 Residential units (7 x 2-Bed); Apartment Block C containing 11 residential units (11 x 2 bed); Apartment Block D containing 11 Residential units (11 x 2-Bed),
 - (c) construct Pre-school and all associated roads and site services.

A Natura Impact Statement has been submitted with this application.

- 2.2. A three month time extension was requested on 18th September 2025 and expired on 2nd January 2026.

3.0 Planning Authority Decision

3.1. **Decision**

Kerry County Council issued a decision to grant permission subject to 24 no. conditions

3.1.1. The following conditions are noted:

- Condition no. 2 – Development Contributions.
- Condition no. 3 – Development Bond.
- Condition no. 26 – Mitigation measures as set out in NIS and Ecological Impact Assessment.
- Condition no. 16 – Qualified environmental manager for duration of construction.
- Condition no. 18 – Revised Arboricultural Tree Survey.
- Condition no. 19 – Revised landscaping scheme.
- Condition no. 20 - Pre-construction bat survey.
- Condition no. 23 - Stage 1 /2 Road Safety Audit.

3.2. **Planning Authority Reports**

Planner Report

3.2.1. The initial report provides a summary of the proposed development and submissions received. The report reviews the characteristics of the site and the proposed development, the planning history and notes that is zoned for Residential Development in the Kenmare Municipal District Local Area Plan. The proposed development would, therefore, be consistent with the zoning objective for the lands. The initial report recommended further information including:

- a pre-Connection Enquiry (PCE) to assess feasibility of connection to the public water and wastewater infrastructure.
- Revised storm water management proposals, incorporating nature based solutions.
- Revised tree, landscaping and lighting drawings and correctly labelled drawings including clarification of any woodland removal.
- Updated NIS and Bat Impact Assessment.
- Revised storm water and attenuation details.
- Revision to the design and layout including minimum width of service road, materials, drawing the dove tail.

- Reduced residential density advised.

3.2.2. A response was received on 2nd January 2026. Revised public notices in relation to significant further information were received on 12th January 2026. In response to the RFI the number of units proposed was reduced from 93 to 85 units, thus reducing the residential density to 33 dph.

3.2.3. The report concludes having regard to the nature and scale of proposed development within the Development Boundary of Kenmare on lands zoned for residential development, the principle of the proposed development can be considered. The proposed development is assessed in relation to the policies, objectives and development standards as set out in the Kenmare Municipal District Local Area Plan 2024-2030 and the Kerry County Development Plan 2022-2028. The proposed development is seeking to construct 85 residential units which would result in a net density of 33.3 units per hectare. The proposed childcare facility has a floor area of 246sqm. The proposed development provides for an effective and efficient layout based on the constraints of the site.

3.2.4. Having regard to the proximity of the site to Kenmare Town Centre, the proposed density would comply with the provisions of Sustainable Residential Development and Compact Settlement Guidelines issued by the Dept of Housing, Local Government and Heritage in January 2024. Reports were received from the Roads Department, Uisce Éireann, the County Archaeologist, the Environmental Assessment Unit, the Housing Estates Unit, the Flooding, Coastal & Marine Unit and Environment Services Dept which recommend conditions to be attached in the event of a grant of permission. Subject to compliance with condition the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

3.2.5. The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority.

3.2.6. Other Technical Reports

Roads Dept – A final report was received after receipt of the further information response and recommends conditions to be attached in the event of a grant of permission.

County Archaeologist – Report recommends that archaeological monitoring should be

carried out on all groundworks associated with the proposed development.

Environmental Assessment Unit – A final report was received after receipt of the further information response and recommends conditions to be attached in the event of a grant of permission.

Housing Estate Unit – A final report was received after receipt of the further information response and recommends conditions to be attached in the event of a grant of permission.

Flooding, Coastal & Marine Unit - A final report was received after receipt of the further information response and recommends conditions to be attached in the event of a grant of permission.

3.3. **Prescribed Bodies**

Uisce Eireann (14/1/2026) – The applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility (COF) has been issued to the applicant advising that wastewater) connection(s) are feasible subject to upgrades.

In relation to Water the COF states a connection is feasible subject to upgrades. It notes, the public water supply could facilitate this connection based on the estimated demand and the potential future capacity of the supply, subject to capacity upgrades. Works to increase source capacity is ongoing, with accelerated investigations (Site investigations to confirm the condition of the existing well and additional tests to verify water quality and available volumes, the on-site treatment needs and requirements to connect to the public network) expected to be completed in Q2 2026.

The site investigations will confirm if a viable public source is available, the potential available capacity and water quality from the new source, details on the required capital works to bring the new source into full compliance and increase the available capacity in the public water supply network. Further confirmation will also be required regarding licencing agreements and transfer of ownership of the new source to Uisce Eireann. Subject to successful capacity increase, development connections will be accepted in this area sequentially on a first come basis as part of our normal connection application process.

In relation to Wastewater the COF states a connection is feasible without infrastructure upgrade by Uisce Éireann Uisce Éireann respectfully requests any grant of permission be conditioned as follows;

The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. To ensure adequate provision and protection of water and wastewater facilities, Uisce Éireann recommends the following;

1. Where the applicant seeks a connection to the public network, the applicant shall enter into a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
2. There shall be no build over of public infrastructure from these proposals. Separation distances as per Uisce Éireann's Standards Codes & Practices shall be achieved where public infrastructure is in situ within and/or adjacent to site boundaries*.
3. The development shall not impact public drinking water sources and/or abstraction point(s) and/or abstraction infrastructure**.
4. The design and construction of the Water & Wastewater pipes and related infrastructure to be installed in this Development shall comply with the Uisce Éireann Connections and Developer Services Standard Details and Codes of Practice.

Health & Safety Authority (13/1/2026) – No observation.

3.4. Third Party Observations

3.4.1. 14 no. third party observations were made to the Planning Authority. Issues raised in the submissions included inter alia the following:

- Matter under An Garda Síochána investigation to be settled before a planning application proceeds. Possible 'impediment on title' for future homeowners
- Concern re. boundary treatment
- Concern re. ownership.
- Road safety, traffic and transport
- Social and Community Infrastructure Capacity
- Sustainable Drainage Systems..
- Conflicts in drawings submitted.
- Lack of linkage to the rest of the opportunity site.
- Density.
- Residential amenity.

- Devalue property values in the area.

3.4.2. 10 no. additional third party observations were made to the Planning Authority subsequent to the significant RFI received. In addition to the above issues raised included inter alia the following:

- The further information submitted did not allay the fears of the submitter or addressed the concerns raised in the original objection.
- Current proposal does not reflect strategic vision of Local Area Plan.
- Concern about water supply.
- Noise and disturbance from proposed development.

4.0 Planning History

Site

ABP 302604-18 KCC 17/1242 - Permission refused by An Bord Pleanala for (a) demolition of an existing dwelling house and detached shed, the construction of an access road, new entrance onto public road and ancillary works and (b) permission is also sought for a residential development to comprise of fifty 2 storey dwellings, to connect to existing public services at the public road at Bell Height, Kenmare, associated landscaping, ancillary works and associated site services to complete the development.

Reasons for refusal include deficiency in capacity of Kenmare Wastewater Treatment Plant, absence of Natura Impact Assessment and low housing density.

KCC 05/2397 - Permission granted to demolition of an existing dwelling house and detached shed and the construction of an access road and ancillary works. planning permission is further sought for residential development to comprise of sixty two storey dwellings and a childcare facility to connect to existing public services at the public road, associated landscaping, communal car parking areas, storm water drainage and retention tank, ancillary works, and associated site works.

Other Planning History of relevance (to the north of the site)

ABP 313364 22 /KCC 22/55 - Permission granted 21/03/2022 for upgrades to and increase in capacity of Wastewater Treatment Plant and all associated site development works. An NIS is included with the application.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

Volume 6 – 2 Land Use Zoning

Zoning – The site is zoned R1 New/Proposed Residential - Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

Description – 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.

Volume 1 – Written Statement

Chapter 3 - Core & Settlement Strategy

- Kenmare is identified as a Regional Town in the settlement hierarchy.

Chapter 4 – Town and Villages

Section 4.2.4 Placemaking

KCDP 4-10 - Ensure the creation of attractive, liveable, well designed, high-quality urban places that are home to diverse and integrated communities that enjoy an enhanced quality of life and well-being.

KCDP 4-17 Facilitate the development of sustainable compact settlements with the “10-minute” town concepts, whereby, a range of community facilities and services are accessible in short walking and cycle timeframes from homes, with walkways and link routes to Greenways or are accessible by high quality public transport services connecting people to larger scaled settlements delivering these service.

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

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

KCDP 4-23 Encourage and facilitate, in consultation with relevant stakeholders, the development of green infrastructure that recognises the synergies that can be achieved with regard to the following: • Provision of open space amenities • Sustainable management of water • Protection and management of biodiversity • Protection of cultural heritage • Protection of protected landscape sensitivities.

Section 4.3 Active Land Management -Objective KCDP 4-26 - KCDP 4-39

Residential Densities and Building Heights -It is an objective of the Council to: 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).

Section 4.4.4.1.2 Regional Towns

Chapter 6 - Sustainable Communities

This chapter targets the requirements for establishing and maintaining healthy, sustainable and inclusive communities through the provision of community and social infrastructure, appropriate housing and broader social inclusion policy across a range of sectors.

Section 6.2.3 *Housing for Sustainable Communities* and 7.3 *Housing Policies* include - it is a policy of Kerry County Council to: • Encourage and foster the creation of attractive mixed-use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm, and residential amenities.

Section 6.3.6 Childcare -Access to affordable and high-quality childcare is an essential requirement for an equitable society, a thriving economy and sustainable communities and is a critical part of our nation's infrastructure. Childcare provision in Kerry is reaching capacity and new planning approaches and sustained investment are required, to ensure effective access to childcare provision is maintained.

KCDP 6-52 -It is an objective of the Council to facilitate the provision of childcare facilities and new and refurbished schools on well- located sites within or close to existing built-up

areas, that meet the diverse needs of local populations.

Chapter 7 -Housing for All

This chapter deals with Housing Policy based on the housing needs identified in the Housing Needs Demand Assessment and Housing Strategy for Kerry in Volume 6 of the Plan.

