



An
Coimisiún
Pleanála

Inspector's Report PL-501342-KY-26

Development	Change of design of 8 dwellings from previous grant reg ref 23/305 and all associated site works
Location	Port Rd, Dereen Coollegrean, Killarney, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	25/61009
Applicant(s)	Fossa Ventures Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant	David Geary
Observers	None
Date of Site Inspection	27 th July 2026
Inspector	Suzanne White

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1.0 Site Location and Description

- 1.1. The site is situated on the northwestern edge of the town of Killarney, approximately 1km from the town centre, on the eastern side of Port Road (R877). It is accessed via an existing gate and internal private access road serving the Parklands Estate, which bounds the appeal site to the north.
- 1.2. The site forms part of a wider site, for which planning permission was granted by the planning authority under PRR 23/305 for a nine-dwelling scheme. Construction has commenced on site and a two-storey dwelling has been erected but was unfinished on the day of my site visit. Levels on site slope down from northeast/east to southwest/west.
- 1.3. The wider area is residential in character. To the north is the Parklands Estate of two storey detached dwellings, while to the east and south is the Millwood Estate which comprises a mix of single and two-storey detached and semi-detached dwellings. To the west, beyond the internal access road and Port Road, is Killarney National Park.
- 1.4. The stated site area is 0.385ha.

2.0 Proposed Development

- 2.1. Permission is sought for change design of 8 nr dwelling houses, sites Nr 2 – Nr 9, from that previously granted under Planning Ref 23/305, all in accordance with plans and particulars submitted. The design changes proposed include:
 - change in roof design from low pitch roofs to pitched;
 - 3 no. house types are proposed, all of which are two storey in height, featuring a front facing gable with single storey flat roof porch. Two of the house types feature a two storey rear projection;
 - the finished floor levels of the dwellings range from +32.50 for House No.09 in the southwest part of the site, to + 33.20 for House No.02 in the northwestern part of the site and 33.80 for House No. 05 in the eastern part.
 - the dwelling plots, internal estate roads, footpaths and services are stated to be unchanged from PRR 23/305.

I note that the application site boundary is drawn around the plots of the 8no. dwellings. It excludes open spaces, roads, footpaths and two linear parcels of land which are indicated to be rights of way for sewer lines.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development, by order dated 21st April 2026, subject to 11no. conditions.

3.1.1. Conditions

Condition 4 required that the dwellings are not used for overnight commercial guest accommodation.

Condition 9 required that any external lighting shall be downward type lighting with 0% tilt or uplift and be provided with warm tone bulbs (2700K or less).

3.1.2. Further information

Prior to making a decision on the application, the planning authority requested further information from the applicant on the 19th December 2025 and clarification of further information on the 11th March 2026.

The information requested on the 19th December 2025 included:

- Details to show that Conditions 28 & 31 of PRR 23/305 have been complied with.
- Amended drawings requested to show the provision of rainwater planters compatible with the requirements of condition 30 of PRR 23/305 and details/specifications of any proposed external lighting within the scheme.
- Request for the submission of an Appropriate Assessment Screening report and, if necessary, a Natura Impact Statement.
- A 3D image from a viewpoint further south on Port Road in the vicinity of the entrance to Deenagh House.
- Revised 3D images to show the proposed development with and without the proposed landscaping.

The information requested on the 11th March 2026 included:

- A request for confirmation of compliance with the requirements of conditions 28 & 31 of PRR 23/305.
- A request for submission of a site location map showing lands owned/controlled by the developer.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- The proposed development is not one which required EIA screening or EIA. Further information is required in respect of AA.
- The revised designs proposed in this application is a more standard design with a pitched roof, making the dwellings taller than those granted previously.
- Further information required in respect of landscaping.

The main points of the Planner's Report, dated 9th March 2026, following receipt of further information, may be summarised as follows:

- Notes that clarification of further information is requested by the Environmental Assessment Unit and recommends same.