Housing Policies

KCDP 7-6 - Facilitate the housing needs of people in their local communities through actively providing / assisting the provision of housing in settlements as identified in the Settlement Strategy and the Housing Strategy.

KCDP 7-7 Ensure that arrangements for the provision of Social Housing are made having regard to the current Housing Strategy in accordance with Part V of the Planning & Development Act 2000 as amended.

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).

KCDP 7-9 Promote integration of social housing and ensure a housing mix within developments in order to promote a socially balanced and inclusive society.

KCDP 7-10 Ensure that housing developments are completed to a standard that is in accordance with Kerry County Council's Taking in Charge Policy for Private Housing Developments.

Water & Waste Management

Section 13.2.4 Storm Water Management -Objectives KCDP 13-21 – KCDP 13-26

Volume 6 – Section 1 relates to Development Management Standards & Guidelines

Section 1.5 Residential Development - This section sets out the Development Management Standards for residential development in towns and villages.

Section 1.4 Design General

Section 1.5 Residential Development

Section 1.5.1 Urban Design /Section 1.5.1.1 Design Statements

Section 1.5.2 Density

Section 1.5.4 General Residential Development Design Standards

Section 1.5.4.2 Estate Design

Section 1.20.6 Parking in Residential Areas

In general, residential layouts should not be dominated by car parking along access roads. New residential development should take account of the following criteria:

- The design standards and guidance set out in the Design Manual of Roads and Streets DMURS (as amended).
- Car parking for detached and semi-detached housing should generally be within the curtilage of the individual house site.
- Car parking for apartments should generally be at basement level. Where this is not possible, parking should be in small scale informal groups overlooked by residential units.

Table 4 illustrates the car parking standards for different types of development.

These planning areas are as follows:

Area 1 Retail core areas (Tralee, Killarney & Listowel)

Area 2 Lands Located within town centres (Areas zoned M2)

Area 3 All other areas (& other settlements)

(note: the retail core & town centres M2 lands are shown on the land use zoning maps in the relevant towns plan & LAPs)

Table 4: Parking Requirements

Land Use	Units	Parking Space (maximum)			Bike space
		Area 1	Area 2	Area 3	
<u>Dwelling House</u>					
Town/village	1 Dwelling	0	1	2	1
Housing Estate	1 Dwelling	0	0	2	1
	+ visitor space/per dwelling	0	0	0.5	0
Apartment	Per bedroom	0	1	1	1
Childcare Facilities	Per 4 children	0	0	1	1
	Per staff member	-	-	1	

5.2. Kenmare Municipal District Local Area Plan 2024-2030

Section 3.2.2.5.2 Opportunity Sites

- The site is identified in the LAP as an Opportunity Site
- 2. Bantry Road (The Shrubberies)/Peninsula Lands/Reenagappal - *It is the aim of the Plan to provide a new residential and commercial/tourism quarter that prioritises walking, cycling and permeability between this area and the Town centre and*

adjoining waterfront area. To fully realise the untapped potential for Kenmare of this uniquely located water-side asset.

- Figure 3.32b sets out as ‘Indicative Design Brief – Reenagappal’
- Objective KENMD-KE-5 - It is an objective of the Council to encourage and facilitate appropriate development on the site located at Reenagappal.

5.3. National

5.3.1. National Planning Framework (2025)

The National Planning Framework 2025 sets out that the ‘major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.’

Relevant Policy Objectives include:

- National Policy Objective 6: Investment in student accommodation within our universities.
- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.3.2. Climate Action Plan,2025

- Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.3.3. Delivering Homes, Building Communities 2025 - 2030

The government's housing Action Plan on housing supply and targeting homelessness to 2030. Delivering Homes, Building Communities aims to accelerate the delivery of new homes, to deliver 300,000 by the end of 2030.

5.3.4. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

1. Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
2. Objective 2 - Meet Urgent Conservation and Restoration Needs
3. Objective 3 - Secure Nature's Contribution to People

4. Objective 4 - Enhance the Evidence Base for Action on Biodiversity

5. Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

5.4. Section 28 Ministerial Guidelines

5.4.1. The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

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

Kenmare would represent a 'Small and Medium Sized Towns (1,500 – 5,000 population)' as set out in the guidelines.

Table 3.6 Areas and Density Ranges Small to Medium Sized Towns

Small / Medium Town Edge - The edge of small to medium sized towns are the lower density housing areas constructed around the centre, while urban extension refers to greenfield lands at the edge of the built-up area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns.

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open
- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). (Application made prior to 9th July 2025 therefore having regard to the 'transitional arrangements' the 2025 Guidelines do not apply in this instance)
- The Architectural Heritage Protection Guidelines for Planning Authorities 2011.
- Childcare Facilities – Guidelines for Planning Authorities (2001)

5.5. Other Guidance

- Design Manual for Urban Roads and Streets (DMURS) (2019).

5.6. Natural Heritage Designations

5.6.1. The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- Special Area of Conservation: Kenmare River SAC (Site Code 002158) at c. 95m

6.0 EIA Screening

6.1.1. 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

7.1.1. Three no. third party appeals were received against the decision of KCC to grant permission for the proposed development.

- Richard Chute
- Frances O'Brien & Others
- Patrick Henderson

7.1.2. 1. Richard Chute. The following issues were raised:

- Impact of the development on mature tree in Ard ne Greine.
- No consideration in the grant of permission was given to the historic 'Famine Wall' . The wall is an important part of the town's heritage.
- Lack of consideration given the impact on the environment in this heritage location given the elevation of the site. The development is misaligned to the surrounding adjacent housing and will have negative visual impact.

7.1.3. 2. Frances O'Brien & Others (Residents of Ard Na Greine). The following issues were raised:

- It is set out that there have been a deliberate effort to omit separation distances from Ard No Greine. The distance between the three storey Block A and no.8 Ard Na Greine , a dormer style dwelling is only 10.5m.
- SPPR 2 of the Compact Settlement Guidelines states that *'In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity'*. The proposed three storey apartment block next to an existing estate will have a significant negative impact of the amenities of Ard Na Greine due to overlooking and over shadowing of both the private rear gardens spaces and front common green spaces.
- Development will devalue properties.
- It is set out that it is unclear how the proposed development will fit in with the remainder of the Opportunity Site as set out in the LAP in any cohesive manner and the perimeter green spaces have not been provided as per the LAP.
- Concern is raised that the proposed density calculation as set out in the LAP are too high and not appropriate for a heritage town and has a knock on effect of inappropriately proposing a 3 storey high apartment block . It is suggested that block A be replaced with three blocks of three terraced houses or block A should be omitted or moved to a suitable location.
- Block A is located 3m from the existing 'Famine Wall'. No proposed mitigation has been submitted as part of the application to protect the 'Famine Wall'.
- Concern as regards capacity of public water supply in Kenmare. Reference is made to another planning case in Kenmare where Confirmation of Feasibility (CoF) noted capacity issues regarding water supply.

7.1.4. 3. Patrick Henderson. The following issues were raised:

- This appeal centres around the concerns raised in ABP 313364 22 /KCC 22/55 relating to ongoing matters regarding the ownership/relevant consent for Uisce Eireann which the current application proposes connect to. While the text refers to ongoing legal matters which the Commission is not privy to or part of it would appear the appellant is concerned about consenting to development where such legal matters remain unresolved.

7.2. **Applicant Response in the case of a 3rd Party Appeal**

7.2.1. In response to the third party appeals the first party set out the following:

Block A

- It is set out that there have been two prior successful planning application on the site neither of which were appealed by the owners of Ard Na Greine and the current application is similar albeit the density has increased.
- There was no deliberate attempt to omit information and information omitted was amended/updated as required and submitted as part of FI response.
- No pedestrian linkage is proposed between the development and Ard Na Greine and the Parsonage Development and therefore no opening in the wall.
- The applicant notes that they arranged a meeting with the residents of Ard Na Greine and only one resident attended. It is further set out the house apart from the one furthest from the shared boundary are not primary residence.
- It is further set out that in trying to allay the concerns of the resident of Ard Na Greine Block A was revised and relocated further away from the shared boundary as part of the FI response. Block A steps down to 2-storeys adjacent to Ard Na Greine and the Ard Na Greine properties face a green area on the Parsonage side and will not be overlooked by the development.
- It is noted that no. 8 (the closes dwelling to the shared boundary) faces the 3.0/3.5m high wall and this gable has limited window presence over the wall height.

Famine Wall

- Regarding reference to the 'Famine Wall,' it is set out that it was never referenced as a 'Famine Wall' at planning observation stage nor was it raised as a concern in previous planning applications.
- There are no recorded archaeological sites within the proposed development site, the nearest recorded archaeological site is a vernacular house (KE093-120) approximately 10m east of the eastern end of the proposed development site and on the eastern side of the N71. The wall is likely a boundary wall to a demesne and country house to the north of the house named "Monastery" on the 1846 Ordnance Survey 6-inch maps and is not a famine wall.

- The wall is to be retained and this further ensures no impact on the residents of Ard Na Greine.

Density

- The density is in keeping with the R1 zoning, the LAP and national policy.

Opportunity Site – Cohesion and Connections with LAP 2024-2030

- It is set out that in line with discussion with the PA the design of the development provides for pedestrian and cycle connectivity to the lands to the west and north and the layout shows that boundary walls are retained and enhanced planting is proposed for the southern boundary to protect privacy and amenity.

Public Water

- The applicant sets out that they have a valid Confirmation of Feasibility and the planning file referenced by the third party is unrelated to this application.

Trees

- It is out that only trees the potentially traverse both the site and Ard Na Greine are relevant from a maintenance standpoint. One tree a Monterey Pine was considered relevant and it was noted that this has been heavenly pruned of the Ard Na Greine side and is now unbalanced and 'does not have a lifespan'.
- It is set out that the plans show trees to be retained where possible. PA conditions no. 16 and no. 18 support the retention of trees.

Legal Issues

- The matters raised are not related to this appeal site.

7.3. Planning Authority Response

None

7.4. Observations

None

8.0 Assessment

8.1. Introduction

- 8.1.1. The case involves the original application and the revised proposal submitted as further

information. Unless otherwise stated, my assessment and any references hereafter to the 'proposed development/scheme' are based on the revised scheme submitted as further information, that being the scheme on which the KCC decision is based.

8.1.2. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Design Strategy
- Ecology & Trees
- Drainage
- Other Matters

8.2. Principle of Development

Proposed Development

8.2.1. Permission is sought to demolish existing dwelling house and construct 85 residential units consisting of 13 no terrace dwelling houses; 24 no semidetached dwelling houses; Apartment Block A containing 19 Residential units (13 x 1-Bed, 6 x 2 bed); Apartment Block B containing 7 Residential units (7 x 2-Bed); Apartment Block C containing 11 residential units (11 x 2 bed); Apartment Block D containing 11 Residential units (11 x 2-Bed), and a 246sqm childcare facility.

8.2.2. Access to the site will be via a new vehicular entrance onto the N71. This will be facilitated by the demolition of the existing two-storey dwelling house fronting the road. An internal access road will provide individual access to the proposed residential development and creche.

Zoning

8.2.3. The site is zoned R1 New/Proposed Residential - Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure in the Kenmare Municipal District Local Area Plan 2024-2030 and the Kerry County Development Plan 2022-2028. Lands zoned R1 New/Proposed Residential are described as '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 proposed residential units are ‘Permitted in Principle’ on residentially zoned ‘R’ lands.

- 8.2.4. The principle of a mixed residential tenure development and creche is consistent with this zoning objective.
- 8.2.5. Section 3.10.2 Settlement Hierarchy of the Kerry County Developmental 2022-2028 establishes that Kenmare is identified as a ‘Regional Town’ in the Development Plan - Towns which provide a housing, employment, or service function serving a local region within the county’.
- 8.2.6. In addition, the provision of residential development on lands zoned ‘R1’ would be consistent with the policies of the Planning Authority as set out in section 4.3 Active Land Management of the Development Plan and Policy Objective KCDP 4-27 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.

Opportunity Site

- 8.2.7. The site also form part of an Opportunity Site 2 - Bantry Road (The Shrubberies)/Peninsula Lands/Reenagappal as identified in Kenmare LAP Kenmare Municipal District Local Area Plan 2024-2030. The LAP identifies the proposed development site as ‘indicative residential’ with the site boundaries to the south, east and west identified as ‘indicative Green Open Space’. The LAP establishes that *‘the aim of the Plan to provide a new residential and commercial/tourism quarter that prioritises walking, cycling and permeability between this area and the Town centre and adjoining waterfront area. To fully realise the untapped potential for Kenmare of this uniquely located water-side asset’*. The development of the site for residential is therefore consistent with the principle of Opportunity Site 2 subject to detailed consideration below. I am further satisfied that the proposed development is consistent with Objective KENMD-KE-5 - to encourage and facilitate appropriate development on the site located at Reenagappal.
- 8.2.8. I note the third party concerns about how the proposed development will fit in with the remainder of the ‘Opportunity Site’ as set out in the LAP in any cohesive manner. Concern is also raised that the perimeter green spaces have not been provided as per the LAP. In the first instance the LAP states that the design brief sets out ‘in broad terms the general

distribution of land uses, circulation systems and key access points'. The brief provides for a 'framework' and as such is indicative and subject to detailed design at application stage. In this regard and as set out above, the principle of the proposed residential development is consistent with the design brief for Opportunity Site 2 and the proposed layout provides for further connections/permeability to the remainder of the Opportunity Site of the north as well future east/west pedestrian cycle connectivity as per the Indicative Design Brief Fig. 3.32b of the LAP. Similarly, a 'green open space' buffer has been provided for on all site boundaries as per the indicative design brief layout. I am satisfied that the proposed development is consistent with the principles of the design brief as it pertains to this section of the opportunity site, I have no concerns in this regard nor do I think the proposed development will prejudice the development of the northern site of the opportunity site in any negative way.

- 8.2.9. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of residential development is considered in accordance with the zoning objectives and the design brief for Opportunity Site 2- Bantry Road (The Shrubberies)/Peninsula Lands/Reenagappal as identified in Kenmare LAP Kenmare Municipal District Local Area Plan 2024-2030. I note the PA raised no concerns in this regard.

Density

- 8.2.10. The submissions from the third parties raised concerns above the proposed density given the sites context in a heritage town. The proposed development will introduce 85 no. new residential units on a site of c. 2.77ha. This equates to a density of 31 units per hectare. Appendix B: Measuring Residential Density of the Sustainable and Compact Settlements Guidelines set out that net density excludes Major road/streets such as Arterial Streets and Link Streets as defined by Section 3.2.1DMURS and lands for primary schools, churches and other community services and facilities. The applicant has stated that the exclusion of the road corridor reduces the useable site area to 2.59ha. However, the applicants calculation have failed to exclude the proposed creche area. This is stated as 246sqm. Therefore, the net density is calculated on a site area of 2.57ha. and equates to a density of 30 units per hectare.
- 8.2.11. The population projections for County Kerry are set out in the Core and Settlement Strategy of the KCDP. The KCDP is aligned, in so far as is practicable, with the national and regional

policy objectives set out in the NPF and RSES. Table 2.5: KCDP 2022-2028 Core Strategy Table sets out a housing requirement of 240 units in Kenmare. Volume 1, Chapter 3 (Core Strategy) and Chapter 4 (Towns & Villages) establishes a plan led approach to residential development. While I note a principal tenet of this is the need to adopt a sequential approach extending outwards from the centre of an urban area, in line with the provision of infrastructure. In this case the site has been identified as an Opportunity Site and the lands are centrally located, within walking distance to the town centre.

- 8.2.12. The Development Plan does not set out any numerical limitations on density rather the CDP (Volume 6 – Section 1.5.2) establishes that in general, 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. It is set out that the Plan seeks to promote the development of ‘live work’ communities by promoting sustainable development by creating compact, high-quality developments. Higher residential densities will be encouraged within walking distance of town and village centres and public transport infrastructure.
- 8.2.13. I refer the Commission to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which replaced the ‘Sustainable Residential Development in Urban Areas’ (2009). Table 3.6 *Areas and Density Ranges Small to Medium Sized Towns* of the Compact Settlement Guidelines set out that the edge of small to medium sized towns are the lower density housing areas constructed around the centre, while urban extension refers to greenfield lands at the edge of the built-up area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns. The density at 30 unit per hectare is therefore in line with the guidelines.
- 8.2.14. In my opinion, the proposed residential density would be acceptable having regard to the need to balance the design with the characteristics of the site, in particular, the transition between the adjacent detached dwellings on standalone sites and the location c. 300m from the town centre accessible by public footpath. Therefore, I am satisfied that the density of 30uph is consistent with the Compact Settlement Guidelines 2024 and the provisions of Volume 2 Section 1.5.2 *Density* of the Development Plan and will not represent overdevelopment of the site.

Demolition

- 8.2.15. The development involves the demolition of the existing ant two storey property fronting the site. The Commission will note that this building is not a Protected Structure nor is it located in an Architectural Conservation Area. The building has been vacant for a number of years and has fallen into disrepair. I am satisfied that the building is not of architectural merit. The Development Plan set out in Section 1.5.4.16 *Construction Waste Management Plan* that a management plan for the reuse, recycling or disposal of Construction & Demolition waste will be required to be submitted as part of an application. I am satisfied that this can be conditioned in the event the Commission is minded to grant planning permission.

Conclusion

- 8.2.16. The principle of the proposed development is in accordance with the zoning objective for the site. In summary, the site of the proposed development is on serviceable lands, within the development boundary of Kenmare. It is considered that the proposed development would be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and suburban transition. Overall, It is considered that the proposed development would be consistent with objective of the Core Strategy as set out in Chapter 3 of the Plan and the National Planning Framework which aims to achieve compact growth through effective density and consolidation rather than more sprawl of urban development.

8.3. Design Strategy

Design, Form and Layout

- 8.3.1. An architectural design statement is submitted with the application which sets out the overall architectural rationale and approach. The scheme is divided in five areas. Each area reflects a distinctive design with a variety of house types and design.
- 8.3.2. The appeal raises a number of concerns as regards the design and layout of the scheme relative to the character of Kenmare town. Particular concern is raised with respect to block A in term of design and its proximity to Ard Na Greine and the impact of the sharded boundary described by the appellant's as a 'Famine wall.'
- 8.3.3. The Development Plan establishes that applications will be required to adhere to the guidance contained in the 'Urban Design Manual - A Best Practice Guide' (Department of the Environment, Community and Local Government, 2009) and the design of schemes should promote best practice in architectural design, consistent with the aims of the

‘Government Policy on Architecture 2009-2015’ (Department of Environment, Community and Local Government, 2009) to support good architectural quality. I note the applicant has submitted a statement addressing the twelve key principles of good urban design are set out in the Urban Design Manual.

8.3.4. The Compact Settlement Guidelines (2024) replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009 and whilst the accompanying manual to the Compact Settlement Guidelines has yet to be published the Guidelines establish a renewed focus on the ‘renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth’. The 2024 Guidelines contain four SPPRs as follows:

8.3.5. SPPR 1(separation distance) – Concern is raised by the third parties that Apartment A is too close to Ard Na Greine (Ard Na Greine consistent of 8 no. dormer type dwellings located to the northeast of the site) and that that applicant deliberately omitted identify separation distances on the drawings. SPPR1 states, inter alia, there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. The Commission will note Block A was revised in response to RFI and reduced in scale and height from four storeys to three storeys, the distance from the shared boundary was increased to c. 6.5m resulting in a separation distance of c. 11m between the side gable of Block A and no. 8 Ard Na Greine. The separation distances are clearly indited on the drawings accompany the application.

8.3.6. Furthermore, I note the design of Block A does not include any windows that overlook Ard Na Greine and the proposed balconies are recessed/insert balconies with screen walls to prevent overlooking. SPPR 1 provides that ‘separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces’. I am satisfied that there is not undue overlooking in this instance owing to the design proposed including the tiered design approach which steps down to two storeys adjacent to Ard Na Greine and that the separation distance is acceptable in this instance. As regard to proposed scheme adequate separation distances have been provided. The PA raised no concerns in this

regard. I consider the application to be consistent with SPPR 1.