The main points of the Planner's Report dated 20th April 2026, following receipt of further information, may be summarised as follows:

- All of the issues raised in the request for further information and request for clarification of further information have been addressed in the particulars received on 26/01/2026 and 26/03/2026.
- Concludes that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.

Other Technical Reports

- Environment Assessment Unit: report dated 20th April 2026, following receipt of further information and clarification of further information, concludes that Appropriate Assessment is not required in respect of the proposal. In relation to biodiversity considerations, raises no objection, subject to conditions relating to lighting, landscaping and construction management.
- County Archaeologist: no objection.
- Housing Estates Unit: report of 12th November 2025 seeks clarification/further information in relation to a number of technical aspects of the proposal, including surface water drainage, surfacing, boundary treatments.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

3.4. Third Party Observations

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

4.0 Planning History

Appeal site

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

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

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

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

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

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

Lands adjacent to west/northwest:

PL-500977-KY-26 (25/61008): retention permission granted to retain dwelling house as constructed to date with the design changed from that previously granted on Planning Ref 23/305 on site Nr 1, all in accordance with plans and particulars submitted.

Lands adjacent to the north (Parklands Estate):

22/675: Permission granted to (a) create additional public amenity space in lieu of former tennis court, (b) permission to erect steel railing on existing boundary wall and set back the entrance, wing walls, sliding entrance gate, (c) retention permission to retain all the development within all revised site boundaries and all ancillary services and all associated site works.

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

5.0 Policy Context

5.1 Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. On the 19th January 2026, Proposed Variation No.2 of the Kerry County Development Plan 2022-2028, relating to Killarney Municipal District Settlements' Plan, was adopted by the Council. The relevant policies and objectives pertaining to the proposed development are set out below.

Killarney Municipal District Settlements' Plan

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

The adjacent site to the north is zoned 'R2 – Existing Residential', with the objective: "Provide for residential development and protect and improve residential amenity". KCDP KY-21 Ensure, that all new development located on main entrance routes to the town positively adds to the streetscape/urban edge by promoting sense of place, quality, distinctiveness and high-quality urban design.

2.1.9.4.1 Lesser Horseshoe Bat (LHB) Considerations

The conservation objective report for the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC has identified and named three Lesser Horseshoe Bat Roosts that are located within Killarney National Park and in close proximity to Killarney Town.

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

Chapter 4: Towns and Villages

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

Chapter 7: Housing for All

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

Development Plan Volume 6:

1. Development Management Standards and Guidelines.

1.5.4.2 Estate Design

1.5.4.10 Minimum Separation Distance

1.5.4.11 Screen Walls in Urban Areas

5.2 National/Regional Plans/Policies

National Planning Framework – First Revision April 2025

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

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

5.3 National Guidance

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

5.4 Natural Heritage Designations

The nearest designated sites to the appeal site are:

- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and pNHA (000365) c. 38m to the west
- Killarney National Park SPA (004038) c. 48m to the west
- Sheheree (Ardagh) Bog SAC and pNHA (000382) c. 3.6km to the south
- Castlemaine Harbour SAC & pNHA (000343) c. 4.4km to the north
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 15.9km to the northeast
- Blackwater River (Cork/Waterford) SAC (002170) c. 16.5km to the east
- Castlemaine Harbour SPA (004029) c. 17.5km to the northwest
- Anna More Bog NHA (000333) c. 13.9km to the north