- 8.3.7. Similarly, the proposed development is located to the west of the houses in Ard Na Greaine and is generally aligned with the front building line of the houses, therefore having regard to the fact that the developer does not impact the established southern aspect of Ard Na Greine, and owing to the separation distance and tiered building height, I do not consider the development will result in any significant detrimental overshadowing of these properties.
- 8.3.8. SPPR 2 (Minimum Private Open Space Standards for Houses) – With respect to concerns raised that the development does not comply with SPPR2, all houses proposed rear gardens are in accordance with Table 5.1 Minimum Private Open Space Standard for Houses of the Compact Settlement Guidelines. Similarly, the Commission will note that the proposed apartments generally exceed the minimum standards set out in Appendix 1 Minimum Floor Areas and Standards Planning Design Standards for Apartments Guidelines for Planning Authorities, 2023. As regards the private open space of adjacent third party properties the quantum of space is not a matter for this application nor will the proposed development detract from same.
- 8.3.9. SPPR 3 – This relates to car parking and states, In intermediate and peripheral locations, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. Car parking for each house is provided with an allocation of 2 per houses within the curtilage or street parking. For the apartments car parking is provided a 1 per apartments and 1 extra for every 4 units. The childcare facilities with a stated capacity of 40 children with 5 staff is provided with 10 spaces (1 per 4 children) and 6 no. staff spaces.
- 8.3.10. The site is located in zone 3 and as such the car parking provision is in accordance with Table 4: car parking standards for different types of development as set out in Volume 6 – Section 1 relates to Development Management Standards & Guidelines of the Development Plan. Therefore, I consider that the car parking provision is appropriate and in accordance with SPPR 3.
- 8.3.11. SPPR 4 – This relates to the quantity and design of cycle parking and storage. Bike parking/storage is provided and a rate of 1 per bedroom and 1 per two apartments for guests. I am satisfied that this is in accordance with SPPR 3.
- 8.3.12. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development

against the stated 'key indicators of quality design and placemaking' is outlined in the following table;

Table 1 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	(a)(b) The proposed development is located c. 300m from the town centre. The provisions within the proposed development are planned to actively contribute and promote environmental sustainability and future proof for enhanced active travel measures by providing for further connections to adjoining lands. (c) The application includes a Traffic Impact Assessment (TIA) and Road Safety Audit. The junction design was audited and designed to provide adequate sightlines. The internal road network is designed in accordance with DMURS guideline and the RSA accompanying the application. The TTA determined that the traffic modelling analysis carried out for these design year scenarios shows that: • The assessed junction is operating below capacity for all design years up to 2041 for both morning and evening peaks respectively. • The development Junction reaches a maximum RFC of 14% in the 2041 AM with development scenario Comparing the analysis of the traffic models, the development will not have a significant negative impact on the operation of these junctions from a capacity point-of-view. The PA raised no traffic concerns subject to conditions. (d) This relates to car parking. I refer the Commission to section 8.3.6 above.
(ii) Mix and Distribution of Uses	(a) The proposal comprises the development of lands identified in the Kenmare LAP for residential development as part of Opportunity Site 2 and will add to the housing stock in Kenmare. The scheme provides a

	range of unit types and mix of unit sizes in addition to providing a new childcare facility. A key objective of the Housing Strategy is to ensure that there is enough zoned land to meet existing and anticipated needs, local authorities should also ensure, based on the analysis carried out for the HNDA and that there is an appropriate mix of dwelling types and sizes to cater for a range of housing needs. The HNDA notes that current needs assessment indicates that while family type units continue to be required that the primary need currently is in the area of smaller units – 1 & 2 bedroom units. For the planning and delivery of future Social Housing, the programme will be rebalanced to reflect this primary need and the provision of multi-unit/ apartment developments will form a significant feature of future programmes. The proposed unit mix incorporating: 13 no terrace dwelling houses 24 no semidetached dwelling houses Apartment Block A containing 19 Residential units (13 x 1-Bed, 6 x 2 bed) Apartment Block B containing 7 Residential units (7 x 2-Bed) Apartment Block C containing 11 residential units (11 x 2 bed); Apartment Block D containing 11 Residential units (11 x 2-Bed), The scheme incorporates 1, 2, and 3 bedroom units. I am satisfied that the proposed unit mix and proposed creche is acceptable and in accordance with Section 6.2.3 <i>Housing for Sustainable Communities</i> and 7.3 <i>Housing Policies</i> of the Development: • Encourage and foster the creation of attractive mixed-use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm, and residential amenities. (b) City and town centre policy is not applicable.
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	(c) The proposed development suitably caters for service/amenities which will be enhanced by the proximity to Kenmare town centre. (d) As outlined in section 8.2 of this report, the proposed quantum of development represents an appropriate density for the site. (e) The site is located within walking distance of Kenmare town centre. (f) The unit mix is in accordance with the Development Plan.
(iii) Green and Blue Infrastructure	(a) The revised layout submitted in response to request for further information shows a modified internal road network moving roads and buildings away from the sensitive southern wooded area. A tree survey drawing was included. There is no woodland removal, just the removal of particular trees as indicated in the report and drawing. In addition, a revised Storm Water Management proposal, incorporating nature-based solutions such as appropriately designed and located tree pits overflowing to the storm network. A total of 46 trees (tree tag nos. 944-969, 870-883 with tag no. 876 representing 7 no. trees) and two hedgerows (H1,H2) were surveyed and assessed within the site area. The tree species surveyed comprise of <i>Fraxinus excelsior</i> (Ash), <i>Acer pseudoplatanus</i> (Sycamore), <i>Fagus sylvatica</i> (Beech), <i>Ulmus</i> spp. (Elm), <i>Ilex aquifolium</i> (Holly), <i>Picea sitchensis</i> (Sitka Spruce) and <i>Salix</i> spp. (Willow). The trees vary in age and range from young (<25) to mature (>150 years) old. The accompanying tree schedule appears to identify most trees surveyed for removal or reassessed for removal in light of the development. This is a wholly inappropriate approach and as such a revised tree survey, arboriculture impact assessment and accompany tree protection plan should be submitted in the event the Commission is minded to grant. I note the PA recommended a similar condition (condition no. 18) I am satisfied this this can be conditioned owing to the location of the majority of the trees on or within the site boundaries where green areas have been identified. In this context the retention of trees should be prioritised over their removal. This approach is consistent with the NIS

mitigation measures. I refer the Commission to Appendix 3 & 4 and section 9.0 of the report.

One of the primary objectives of the landscape design is to soften the impact of the buildings into the surrounds with a wide range of trees and shrubs and make it a pleasant visual environment to live in. The boundaries will be reinforced with vegetation to help add to the biodiversity and screen the estate from outside. New planting of trees can establish within the boundary to eventually take over from neighboring trees in the future. The Commission will note the scheme includes evergreen Laurel hedging to enclose the apartment block A along its boundaries and also a shrub bed of Hypericum along the front to brighten and also soften the building visually. In addition, the Pre School will have an evergreen griselinia hedge surrounding the internal boundaries with purple plum within and in front to continue the same theme for this area and provide privacy from the rear. In my opinion, the loss of tree of site and the use of griselinia and laurel in contrary to the 'All Ireland Pollinator Plan 2015-2020'.

In the event the Commission is minded to grant planning permission I consider it appropriate to request the applicant submit a revised landscaping plan to include the retention of existing trees on site (as informed by as revised Arboriculture Assessment), native pollinator planting in accordance with the principles of the National Biodiversity Action Plan (NBPA) 2023-2030'. The provision of urban greening methods improves the overall quality of the environment and enhances the well-being and should be promote in any residential scheme.

The proposal includes an integrated network of urban green spaces, including a large central green spaces, perimeter walkways and pockets of green link spaces. The landscaping plan provides little details as to the functionality of the green spaces. In the event the Commission is minded to grant planning permission I recommend a condition be included to provide details of multifunctional green spaces inclusive of playground, kick about area, seating and gathering areas.

	(c & d) One of the primary landscape objectives is to implement a combined SUDS strategy for the development. It is proposed to use nature-based solutions internally within the development such as Tree Pits and Infiltration/Attenuation Tanks to alleviate excessive discharge to the Public System on Bell Heights. The surface water generated is then attenuated/infiltrated to a level such that the discharge will not exceed the GFF, this is achieved for this scheme with the provision of a flow control device and suitably sized Attenuation/Infiltration Tank. Subject to addressing concerns as set out above I am satisfied that the Green Infrastructure proposed is consistent with KCDP objectives 4-22 and 4-23, Section 1.5.4.5 <i>Landscape Plans</i> of Appendix 6 and KCDP 13-24 Support the incorporation of Sustainable Urban Drainage Systems (SUDs) in all public and private development in urban areas.
(iv) Public Open Space	(a) The documentation on file states that the layout provides for 4,031sqm of active amenity space (approx. 14.6%). Policy and Objective 5.1 - Public Open Space of the Compact Settlement Guidelines provide that 'open space provision of not less than a minimum of 10% of net site area and not more than a maximum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas.' Section 1.5.4.4. of the KCDP sets out that 'Public open space should be provided at a minimum rate of 15% of total site area' and on brownfield sites or infill sites, a minimum of 10% may be provided as public open space. (b) In accordance with the Apartment Guidelines the applicant is required to provide communal amenity space for the apartments. The submitted landscaping plan includes six no. pockets of amenity spaces totally 5,438sqm. In accordance with the Apartment Guidelines the applicant is required to provide a minimum of 261sqm of communal open space for the apartments in addition to private amenity space and public open space.