6.0 EIA Screening

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

- Bedrooms 3&4 of houses 2, 3 & 4 significantly overlook the adjacent houses in Parklands Estate. The gardens will no longer be private. The elevation of the proposed houses adds to the degree of overlooking caused. It will have a significant detrimental impact on the desirability and value of these homes.
- Request that ACP overturn the grant of permission and instruct the developer to return to the original house designs.
- The overall height of the proposed houses and the new roof designs reduces the light entering the homes and gardens of Parklands Estate. The grounds also refer to the looming presence of House No.1 which is under construction.
- The drawings submitted under PRR 25/61008 do not accurately reflect the unauthorised structure on site.
- The developer continues to conduct works on site, raising concern that any conditions applied may not be implemented.
- Query the level of contributions for this application, which are less than for PRR23/305.
- Environmental concerns raised as the proposal includes the introduction of Chinese bamboo within 200 years of the UNESCO World heritage site of Killarney National Park. Consider that the bamboo is a non-native species and will be out of character with the surrounding vegetation and detract from the look of the Port Road area.
- There is widespread opposition to the proposals locally. Letters of support for the appeal area attached to the grounds of appeal.
- A history of non-compliance with the terms of approval by the developer should preclude him from the benefit of the new permission at the detriment of the existing residents. The precedence this sets is contrary to good governance of the planning process and encourages breaches of same.
- The grounds of appeal raise detailed points in relation to information stated in the application form and the position and date of display of site notices.

As well as neighbour letters, the grounds of appeal include photographs, marked up plans and other documents as appendices.

7.2. Oral Hearing Request

A request for an oral hearing was submitted by the Appellant. This request was considered by An Coimisiún Pleanála on the 1st September 2026. The Coimisiún decided to refuse the request.

7.3. Applicant Response

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

- The floor levels and bedroom floor levels of all of the proposed houses are the same as those granted under PRR 23/305, which have the benefit of an extant permission.
- The proposed development is a relatively minor revision to the approved design, incorporating pitched as opposed to flat roofs.
- The north facing 1st floor windows of houses 2 & 3 are 11m from the neighbouring boundaries, while that of house no.4 is 15m from the boundary. These distances are in line with the Compact Settlements Guidelines. It is also noted that the dwellings to the north are at a higher elevation than those proposed.
- Confirms that the only works ongoing on site are in respect of the site layout, which will not be altered by this application.
- Site No.1 is already the subject of a planning appeal and points made in relation to that site, application and appeal should be disregarded.
- With regard to the reduction in development contributions, this development is for design changes only.
- Accepts that work has commenced on site ahead of compliance with certain conditions, however maintains that these were relatively minor breaches.
- States that, as the proposed roof forms are sloping roofs with receding planes, the impact on the overall light penetrating the appellant's premises will be practically non-existent.
- Maintains that none of the issues raised in relation to responses given in the application form are material planning matters.

- The bamboo screening has been specified following recommendations of the developer's landscape architect and has been approved by the environmental section of Kerry County Council.
- The proposed design changes reduce the levels of light impact from that of the previous proposal and the Council, as the competent authority, have concluded that AA issues do not arise and that there is no possibility of negative impact on a European Site.

7.4. Planning Authority Response

None received.

7.5. Observations

None.

7.6. Further Responses

None.

8.0 Assessment

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

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

8.1. Impact on adjoining residential amenities

- 8.1.1. The 3rd party grounds of appeal raise concern that the proposed amended house designs would result in significant overlooking of, and loss of light to, the adjacent houses in Parklands Estate, detrimentally impacting the amenity and value of those homes.

- 8.1.2. In respect of overlooking, the appellant specifically identifies that bedrooms 3 & 4 of proposed houses 2, 3 & 4 would cause overlooking of neighbouring properties.
- 8.1.3. The applicant, in their response to the appeal, states that the separation distances to the neighbouring boundaries are in line with the Compact Settlements Guidelines, with the north-facing 1st floor windows of houses 2 & 3 being 11m from the neighbouring boundaries, and those of house no.4 being 15m from the boundary. They also note that the existing dwellings to the north are set at a higher elevation than those proposed.
- 8.1.4. The Planner's Report did not raise any concerns regarding these issues.
- 8.1.5. The proposed amended house designs introduce rear facing windows serving bedrooms at 1st floor level, whereas the approved house types did not have any fenestration to the rear at 1st floor level.
- 8.1.6. Section 1.5.4.10 Minimum Separation Distance of Volume 6 (Development Management Standards) of the Development Plan 2022-2028 states that a minimum distance of 22 metres between directly opposing above ground floor windows (first floor) should generally be observed for new, reciprocal overlooking housing, although this will be informed by considerations such as topography, design and housing type and mix.
- 8.1.7. Having regard to the siting of Proposed House No.2 relative to existing dwelling nos. 14 & 15 Parklands Estate and to the southwest orientation of the rear elevations of those dwellings, I do not consider that the proposed development would introduce any directly opposing windows facing these dwellings. Therefore, I do not consider that any material impact on residential amenity would arise for occupiers of those dwellings in terms of overlooking.
- 8.1.8. For Proposed House No. 2, the minimum separation distance between the windows of bedrooms 3 & 4 and Nos. 16 & 17 Parklands Estate, as measured from the plans, would be:
- c. 18m from the window of bedroom 3 to No. 16
 - c. 14m from the window of bedroom 4 to No. 16
 - c. 18m from the window of bedroom 4 to No. 17

- 8.1.9. The finished floor level of Nos. 16 & 17 Parklands Estate are shown as 36.249m and 36.675m, respectively, on the site layout plans submitted under PRR 23/305. Site levels on the plans submitted under PRR 23/305 correspond to those indicated on the plans submitted for the present application. Proposed House No. 2 would have a finished floor level of 33.20m, unchanged from that approved under PRR 23/305. The finished floor levels of bedrooms 3 & 4 of the proposed dwelling would be 36.15m. As such, the finished floor level of the 1st floor of proposed House 2 would be slightly lower than the ground floor level of Nos. 16 & 17 Parklands. There is an existing block wall of c.2m in height, based on the Site Cross Section drawings submitted under PRR 23/305, bounding the rear gardens of the existing dwellings. Having regard to the difference in levels between the existing and proposed dwellings, to the retention of the existing intervening boundary wall and to the offset angle of the rear elevations of the dwellings in relation to each other, I consider that the proposed dwellings would not result in any material impact on the residential amenity of the occupiers of Nos. 16 & 17 Parkland Estate in terms of overlooking and would be in accordance with the Development Management Standards of the Development Plan.
- 8.1.10. In respect of Proposed House No. 3, I calculate that the minimum separation distance from the windows of bedrooms 3 & 4 to Nos. 17 and 18 Parklands Estate, as measured from the plans, would be:
- c. 15.5m from the window of bedroom 3 to No. 17
 - c. 19m from the window of bedroom 3 to No. 18
 - c. 15m from the window of bedroom 4 to No. 18
 - c. 20m from the window of bedroom 4 to No. 19
- 8.1.11. Having regard to the southwest orientation of the rear elevation of No. 17 Parklands and to the position slightly left of centre of the 1st floor rear-facing window of that dwelling within the rear elevation, I do not consider that the window of bedroom 3 of proposed House No.3 would be a directly opposing window. The finished floor level of Nos. 17 & 18 Parklands are shown as 36.675m and 36.994m, respectively, on the site layout plans submitted under PRR 23/305. Proposed House No. 3 would have a finished floor level of 33.50m, unchanged from that approved under PRR 23/305. The finished floor levels of bedrooms 3 & 4 of the proposed dwelling would be

36.45m. As such, the finished floor level of the 1st floor of proposed House 3 would be slightly lower than the ground floor level of Nos. 17 & 18 Parklands. Having regard to the difference in levels between the existing and proposed dwellings, to the retention of the existing intervening boundary wall of c. 2m in height and to the offset angle of the rear elevations of the dwellings in relation to each other, I consider that the proposed dwellings would not result in any material impact on the residential amenity of the occupiers of Nos. 17 & 18 Parkland Estate in terms of overlooking and would be in accordance with the Development Management Standards of the Development Plan.