	Having regard to the overall open space provision (5,438sqm), I am satisfied that both public open space and communal open space can be accommodated on site. In the event the Commission is minded to grant planning permission I am satisfied that this matter can be addressed by way of a comprehensive landscaping scheme for the site which in addition to addressing matters raised above could clearly delineate public and communal open spaces and address both quantity and qualitative design. I am satisfied that the overall quantum of open space is acceptable and in accordance with the KCDP and relevant guidelines. The applicant submitted a Boundary Treatment Layout Plan for the site. All site boundary fencing will be permanent, durable, maintenance-free and childproof. No timber components should be included.
(v) Responsive Built Form	The scheme provides for a mix of dwelling types and tenure across the site. Contrary to the third party assertion in my opinion the unit mix provides future residential options for all cohorts of society and this is a welcome approach to the development of an accessible site with 300m of Kenmare town centre. I am satisfied that the proposed development is consistent with KCDP 4-10 - Ensure the creation of attractive, liveable, well designed, high-quality urban places that are home to diverse and integrated communities that enjoy an enhanced quality of life and well-being and KCDP 7-6 - Facilitate the housing needs of people in their local communities through actively providing / assisting the provision of housing in settlements as identified in the Settlement Strategy and the Housing Strategy. (a & b) As set out above the proposed development adheres to minimum separation distances and where adjacent to established development a tiered building height approach has been applied. The proposed creche is located at the top of the estate directly accessible from the access road, the houses and apartments are interspersed within the scheme and

all green spaces are overlooked. I am satisfied that design and layout is acceptable and the development generally will have minimal or limited visual impact on adjoining lands and surrounding development.

(c) The proposal will strengthen the overall urban structure and will provide for future opportunities to create new linkages.

(d) The layout actively engages with all internal road frontages.

(e) The proposal embraces modern architecture and urban design using simple architectural language for the residential blocks to act as a backdrop to the public realm. The varying architectural styles reduce any visual monotony in the scheme further enhanced by the varying and considered scale of the various forms. Regarding reference made by the third parties that the development is not appropriate for a heritage town and has a knock on effect of inappropriately proposing a 3 storey high apartment block. The proposed apartment blocks reflect a tiered design approach and flat roofed and the individual block from of Blocks B,C,D serve to reduce their scale and bulk such that they are not excessive in scale and height and would not detract from the character of Kemare where many of the town centre buildings are three storeys in height.

Similarly for reasons set out in section 8.6.3 above I am satisfied that Block A is acceptable in terms of design and scale.

While the land may rise in a westerly direction, I am satisfied that the development at a maximum three storeys is not significant and will be screened by mature trees to the south and southwest of the site and will be further enhanced by additional screening as proposed. On approach to the site from the town centre the development will be screened by the already established pattern of development. I am satisfied that the visual impact of the development is acceptable.

(f) Apartment elevations will be clad in brick and fibre cement cladding. The proposed houses will be rendered with elements of brick depending on the design. The PA recommended a condition requiring full details of materials and finishes be agreed prior the commencement of

	development. In the event the Commission is minded to grant planning permission I recommend a similar condition be attached.
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Summary: Having regard to the foregoing, I consider that the proposed development would be consistent with the relevant provisions of the Compact Settlement Guidelines (2024) and would be acceptable in terms placemaking standards including the Kerry County Development Plan 2022-2028. .

Eastern Boundary Wall

- 8.3.13. The third parties raise a specific concern with respect to the boundary wall, in particular, the sharded boundary wall between the site and the properties in Ard Na Greine. The third parties contend that this is a ‘Famine Wall.’
- 8.3.14. In response the applicant states that the wall was never referenced as a ‘Famine Wall’ at planning observation stage nor was it raised as a concern in previous planning applications. An Archaeological report including test trenching accompanied the application. There are no recorded archaeological sites within the proposed development site, the nearest recorded archaeological site is a vernacular house (KE093-120) approximately 10m east of the eastern end of the proposed development site and on the eastern side of the N71. It is set out that the wall is likely a boundary wall to a demesne and country house to the north of the house named “Monastery” on the 1846 Ordnance Survey 6-inch maps and is not a famine wall.
- 8.3.15. I have reviewed the Development Plan and Kenmare LAP and there is no reference to a ‘Famine Wall’ . In any case I note the wall is to be retained and in this regard I agree with the applicant that this further ensures no impact on the residents of Ard Na Greine. I have no concerns in this regard.

Conclusion

In conclusion, I am satisfied that the design and layout of the development is acceptable. Subject to compliance with the attached schedule of conditions including a comprehensive landscaping scheme, I consider the proposed development will adequately assimilate into the landscape at this location on zoned land and would not represent a traffic hazard.

8.4. Drainage

Public Water

- 8.4.1. It is proposed to lay a new watermain to connect to the existing watermain on the main road, plan records have been received from Uisce Éireann (UE) as to the installed pipe network. It is proposed that the water supply system is to be designed/constructed in accordance with UE standards relevant at the time of construction for this development.

The Commission will note the third party concerns as regards the capacity of the public water supply to accommodate the proposed development. In this regard, I draw the Commissions' attention to the report received from Uisce Éireann (UE) dated 14/01/2026 which states that *'in relation to Water the COF states a connection is feasible subject to upgrades. It notes, the public water supply could facilitate this connection based on the estimated demand and the potential future capacity of the supply, subject to capacity upgrades'.... 'site investigations will confirm if a viable public source is available, the potential available capacity and water quality from the new source, details on the required capital works to bring the new source into full compliance and increase the available capacity in the public water supply network. Further confirmation will also be required regarding licencing agreements and transfer of ownership of the new source to Uisce Éireann. Subject to successful capacity increase, development connections will be accepted in this area sequentially on a first come basis as part of our normal connection application process.'*

- 8.4.2. While the capacity issues are noted the Commission will note the UE did not object to the proposed development and attached a number of conditions to ensure adequate provision and protection of water and wastewater facilities including that where the applicant seeks a connection to the public network, the applicant shall enter into a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement'.
- 8.4.3. Having regard to the submission from UE dated 14/01/2026 which raised no objection to the principle of water connection, I am satisfied that the proposed development is acceptable subject to subject to a condition regard connection agreement. I am further satisfied this will ensure no development can connect to the public water supply until such times as there is suitable capacity. Should the Commission be minded to grant planning permission I recommend a suitable condition be attached to any grant of planning permission.

Wastewater

- 8.4.4. It is proposed to connect to the existing Uisce Éireann (UE) foul sewer system by gravity at the main road junction, it is a dedicated foul sewer. It is proposed that the wastewater supply system is to be constructed in accordance with UE standards. It should be noted that the to the submission form UE dated 14/01/2026 raised no objections subject to a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann. A review of the Uisce Éireann (UE) capacity register on 25/05/2026 noted that the WWTP serving the Kenmore agglomeration is subject to ongoing upgrade works from completion in 2026.

Flood Risk

- 8.4.5. The site is not located in any identified flood zone. The Commission will note that the site rises away from Kenmare Bay to the south of the site. The PA raised no flood risk concerns.

Conclusion

The submission by Uisce Éireann raised no objection to the water supply and foul drainage proposals subject to conditions. I further note the PA raised no objections to the site services and surface water proposals. I am also satisfied that there is no potential flood risk in the vicinity of the proposed site.

8.5. Other Matters

Impact of the development on mature tree in Ard na Greine.

- 8.5.1. Concerns were raised that the development would impact on mature trees in Ard na Greine. In response the applicant states that only one tree has the potential to traverse both the site and Ard Na Greine, an existing Monterey Pine located within Ard Na Greine. It was noted that this tree has been heavily pruned on the Ard Na Greine side and the Arborist report accompany that application states that the tree is now unbalanced and 'does not have a lifespan'. While this reference has not been clarified, it is of note that the maintenance and management of this tree is a matter for the residents of Ard No Greine and not the applicant.

Devalue Properties

- 8.5.2. Third party concerns were raised that the development would significantly devalue residential property in the vicinity. I am satisfied that the applicant has demonstrated that the development would not result in the devaluation of property in the area. I consider the scheme will provide increased amenity for the area, will result in the enhancement of the character of the wider area and will result in a planning gain for the area.

Legal Matters

- 8.5.3. The appeal from Mr. Patrick Henderson centres around the concerns raised in ABP 313364 22 /KCC 22/55 relating to ongoing matters regarding the ownership/relevant consent for Uisce Eireann which the current application proposes connect to. While the text refers to ongoing legal matters which the Commission is not privy to or part of, it would appear the appellant is concerned about consenting to development where such legal matters remain unresolved.
- 8.5.4. As the Commission is aware the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. The matters raised and any resolution thereto are not relevant to this application.

9.0 AA Screening

Introduction

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

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement.
- Stage 2 Appropriate Assessment of implications of the proposed development.

Compliance with Article 6(3) of the EU Habitats Directive

- 9.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

- 9.3. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Screening the need for Appropriate Assessment

- 9.4. An AA Screening exercise has been completed (see Appendix 3 of this report for further details). 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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Kenmare River SAC, in view of the conservation objectives. Appropriate Assessment is therefore required.
- 9.5. This determination is based on:
- The nature and scale of the proposed works.
 - The potential connectivity between the application site and the European Sites.
 - The nature and extent of the proposed mitigation measures to ensure the protection of water quality.
- 9.6. The possibility of significant effects on any other European sites has been excluded on the basis of objective information.
- 9.7. No measures intended to avoid or reduce harmful effects on European sites (including those outlined in the applicant's NIS) were taken into account in reaching this conclusion.

The Natura Impact Statement

- 9.8. As outlined in Appendix 4 of this report, a Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on Kenmare River SAC. The most likely impact on the integrity of the SAC, which was identified during the assessment, is thought to arise from pollutants and silt/sediment entering Kenmare Bay during the construction phase and the alteration of Lesser Horseshoe Bat foraging and commuting habitat. The NIS concludes that the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives). It concludes that the proposed project will not will adversely affect the integrity of European sites.

Stage 2 Appropriate Assessment of implications of the proposed development

- 9.9. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Kenmare River SAC, in view of the conservation objectives of those sites and that Appropriate Assessment was required.
- 9.10. Appendix 4 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of Kenmare River SAC using the best scientific knowledge in the field.
- 9.11. However, as set out in Appendix 4 the combined mitigation measures have been considered and following the implementation of the proposed mitigation measures (including the implementation of a condition to address a final CEMP collating all mitigation measures) the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives)
- 9.12. In summary, following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of Kenmare River SAC, can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the maintenance or, where required, restoration of the favourable conservation condition of the Qualifying Interests of the European Sites.
- The effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, Construction Management Plan, and the Ecological Impact Assessment.
- The application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

10.0 Water Framework Directive

- 10.1.1. Please refer to Appendix 5 of this report. The Inner Kenmare River (IE_SW_190_0300) is located c. 150m south of the site and the groundwater body is Kenmare IE_SW_G_040 (good water body status). The Finnihy River (IE_SW_21F010510) at its closest point is located c. 380 north of the site.
- 10.1.2. As set out in 8.4 above, a review of the Uisce Eireann (UE) capacity register on 25/05/2026 noted that the WWTP serving the Kenmore agglomeration is subject to ongoing upgrade works from completion in 2026. UE recommend a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann, this is applicable to both wastewater and water connections to the UE network. I am satisfied that this is acceptable. I refer the Commission to section 8.4 Above as regards water capacity/supply.
- 10.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The small-scale nature of the development, and
- lack of hydrological connections.