8.1.12. In respect of Proposed House No. 4, I calculate that the separation distances from the windows of bedrooms 3 & 4 to the site boundary and to the rear elevation of No.19 Parklands Estate would be c.13m and c.20m, respectively. The finished floor level of No. 19 Parklands is not shown on the site layout plans submitted under PRR 23/305, however from my site visit I observed that it is similar to that of No.18. Proposed House No. 4 would have a finished floor level of 33.80m, unchanged from that approved under PRR 23/305. The finished floor levels of bedrooms 3 & 4 of the proposed dwelling would be 36.75m, slightly lower than the ground floor level of No. 18 Parkland which is taken to be indicative of that of No. 19. In this case, the separation distance at 20m between the rear elevations of the existing and proposed dwellings would be closer to the 22m minimum generally sought by Section 1.5.4.10 of the Development Plan before considering mitigating factors. Having regard to the difference in levels between the existing and proposed dwellings, to the retention of the existing intervening boundary wall, to the offset angle of the rear elevations of the dwellings in relation to each other and to the separation distance of 20m, I consider that the proposed dwelling would not result in any material impact on the residential amenity of the occupiers of No.19 Parkland Estate in terms of overlooking and would be in accordance with the Development Management Standards of the Development Plan.

8.1.13. Having regard to my assessment above, I consider that the proposed amended dwelling design for House nos. 2-9 would not result in a material adverse impact on the amenity of occupiers of Nos.14-19 Parklands Estate due to overlooking and would be in accordance with Section 1.5.4.10 of the Development Plan 2022-2028 (Volume 6).

- 8.1.14. In relation to the issue of overbearance, the appellant raises concern that the overall height of the proposed houses, due to the introduction of pitched roofs in place of the originally approved low pitch roof forms, would result in a reduction in the level of light entering the homes and gardens of Parklands Estate.
- 8.1.15. As noted above, the floor levels of the proposed dwellings would remain the same as those approved under PRR 23/305. The proposed dwellings would be c. 9m in height to the ridge. The maximum height of the dwellings as approved was c. 6.65m, reducing to the rear with the roof slope.
- 8.1.16. Proposed House No.4 would be located c. 20m south of the nearest existing dwellings to the north. Having regard also to its substantially lower finished floor level relative to those dwellings, I consider that the proposed amended dwelling design would not result in a material impact on the amenity of neighbouring occupiers to the north in terms of overbearance or loss of daylight/sunlight.
- 8.1.17. Proposed House Nos. 2 & 3 feature a staggered rear elevation, which reduces the massing of the rear of the dwellings in proximity to existing dwellings to the north. Due to this staggered footprint, the proposed units would be at least 12m south of the rear elevations of Nos. 14-19 Parklands. Having regard also to the substantially lower finished floor levels of the proposed dwellings relative to the existing, I consider that the proposed amended dwelling design would not result in a material impact on the amenity of neighbouring occupiers to the north in terms of overbearance or loss of daylight/sunlight.
- 8.1.18. Therefore, considering the lower finished floor levels of the proposed dwellings relative to the existing, the separation distance between the dwellings, the existing boundary treatment to be retained and the staggered rear building lines of the proposed units 2 & 3, I am satisfied that the proposed amended house designs would not result in a material negative impact on the residential amenity of occupiers of No.14-19 Parklands as a result of overbearance or loss of daylight/sunlight.
- 8.1.19. Although potential impacts on the amenity of existing residential occupiers to the south and east were not raised in the appeal grounds, I note that the existing dwellings to the southeast are also set at higher ground level than the proposed dwellings and that the nearest existing house, No. 39 Millwood, presents a flank elevation to the application site. Having regard to the design and layout of the

proposed units, I consider that the proposed development would not result in harm to the amenity of existing occupiers to the south and east.

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

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

8.2. Environmental impacts

8.2.1. The third-party grounds of appeal raise concern that the proposed bamboo screening on the western boundary of the site would be out of character with the surrounding vegetation, particularly given its proximity to Killarney National Park. They add that the bamboo will appear piecemeal as it would only be planted along approximately a third of the street frontage. They also query how long it will take for the bamboo to form an effective screen and the consequent potential impact on the bat population in the meantime.

8.2.2. The applicant's response to the grounds of appeal maintain that the bamboo screening was recommended by the developer's landscape architect, is non-invasive and has been agreed with the planning authority in compliance with PRR 23/305. They add that the proposed design changes from the scheme approved under PRR 23/305 reduce the levels of light impact and that the Planning Authority has concluded that the proposal has no realistic potential for effect on Lesser Horseshoe Bat associated with the Killarney National Park, MacGillicuddy's Reeks and Caragh River Catchment SAC.

- 8.2.3. The first point to note in relation to this issue is that there is no bamboo screening proposed within the subject application site boundary, which relates only to the plots of proposed House nos. 2-9 and excludes all open spaces, internal roads and footpaths. The landscape drawing submitted as part of the further information response to the Planning Authority on the 26th January 2026 shows bamboo screening in two locations outside the site boundary. The first of these is within the western boundary of the site of House No.1. A separate appeal (PL-500977-KY-25), for retention of a dwelling on that site, was granted by the Commission subject to Condition 4 which required the omission of the proposed bamboo screening and its replacement with tree and hedge planting comprised predominantly of native species.
- 8.2.4. The second area within which bamboo screening is indicated on the landscape plan is to the west of the existing internal access road which serves Parklands Estate. This area is outside the red line application boundary of both the current application and of the previous permission on site, PR 23/305. I further note that the landscaping plan approved under PRR 23/305 did not indicate planting proposals outside the red line application site boundary. I also note that additional planting outside the red line application site boundary was not required as part of the mitigation measures recommended in the Natura Impact Statement submitted as part of that application and secured by Condition No.27 of that permission.
- 8.2.5. I have undertaken an Appropriate Assessment Screening exercise for this application (attached as Appendix 3 to this report), which concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and Killarney National Park SPA (004038), in view of the conservation objectives of these sites.
- 8.2.6. Overall, therefore, I consider that the bamboo screening indicated on the submitted landscape plan is not required as mitigation for any impact associated with the proposed development and, given that it would be located outside the site boundaries of both the present application and 'parent permission' PRR 23/305, falls outside the scope of the current application. In these circumstances, I recommend that, should the Commission be minded to grant permission for the proposed

development, a condition is attached to clarify that the permission relates only to the proposed design changes to the dwellings located within the application site boundary.

8.3. Other issues

Non-compliance with conditions of PRR 23/305

- 8.3.1. An issue raised by the appellant in their grounds of appeal is that construction work is ongoing on site, raising concern that any conditions applied in this case may not be implemented. On a related point, the grounds of appeal state that the applicant has a history of non-compliance and that this should preclude them from the benefit of a new permission.
- 8.3.2. The applicant, in their response to the grounds of appeal, states that the only works ongoing on site are in respect of the site layout, which will not be altered by this application. They also accept that work has commenced on site ahead of compliance with certain conditions, but maintain that these were relatively minor breaches.
- 8.3.3. The matter of enforcement falls under the jurisdiction of the Planning Authority. I note that the provisions of Section 35 of the Planning and Development Act 2000 (as amended) are not engaged unless the planning authority considers that any failures to comply with a previous permission are of a substantial nature. In this case, there are no details before the Commission of an enforcement notice having been issued in respect of non-compliance with PRN 23/305. Consequently, I do not consider that the provisions of Section 35 are engaged in this case.

Accuracy of the drawings relating to House No.1

- 8.4. The appellant's grounds of appeal state that the drawings submitted under PRR 25/61008 do not accurately reflect the unauthorised structure on site.
- 8.5. The applicant, in their response to the grounds of appeal, states that Site No.1 is already the subject of a planning appeal and points made in relation to that site, application and appeal should be disregarded.
- 8.6. The retention of the dwelling constructed on plot no.1 of the original permission PRR 23/305, has been granted retention permission (PL.500977-KY-26) by the

Commission. The issues raised relate to a separate application and fall outside the scope of this appeal.

Development contributions

- 8.7. The grounds of appeal query the level of contributions for this application, which are less than for PRR23/305.
- 8.8. On this point, the applicant in their response to the grounds of appeal, states that this development is for design changes only.
- 8.9. I note that the final Planner's Report, dated 20th April 2026, sets out a calculation of development contributions arising from the proposed revisions to the approved scheme. The figure for development contributions sought by the Planning Authority represents the uplift generated by the proposed changes to the approved scheme and is in addition to the figure secured under PRR 23/305. I consider that this is clear and reasonable.