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

11.0 Recommendation

Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the **Kerry** County Development Plan 2022-

2028 **and Kenmare** Municipal District Local Area Plan 2024-2030, it is considered that, subject to compliance with the conditions set out below, the development would not detract from the character and setting of the area, would not seriously injure the residential amenities of the area or of property in the vicinity nor would it represent a traffic safety issue. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Reasons and Considerations

Having read the appeal and submissions on file, had due regard to the provisions of the Kerry County Development Plan 2022-2028 **and Kenmare** Municipal District Local Area Plan 2024-2030 **and other relevant guidance**, site inspection carried out and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 29/01/2025, 18/09/2025, 02/01/2026 and 15/01/2026, 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. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement and Ecological Impact Assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. Notwithstanding the provisions of Article 10 (4) of the Planning and Development Regulations 2001, no room in the proposed houses shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

Reason: in the interest of residential amenity and traffic safety and convenience.

4. 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) The provision of clearly defined public open space and clearly defined communal open space (in accordance the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2023)

(ii) the functionality of the green spaces to include details of multifunctional green spaces inclusive of playground, kick about area, seating and gathering areas

(iii) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping

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

(v) 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] [which shall not include prunus species]

(vi) Details of screen planting [which shall not include cupressocyparis x leylandii]

(vii) Details of roadside/street planting [which shall not include prunus species]

(viii) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting

season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. (a) An accurate tree survey of the site, which shall be carried out by an arborist, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

6. All links/connections to adjoining lands (within and outside the applicant's control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

7. (a) The open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the Planning Authority before any of the residential units are made available for occupation.

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

8. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be

submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

9. (a) Prior to the commencement of development a pre-construction bat survey, shall be undertaken by a suitably qualified individual to determine whether or not bats are utilising the building proposed to be demolished or trees proposed to be removed / cut back. The results of this survey shall be submitted to the Planning Authority and written agreement obtained in relation to any required mitigation, prior to the commencement of development.

(b) Works on the building proposed to be demolished including ivy removal shall not to take place between March 31st and September 30th.

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

10. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

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

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

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

12. Details of signage, waste management and hours of operation of the proposed Creche shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

13. (a) Public lighting shall be provided as outlined in the outdoor lighting report received by the Planning Authority on the 2nd of January 2026, unless otherwise agreed in writing with the Planning Authority.

(b) All external lighting shall be fitted and maintained with 'warm white spectrum' bulb type lighting, with 2700K or lower and with 0% tilt and uplift.

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

14. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

Reason: In the interest of public safety and visual amenity.

15. The construction of the development shall be managed in accordance with a Construction 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:

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities;
- e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;
- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;

- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 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.

18. (a) No development shall commence until such time as the developer has provided the Planning Authority with written confirmation from Uisce Eireann that adequate water and wastewater infrastructure is available to service the site.
- (b) Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health

19. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority.

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

20. (a) All works adjoining the public road, shall comply with the requirements of the planning authority.
- (b) Any damage to the adjoining public footpath/roadway as a result of the proposed development shall be made good at the developer's expense to the satisfaction of the Planning Authority.

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

21. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

22. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

23. Prior to commencement of development, the developer 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

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

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

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

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

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

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

26. The developer shall pay 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Irené McCormack

Senior Planning Inspector

23rd June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501110-KY-26
Proposed Development Summary	Demolition of dwelling house. Construction of 85 dwelling, pre-school and associated site works.
Development Address	The Parsonage , Bell Height , Kenmare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) >500 dwellings

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501110-KY-26
Proposed Development Summary	Demolition of dwelling house. Construction of 85 dwelling, pre-school and associated site works.
Development Address	The Parsonage , Bell Height , Kenmare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal is for residential units in a built up urban area. The increased height and scale are not considered to result in significant environmental effects. Demolition works would be minor in scale and whilst some excavation would be required, this would not be significant in the context of the environment. Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature and could be suitably managed through a Construction Environmental Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. No existing or permitted developments have been

	identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g., wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The area is mixed use in nature with residential being a significant use. The development would conform to the residential nature of the locality. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.
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).	All development has the potential for some impacts/disturbance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental

	sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.
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.

Appendix 3: Standard AA Screening Determination

Appendix A

Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of dwelling house. Construction of 85 dwelling, pre-school and associated site works
Brief description of development site characteristics and potential impact mechanisms	• The subject site is a greenfield site to the south of Kenmare town. • The site itself is not situated within a European site, the closest Natura 2000 site being 1.52km away at Kenmare River SAC. • Surface water will be a piped collected system utilising Tree Pits and Infiltration Tanks and with Flow Controls to Allowable Green Field discharging to the local authority system also located on the public road to the east. • The proposed new water supply will be taken from the Uisce Eireann network. • Wastewater will be a piped collection system discharging to the Uisce Eireann system located on the public road.
Screening report	Yes (Part of NIS)
Natura Impact Statement	Yes
Relevant submissions	N/A
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
The AA Screening Report notes that there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed in Table 1 of the AA Screening Report with approximate distance to the application site indicated:	

Designated Site	Site Code	Straight line distance and direction from the development site (m).
Kenmare River SAC	002158	152
Mucksna Wood SAC	001371	576
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC	000365	5113
Blackwater River (Kerry) SAC	002173	6066
Kilgarvan Ice House SAC	000364	6223
Maulagowna Bog SAC	001881	6232
Old Domestic Building, Dromore Wood SAC	000353	7255
Caha Mountains SAC	000093	8611
Cloonee and Inchiquin Loughs, Uragh Wood SAC	001342	9573
Glanlough Woods SAC	002315	9664
Glengarriff Harbour and Woodland SAC	000090	10911
Derryclogher (Knockboy) Bog SAC	001873	11753
Killarney National Park SPA	004038	7230
Eirk Bog SPA	004108	9284

I refer the Commission to Table 2 of the AA Screening Report which sets out the designated sites with qualifying features of conservation interest.

Conclusion on the extent of the Zone of Influence

Mucksna Wood SAC is excluded from further assessment. Given the nature of its qualifying interest (QI), the nature and scale of the proposed development, and its location on the opposite of the bay to the development sites, adverse effects on this SAC are not likely. Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC is also excluded from further assessment given its hydrological isolation from the development site, distances, and absence of connectivity. Other European sites in the wider area are excluded from further consideration in the screening report because there is no hydrological or other connectivity, and because of the distances involved.

The proposed development is approximately 150 m from the Kenmare River SAC (Site Code 002158) and a potential hydrological connection exists through surface water run-off during the construction phase of the development. Therefore, the Kenmare River SAC is the only Natura 2000 sites considered to be potentially impacted by the development. Therefore, I agree with the screening report that sites other than Kenmare River SAC can be excluded.

The Commission will note that an Ecological Impact Assessment also accompanied this planning application.

Other than the site identified for further consideration in the table below, I do consider any other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

Table 1- European Sites within the Zone of Influence

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Kenmare River SAC	Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	c.150M	Given the nature of the proposed works, and the proximity of the subject site to the Kenmare River (150m), it is considered that there is a potential hydrological connection that exists through surface water run-off during the construction phase of the development.	Yes

	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] European dry heaths [4030] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Submerged or partially submerged sea caves [8330] <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] <i>Lutra lutra</i> (Otter) [1355] <i>Phoca vitulina</i> (Harbour Seal) [1365]		In the absence of mitigation, there is the potential for dust hazardous materials and contaminated surface water runoff to enter the River with the potential for downstream impacts on the qualifying interests of this SAC.	
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Brief Description of European Sites

Kenmare River SAC a long, narrow, south-west facing bay. It is a deep, drowned glacial valley and the bedrock is mainly Old Red Sandstone which forms reefs along the middle of the bay throughout its length. Exposure to prevailing winds and swells at the mouth diminishes towards the head of the bay. Numerous islands and inlets along the length of the bay provide further areas of additional shelter in which a variety of habitats and unusual communities occur.

Kenmare River SAC has a wide range of marine communities from exposed coast to ultra-sheltered areas. The site contains three marine habitats listed on Annex I of the E.U. Habitats Directive, namely reefs, large shallow bay and marine caves. There is also a very high number of rare and notable marine species present and some uncommon communities. Kenmare River is the only known site in Ireland for the Northern Sea-fan (*Swiftia pallida*) and is the only known area where this species and the Southern Sea-fan (*Eunicella verrucosa*) co-occur.

Kenmare River SAC holds an important population of Common Seal (maximum count of 391 in the all-Ireland survey of 2003). The seals frequent rocky islets near Sneem, Templenoe and Castle Cove, as well as Brennel Island, Illaunsillagh, Kilmackilloge Harbour and Ballycrovane Harbour. Otter also uses the site.

Both Common Seal and Otter are listed on Annex II of the E.U. Habitats Directive. Two internationally important roosts for Lesser Horseshoe Bat, another Annex II species, are included in the site: approximately 100 bats were recorded hibernating in a souterrain near Dunkerron in 2001, while over 100 bats have been counted in recent summers in a two-storey cottage near Killaha. In damp slacks amongst the sand dunes at Derrynane, the rare Narrow-Mouthed Whorl Snail (*Vertigo angustior*), also an Annex II species, has been found. The nationally endangered and protected Red Data Book species, Natterjack Toad, has also been recorded from this area and, following a re-introduction programme, has re-established itself at the site.