Other detailed points raised

- 8.10. In addition to the issues addressed above, further detailed points were raised in the appellant's grounds of appeal.
- 8.11. The applicant, in their response, maintains that none of the issues raised in relation to responses given in the application form are material planning matters.
- 8.12. In relation to the description of the application as relating to 'design changes only', I consider that this is accurate. In relation to a need for an Environmental Impact Assessment Report, I have considered this in Appendix 1 & 2 below and concluded, in Section 6 above, that it would not be necessary in respect of the subject application. In relation to the date of display and location of site notices, I note that both the original site notice and site notice relating to the submission of significant further information were deemed acceptable by the planning authority. In relation to pre-application consultation, a site visit and issuing of a warning letter would not constitute pre-application consultation. In relation to the lack of signatures on the application form, I note that the application was made online and that the Planning Authority accepted the application as valid.

8.13. In relation to these detailed points therefore, I do not consider that any material issues arise in respect of the proposed development or the validation of the application.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

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

10.0 Water Framework Directive

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

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

environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

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

11.0 Recommendation

- 11.1. I recommend that permission is granted.

12.0 Reasons and Considerations

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

13.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of January 2026, 12th February 2026 and 26th March 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (PRR 23/305) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Notwithstanding the Landscape Plan (drawing no. 24-087 Rev A) received by the Planning Authority on the 26th January 2026, this permission relates only to the change of design of proposed house nos. 2-9 as described in the application documents and located within the red line application site boundary.

Reason: In the interest of clarity.

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

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

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

Suzanne White
Planning Inspector

22nd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL.501342-KY-26
Proposed Development Summary	Permission for the following works, (1) Change design of 8 nr dwelling houses from that previously granted on Planning Ref 23/305, on sites Nr 2 – Nr 9, all in accordance with plans and particulars submitted.
Development Address	Port Rd, Dereen Coollegrean, Killarney, Co Kerry
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 22/09/2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL.501342-KY-26
Proposed Development Summary	Permission for the following works, (1) Change design of 8 nr dwelling houses from that previously granted on Planning Ref 23/305, on sites Nr 2 – Nr 9, all in accordance with plans and particulars submitted.
Development Address	Port Rd, Dereen Coollegrean, Killarney Co Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The c.0.385ha site comprises undeveloped land within the built-up area of Killarney town. The site is serviced. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development has a modest footprint, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and	The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site:

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).	• Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and pNHA (000365) c. 38m to the west • Killarney National Park SPA (004038) c. 48m to the west • Sheheree (Ardagh) Bog SAC (000382) c. 3.7km to the southeast • Castlemaine Harbour SAC & pNHA (000343) c. 4.4km to the north • Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 15.9km to the northeast • Blackwater River (Cork/Waterford) SAC (002170) c. 16.5km to the east • Castlemaine Harbour SPA (004029) c. 17.5km to the northwest • Anna More Bog NHA (000333) c. 13.9km to the north The development would be located within an existing built-up area, with existing residential estates to the north, south and east and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location within a built-up area of Killarney town, the absence of direct hydrological links to sensitive habitats/features, the likely limited

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White

Date: 22/09/2026

Appendix 3: Standard AA Screening Determination Template 2

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL.501342-KY-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Permission for the following works, (1) Change design of 8 nr dwelling houses from that previously granted on Planning Ref 23/305, on sites Nr 2 – Nr 9, all in accordance with plans and particulars submitted. See detailed description in Section 2 of the Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	The 0.385ha site comprises undeveloped land within the urban area of Killarney town. Some groundworks have commenced on site and a dwelling which is part of the wider scheme, though subject to a separate permission (PL.500977), is at an advanced stage of construction. The proposed dwellings would be connected to the public water and foul sewer networks. SuDS features are included as part of the design. The lands slope up from southwest to northeast. The site is located c.38m east of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and c.48m west of Killarney National Park SPA (004038). Castlemaine Harbour SAC (site code: 000343) is c.4.4km to the northeast. The Deenagh River runs through Killarney National Park c. 50m from the site.
Screening report	Y

Natura Impact Statement	N			
Relevant submissions	The 3 rd party appellant has raised concern that the proposed development may impact on the Lesser Horseshoe Bat and Killarney National Park.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC	Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC National Parks & Wildlife Service	c. 38m west	Indirect via groundwater and air.	Y
Killarney National Park SPA (004038)	Killarney National Park SPA National Parks & Wildlife Service	c.48m west	Indirect via groundwater and air.	Y
Sheheree (Ardagh) Bog SAC (000382)	Sheheree (Ardagh) Bog SAC National Parks & Wildlife Service	c. 3.7km southeast	No	No

Castlemaine Harbour SAC (000343)	Castlemaine Harbour SAC National Parks & Wildlife Service	c. 4.4km to the north	Hydrological link via Lough Lean and the Laune River	No.
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
Site 1: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) <u>QI list</u> Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflora and/or Isoeto-	Direct: None Indirect Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.	With the implementation of standard construction phase pollution control measures and having regard to the modest scale of the development, the separation distance to the SAC and presence of stormwater drainage infrastructure within the access road and Port Road, the possibility of contaminated water reaching the SAC is low. SuDS features proposed as part of the landscaping design will prevent contaminated water		

Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Vioetalia calaminariae [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinia caerulea) [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incana)	Increased lighting and noise disturbance during the construction and operational phases.	leaving the site at operational stage. The Conservation Objectives for Lesser Horseshoe Bat, in relation to light pollution, include the target 'no significant increase in artificial light intensity along commuting routes within 2.5km of roosts'. Significant increase in artificial light intensity along commuting routes within 2.5km of roosts could cause preferred foraging areas to be abandoned, thus increasing the energetic cost for bats. The lighting proposed in the subject development comprises 1no. recessed light fitting within the entrance of each dwelling. I consider the type of lighting proposed to be installed on the site to be low level, generating minimal light spill. In the context, where there is existing street lighting on the Port Road in closer proximity to the SAC as well as existing residential development located a similar distance from the SAC and, taking into account the setback of the proposed dwellings from the SAC of c. 38m, I do not consider that the lighting proposed in the development would result in a significant increase in artificial light along the commuting/foraging route of the SAC boundary. I note that a similar conclusion was reached by the Planning Authority's Environmental Assessment Unit and in the AA Screening Report submitted by the applicant. A boundary wall is proposed along the western boundary of proposed House No.09, which
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nae, <i>Salicion albae</i>) [91E0] <i>Taxus baccata</i> woods of the British Isles [91J0] <i>Geomalacus maculosus</i> (Kerry Slug) [1024] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Euphydrias aurinia</i> (Marsh Fritillary) [1065] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] <i>Lutra lutra</i> (Otter) [1355] <i>Najas flexilis</i> (Slender Naiad) [1833] <i>Alosa fallax killarneyensis</i> (Killarney Shad) [5046] <i>Vandenboschia speciosa</i> (Killarney Fern) [6985]		would screen light emanating from the ground floor windows of that dwelling. I consider this to be a standard measure and not directly related to the mitigation of impacts on the QI species of the SAC. I note also that planting within the public amenity areas, approved under PRR 23/305, and unchanged under the current application, would also reduce light spill towards the SAC.
	Likelihood of significant effects from proposed development (alone): N	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: Killarney National Park SPA (004038) <u>QI list</u> Merlin (Falco columbarius) [A098] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Direct: None. Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.	With the implementation of standard construction phase pollution control measures and having regard to the modest scale of the development, the separation distance to the SPA and presence of stormwater drainage infrastructure within the access road and Port Road, the possibility of contaminated water reaching the SPA is low. SuDS features proposed as part of the landscaping design will prevent contaminated water leaving the site at operational stage.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and Killarney National Park SPA (004038). The proposed development		

would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

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