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

Habitat loss and alteration - No protected plant species were recorded during the site visits, carried out during the optimal survey season (April and July). Additionally, habitats recorded on site are not considered significant in terms of ecology. Improved agricultural grassland covers the largest area within the site boundary and is considered to have Local Importance (lower value) and unlikely to provide habitat for protected or rare species. The development site is not within the Kenmare River SAC and, therefore, direct habitat loss or alteration will not occur as a result of the works. Run-off of pollutants to surface water during the project construction works and the operational phase, could potentially have an indirect impact on the marine habitat 'large shallow inlets and bays' which occur within Kenmare River SAC. The Lesser Horseshoe Bat could potentially be indirectly impacted by a loss of foraging/commuting habitat.

Habitat or species fragmentation - Habitat or species fragmentation could potentially occur within Kenmare River SAC as a result of the development.

Otter - The development site is approximately 300 m from the Finnihy River which empties directly into Kenmare Bay. Additionally, Otter habitat has been identified < 100 m south of the development site, within Kenmare Bay. It is unlikely that Otter will be impacted directly by the development, either during the construction phase or the operational phase, due to the lack of suitable aquatic habitat on site and the separation distance from suitable habitat. However, due to the location of the site, < 100m uphill of Kenmare Bay, adverse impact on water quality cannot be ruled out, as a result of contaminated surface water flow into the bay. A deterioration in water quality can lead to a reduction in prey biomass for the species if appropriate mitigation is not implemented.

Bats -The development will take place within an agricultural field that is surrounded by hedgerow, providing potential foraging/commuting habitat for the Lesser Horseshoe Bat. The Commission will note that a Bat Survey accompanied the planning application. During the emergence surveys no bats were observed exiting from within the residential structure. A solitary Common Pipistrelle (*Pipistrellus pipistrellus*) was observed on both occasions exiting Ivy growing externally on the building. A solitary Lesser Horseshoe Bat was recorded in the field following the emergence survey on the 8th of May 2024. This bat was only recorded

once during this survey shortly after sunset. There were no other Lesser Horseshoe Bat detected during the subsequent emergence survey on the 10th of May or the Bat activity survey on the 10th of June. Despite this low level of activity given the proximity to the SAC of which Lesser Horseshoe Bat is a Qualifying Interest as well as close proximity to known Lesser Horseshoe bat roosts, there is potential for the hedgerows and tree lines bordering the site to be used as commuting routes and foraging routes.

Direct barriers to migratory aquatic species will not result from the development. Indirect barriers to migration could potentially occur due to contaminated run-off from construction activities, potentially adversely impacting otter prey species within Kenmare Bay.

Water quality -There is no risk of water quality impact during the operational phase due to the proposed use of infiltration tanks and hydrocarbon interceptors within the development site. There is potential for water quality impacts to occur indirectly through contaminated run-off from the site during the construction phase of the development. This could occur through run-off of sediment or accidental spills or leaks from machinery or equipment.

Disturbance and/or Displacement of protected species -. Disturbance arising from the proposed development as a consequence of run-off from construction and operational activities is a potential source of displacement and disturbance to habitats and species within Kenmare River SAC. The main threats to otters in Ireland are habitat destruction through river and wetland drainage; water pollution particularly organic pollution resulting in a fish kill; accidental death and illegal killing; and disturbance from recreational activities. The territories of otters can stretch for several kilometers; the total length of the home range depends on the availability of food. Otters that live in rivers and lakes tend to be completely nocturnal, described as being crepuscular – activity peaks at dusk and dawn. Foraging at night or in ‘muddy’ water is aided by their highly sensitive whiskers, which detect their prey items.

Additionally, disturbance of the Lesser Horseshoe Bat is possible through lighting implemented as part of the development during the operational phase.

Wastewater – A review of the Uisce Eireann Capacity Register on 25/5/2026 indicated Kenmare Wastewater Treatment Plant has spare capacity subject to completion of project currently at construction (the website indicates that works have commenced on this project). The project is due for completion in 2026.

Cumulative/In combination impacts -In combination activities that could potentially impact water quality with the planned development include agriculture, licensed discharges, discharge from wastewater treatment and other development projects in the area. Discharges from commercial and industrial premises are discharged under licence and must comply with Surface Water Quality regulations. Under these licence conditions, discharges are controlled and

monitored regularly to prevent risk to water quality. Agricultural grassland, commercial and tourism/recreation are the main land uses in the surrounding area. Such activities present potential points and diffuse sources of nutrients to Kenmare Bay.

Conclusion

The Kenmare River SAC is located approximately 150m south of the development site. Due to the close proximity, there is potential for significant impacts to occur within the SAC. Associated habitats and species within Kenmare River SAC could be potentially impacted by the above-mentioned development as the construction phase of such development projects creates the potential for the generation of contaminated runoff from the development site. Potential impacts associated with the development could arise from:

- The risk of contaminated runoff during construction activities;
- The alteration or removal of foraging habitat;
- Cumulative impacts arising from discharges associated with the project site interact with other sources of water pollution such as wastewater treatment discharges or agricultural runoff.

Additionally, disturbance of the Lesser Horseshoe Bat is possible through lighting implemented as part of the development during the operational phase.

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Kenmare River SAC from effects associated with potential pollution of surface water at the construction stage.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'.

Screening Determination

Significant effects cannot be excluded.

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Kenmare River SAC in view

of the conservation objectives because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures in relation to pollution (silt, dust, potential contamination and runoff) during construction and operation, that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Site/s. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites (including those included in the applicant's NIS) were taken into account in reaching this conclusion.

Appendix 4

Appropriate Assessment

Appropriate Assessment

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

Taking account of the screening determination (see Appendix 1), the following is an appropriate assessment of the implications of the proposed development consisting of the demolition of dwelling house. Construction of 85 dwelling, pre-school and associated site works, in view of the relevant conservation objectives of Kenmare River SAC, based on scientific information provided by the applicant and all other submissions and observations received.

The information relied upon includes the following:

- The Natura Impact Statement, Environmental Impact Assessment Report and accompanying documentation, the Ecological Impact Assessment and Construction and Environmental Management Plan prepared on behalf of the applicant.
- The other plans and particulars submitted with the application.
- The KCC Planning Authority Reports.
- The submissions from Prescribed Bodies.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

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

Submissions/observations

The submissions and observations received during the application and appeal process have been outlined in section 3 of this report.

Summary of Key Issues That Could Give Rise to Adverse Effects (From Screening Stage)

I refer the Comsmsion to Table 3 of the NIS which lists the potential direct and indirect impacts on the qualifying interests/features of the Kenmare River SAC and Table 4 which lists the habitats and species which may potentially be directly or indirectly impacted by the proposed development.

Table 2 below sets out a summary of Qualifying Interest features likely to be affected, Conservation Objectives, Potential adverse effects and a summary of mitigation measures.

Kenmare River SAC (Site Code 002158)

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

Water quality degradation (construction and operational stage)

Qualifying Interest features likely to be affected	Conservation Objectives (Summary of relevant Targets and Attributes)	Potential adverse effects	Mitigation measures (summary -as outlined in NIS)	
Kenmare River SAC				
Large shallow inlets and bays	To maintain the favourable conservation condition of Large shallow inlets and bays	Hydrology - This habitat is likely to be downstream of the proposed development and may be impacted by changes to hydrology or transfer of materials/substances. Without the presence of mitigation measures there is a potential for downstream effects.	I refer the Commission to Section 5. Mitigation measures of the NIS In summary, the proposed mitigation measures include, <i>inter alia</i>:	

	Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.		<u>Construction Phase</u> An appropriately qualified and experienced contractor will be appointed to undertake the work and will be: • required to take account of the environmental sensitivities of the site; • required to comply with obligations to protect water quality and qualifying interests/special conservation interests of Natura sites required to implement all aspects of the NIS.	
Rhinolophus hipposideros (Lesser Horseshoe Bat)	To maintain the favourable conservation condition of Lesser Horseshoe Bat. Population per roost - Minimum number for the winter roost at Dunkerron souterrain is 138; Minimum of 100 for summer roost. Winter roosts – No decline Summer roosts – No decline Auxiliary roosts – No decline Extent of potential foraging habitat – No decline. Linear Features – No decline Light pollution - No significant increase in artificial light intensity adjacent to named roosts	The development site is within core foraging zone of a known Lesser Horseshoe bat roost. LHBs forage up to 2.5 km from their roosts, using hedgerows and treelines to navigate and forage. Potential foraging habitat and foraging routes were identified on site and therefore potential for adverse impact on this QI exists.	• the qualifications and experience of the appointed individual will be expected to understand and adhere to environmental regulations, ensuring that construction activities minimise negative impacts of the project and comply with relevant law. • The Contractor will appoint a suitably qualified and experienced person (“Environmental Officer”) to be responsible for the implementation and day-to-day management of the required mitigation. • ensuring that all personnel, including subcontractors, receive a site-specific environmental induction before starting work on-site. <u>Water Quality</u> • All works on site will comply with CIRIA • Guidelines – Control of Water Pollution from Construction Site – Guide to Good Practice and Inland Fisheries Ireland –Guidelines on Protection of Fisheries During Construction Works in and adjacent to Waters (2016).	

	or along commuting routes within 2.5km of those roosts.		• Works will be scheduled to avoid periods of prolonged wet weather (yellow rain warning). • No works will be permitted to take place outside of the designed site area. • General Waste will be removed from site and disposed of appropriately by a licenced operator. • Petrochemical interception. • Pollution prevention programme. • Control of vehicles • Spill control • Appropriate stockpiling away from drains and watercourses	
Lutra lutra (Otter)	To restore the favourable conservation condition of Otter. Distribution - No significant decline. Extent of terrestrial habitat - No significant decline. Extent of marine habitat - No significant decline. Extent of freshwater (lake/lagoon) habitat - No significant decline. Couching sites and holts – No significant decline Fish biomass available – No significant decline Barriers to connectivity - No significant increase	Deterioration in water quality -The development site is approximately 300 m from the Finnihy River which empties directly into Kenmare River SAC. Additionally, otter habitat has been identified < 100 m south of the development site, within Kenmare Bay. In addition, prey fish biomass could be negatively impacted by a deterioration in water quality	<u>Bats</u> • Retain the hedgerows and treelines bordering the site. • Any gaps within the treeline should be filled with suitable native species such as hawthorn and blackthorn. • Appropriate lighting design and direct light away from the SAC and hedgerow/treeline bordering the site, where possible. • Any vegetation removal works will not take place between 1st March to 31st August which is the active nesting period as per the Wildlife Act 1976.	
Reefs	To maintain the favourable conservation condition. Distribution - Stable Habitat Area – Stable or increasing.	This habitat is likely to be downstream of the proposed development, but it is unlikely to be influenced by changes to hydrology.	No potential direct or indirect impacts identified	

	Community Structure - Conserve in a natural condition			
Perennial vegetation of stony banks	To maintain the favourable conservation condition. Habitat Area – Stable or increasing. Habitat distribution - No decline, or change in habitat distribution, subject to natural process. Physical Structure – Maintain in natural condition. Vegetation Structure - Maintain range of coastal habitats. Vegetation Composition – Maintain.	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development	No potential direct or indirect impacts identified	
Vegetated sea cliffs of the Atlantic and Baltic coasts	To maintain the favourable conservation condition. Habitat Area – Stable, subject to natural processes. Habitat Distribution – No decline. Physical Structure - No alteration to natural functioning of	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development.	No potential direct or indirect impacts identified	

	geomorphological and hydrological processes due to artificial structures. Vegetation Structure – Maintain Vegetation Composition – Maintain.			
Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	To maintain the favourable conservation condition Habitat Area – Stable / increasing. Habitat distribution – No decline / change. Physical structure - Maintain Vegetation structure - Maintain Vegetation composition - Maintain	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development.	No potential direct or indirect impacts identified	
Mediterranean salt meadows (Juncetalia maritimi)	To maintain the favourable conservation condition. Habitat Area – Stable or increasing. Habitat distribution – No decline / change. Physical structure - Maintain. Vegetation structure - Maintain	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development.	No potential direct or indirect impacts identified	

	Vegetation composition - Maintain range of sub-communities.			
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	To maintain the favourable conservation condition Habitat Area – Stable or increasing. Habitat distribution – No decline / change. Physical structure - Maintain. Vegetation structure - Maintain Vegetation composition - Maintain	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development	No potential direct or indirect impacts identified	
Fixed coastal dunes with herbaceous vegetation (grey dunes)	To maintain the favourable conservation condition. Habitat Area – Stable or increasing. Habitat distribution – No decline / change. Physical structure - Maintain. Vegetation structure - Maintain Vegetation composition - Maintain	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development	No potential direct or indirect impacts identified	

European dry heaths	To maintain the favourable conservation condition Habitat Area – Stable or increasing. Habitat distribution – No decline. Physical structure - No significant change Vegetation structure – Percentage cover does not identify significant concerns. Vegetation composition - No decline in distribution or population sizes of rare/scarce species, including protected species.	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development	No potential direct or indirect impacts identified	
Juniperus communis formations on heaths or calcareous grasslands	To restore the Favourable conservation condition Habitat Area – Stable or increasing. Habitat distribution – No decline subject to natural process. Indicators of local distinctiveness, Occurrence and population size - No decline in distribution or population sizes of rare,	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development	No potential direct or indirect impacts identified	

	threatened or scarce species associated with the habitat			
Calaminarian grasslands of the <i>Violetalia calaminariae</i>	To maintain the favourable conservation condition. Habitat Area – No decline Habitat distribution – No decline subject to natural process. Physical Structure - Maintain. Soil toxicity – Maintain. Vegetation Structure- Maintain Vegetation Composition – Maintaining diversity.	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development	No potential direct or indirect impacts identified	
Submerged or partially submerged sea caves	To maintain the favourable conservation condition Distribution – Stable. Community Structure - Human activities should occur at levels that do not adversely affect the ecology of sea caves at this site.	This habitat is not present within, or adjacent to, the proposed development. It is also not within the vicinity of the proposed development.	No potential direct or indirect impacts identified	
<i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail)	To maintain the favourable conservation condition.	This habitat is not present within, or adjacent to, the proposed development. It is also not within	No potential direct or indirect impacts identified	

	Distribution- No decline Presence - Adult or sub-adult snails are present in at least 3 places. Habitat extent - 1.5ha of sub-optimal with optimal areas.	the vicinity of the proposed development		
Phoca vitulina (Harbour Seal)	To maintain the Favourable conservation condition of Harbour Porpoise. Access to suitable habitat - Species range within the site should not be restricted by artificial barriers to site use. Disturbance - Human activities should occur at levels that do not adversely affect the harbour porpoise community at the site	The nearest haul out site is > 4 km from the development site and the development site itself is located within Kenmare town. Additional disturbance from the project during both the construction and operational phases will therefore, not occur. Additionally, the main threat and pressures on this QI are listed as Marine fishing and shellfish harvesting	No potential direct or indirect impacts identified	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
In-combination effects The applicant has considered cumulative / in-combination impacts in section 4.6.2 of the NIS, including a review of planning applications in the vicinity. No significant planning applications were identified in the area. Similarly, I note the completion of the on-going WWTP upgrade works will ensure adequate capacity				

to accommodate increased wastewater demand. Agriculture and tourism/recreation are noted as the predominate land uses in the surrounding area. Such activities present potential point and diffuse sources of nutrients to the SAC. It concludes that no projects in the vicinity of the proposed development would be seen to have a significant in-combination effect on Natura 2000 sites.

However, having regard to the foregoing, I am satisfied that the proposed development will not result in any significant residual surface water quality effects post the application of mitigation measures. Other developments will also be required to demonstrate the absence of significant adverse effects. Therefore, there is no potential for significant adverse in-combination effects.

Findings and conclusions

The Kenmare River SAC is known to support 12 habitats listed in Annex I of the Habitats Directive, of this one habitat (Large shallow inlets and bays) is considered to be at risk due to the proposed development. Additionally, the SAC supports 5 species, of which 2 (Otter and Lesser Horseshoe Bat) are considered to be at risk of adverse impact as a result of the development. This SAC is located approximately 100m south of the proposed development.

The proposed works will involve the excavation of ground material from which some interspersed silt and clay materials is likely to arise and therefore the generation of soiled runoff is likely. Runoff of fresh concrete and cement from construction works could result in significant water quality impairment as a result of sedimentation and changes to water chemistry, particularly pH, potentially impacting the marine habitat 'large shallow inlets and bays' as well as otter prey species. Additionally, species within the SAC may be impacted by reduced or altered habitat and disturbance.

The applicant's NIS concluded that, following the implementation of the mitigation measures in accordance with best practice guidelines (CIRIA, 2001) will be employed during the proposed development to ensure contamination of Kenmare River SAC do not occur. These measures will function to minimise the potential for the generation of silt and other contaminants ('source controls') and to maximise the removal of these contaminants ('transport controls') in any runoff from the site and as such the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites screened in for NIS with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives). Operational stage mitigation includes appropriate lighting and tree and hedgerow protection and enhancement.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. They will prevent any residual effects and, as such, I am satisfied that there will be no significant in-combination effects.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Kenmare River SAC. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Kenmare River SAC view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U of the Act was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account the submissions and observations received, I consider that adverse effects on site integrity of the Kenmare River SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of Kenmare River SAC.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall consistent and be implemented.

Appendix 5 - Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501110-KY-26	Townland, address	The Parsonage , Bell Height , Kenmare
Description of project		Demolition of dwelling house. Construction of 85 dwelling, pre-school and associated site works	
Brief site description, relevant to WFD Screening,		The Inner Kenmare River (IE_SW_190_0300) is located c. 150m south of the site and the groundwater body is Kenmare IE_SW_G_040 (good water body status).	
Proposed surface water details		Implementation of SUD's measures	
Proposed water supply source & available capacity		Connection to the public network identified. - A review of the Uisce Eireann Capacity website on 25/5/2026 indicated that 'Capital Investment Required = Capacity Not Available - capital investment required to increase capacity. Project is being scoped to address capacity constraints in Kenmare WRZ. - I refer the Commission to section 3.3 of this report setting out the report from Uisce Eireann dated 14/2/2026 which states that 'In relation to Water the COF states a connection is feasible subject to upgrades. It notes, the public water supply could facilitate this connection based on the estimated demand and the potential future capacity of the supply, subject to capacity upgrades...	
Proposed wastewater treatment system & available capacity, other issues		Connection to the public network identified. A review of the Uisce Eireann Capacity Register on 25/5/2026 indicated Kenmare Wastewater Treatment Plant has spare capacity subject to completion of project currently at construction (the	

	website indicates that works have commenced on this project). The project is due for completion in 2026. I refer the Commission to section 3.3 of this report setting out the report from Uisce Éireann dated 14/2/2026 which states that 'In relation to Wastewater the COF states a connection is feasible without infrastructure upgrade by Uisce Éireann.'
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Others?	N/A
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Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Transitional Waterbody	c.150m south of the site	IE_SW_190_0300 Inner Kenmare River	Moderate	Not At Risk	No pressures	Not hydrologically connected to surface watercourse
Groundwater body	Underlying Site	IE_SW_G_040 (Kenmare)	Good	Not at Risk	No pressures	No –Soil hydrology map indicated well drained soil.
River	c.380m north of the	IE_SW_21F010510	Moderate	At Risk	Domestic Wastewater	Upstream of site. *WWTP Upgrade works currently

	site	Finnihy River				ongoing. Completion date 2026.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Surface	IE_SW_190_0300 Inner Kenmare River)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Surface	IE_SW_21F010510 Finnihy River	No pathway exists (upstream of site)	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened Out
3.	Ground	IE_SW_G_040 (Kenmare)	Pathway exists via drainage characteristics	Spillages	As above	No	Screened Out

OPERATIONAL PHASE							
4.	Surface water run-off	IE_SW_190_0300 Inner Kenmare River)	No direct pathway exists.	Hydrocarbon spillage	Standard construction practices/conditions	No	Screened out
5.	Surface water run-off	IE_SW_21F010510 Finnihey River	No direct pathway exists.	Hydrocarbon spillage	Standard construction practices/conditions	No	Screened out
6.	Discharges to ground	IE_SW_G_040 (Kenmare)	Surface water disposal	None	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA