



An
Coimisiún
Pleanála

Inspector's Report

PL-501441-KY-26

Development	Demolition of storage buildings. Construction of gated access to facilitate movement of horses and associated site works
Location	Killarney Race Course, Ross Road, Killarney
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	26/60214
Applicant(s)	Killarney Race Company DAC
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Castle Falls Residents Association
Observer(s)	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 application site comprises an existing single storage building within the grounds of Killarney Race Course. The existing building forms part of the northern boundary of the racecourse site, bounded directly to the north by an area of green space, part of the Flesk Cycleway/Walkway and Castle Falls public road. Further north and northeast is the Castle Falls residential estate. The cycleway also adjoins the site to the east, beyond which is an existing dwelling, which takes its access from Castle Falls road.
- 1.2. Access to the site is from Castle Falls road, via an existing secondary racecourse entrance adjoining to the south, which also serves the racecourse stableyard further south and racecourse stands and other buildings to the west. Castle Falls road connects with Ross Road, from which the main entrance to the racecourse is taken. The racecourse site incorporates other uses, including a golf course with associated club house and an RSA driver testing centre.
- 1.3. The stated site area is 0.019ha.

2.0 Proposed Development

- 2.1. The proposed development relates to the demolition of part of an existing storage building and the formation of a new gated access into the racecourse stabling yard from lands to the north which are external to the racecourse. The access is proposed to be used to for the passage of horses, horse personnel and equipment, including gators and similar vehicles, to the stables area at the racecourse.
- 2.2. The proposed access gate would be c. 2.740m in width and 2.25m in height.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by Kerry County Council by order dated 5th May 2026, subject to three conditions.

3.1.1. Conditions

Condition No.3 requires that the demolition be carried out in a safe manner, avoiding impinging on adjoining properties and impacts on the public road. It also requires that an asbestos survey and a Construction and Demolition Resource Waste Management Plan be submitted to the planning authority prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the Planner's Report may be summarised as follows:

- Site located in an area zoned Active Open Space.
- The Flesk Cycleway runs between the racecourse and the residential areas of Castlefalls and Prior Paddocks estate. There are gates from the racecourse onto the cycleway. The gates are used on race days to access the stable area.
- A right of way by the racecourse company to access Ross Road via Castlefalls estate has recently been confirmed by the High Court. A hoarding license is applied for by the racecourse company for this area at the time of race meetings and all of the issues around safety, re-seeding the grassed area etc are considered as part of that application.
- The proposed demolition of part of the storage building and the proposed entrance are acceptable.
- The proposed development would not be visually obtrusive or out of character with the surrounding area and would be convenient in terms of traffic safety and convenience.
- The proposal is not one which requires EIA Screening or EIA.
- A Stage 2 Appropriate Assessment is not required.

3.2.2. Other Technical Reports

- Environmental Assessment Unit (EAU): the proposal has low potential for roosting bats and there is no realistic potential to impact any European Site.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

The Planning Authority received one submission in respect of the application, from the 3rd party appellant in this case. I consider that the matters raised are covered in the grounds of appeal.

4.0 Planning History

19/1088 - permission granted to a) demolish existing entrance wing walls, pillars and section of boundary wall, (b) construct new boundary walls, entrance wing walls with railings, and pillars together with hard and soft landscaping at the entrance, (c) erect new signage. These works relate to the main entrance to the racecourse, from Ross Road.

08/204987- permission granted to demolish existing stable blocks, relocate water storage tank, construct (a) new access road adjacent to eastern boundary; (b) new stable yard in 3 no. blocks comprising of: Block 1 - 46 no. stables (757 sq.m.); Block 2 - 64 no. stables (1011 sq.m.) and Block 3 - 30 no. stables (489 sq.m.); c) new toilet and stairs block adjacent to existing tote building and upgrade ancillary parking, yard areas and associated site development works at the stable yard. (extension of duration granted to 17/3/2019).

04/204212 - permission granted to Extend existing clubhouse, changes to front facades of stands, demolish existing toilets and construction of new toilet block.

01/203800 – permission granted for demolition of existing tote betting shop and construction of tote betting shop and viewing stand.

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 application site is zoned 'G4 – Active Open Space' 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 "Intended solely for the provision of recreational uses." The zoning description is: "Provide recreational and amenity resources for the community including sporting and leisure facilities."

Castle Falls road and part of the cycleway adjacent to the north of the site are not zoned.

KCDP KY-3 Strengthen and promote the economic role of Killarney as a centre of excellence in tourism, recreation and amenity sectors and also the potential to build and strengthen its existing manufacturing industry.

KCDP KY-59 Support the sustainable development, improved connectivity and accessibility of key features, infrastructure and amenities within Killarney, focusing in particular on trails that encourage walking, cycling and public transportation.

Volume 1 – Written Statement

KCDP 14-3: Support and promote the sustainable development of walking, cycling, public transport and other sustainable forms of transport, as an alternative to the private car, by facilitating and promoting the sustainable development of necessary infrastructure at appropriate locations and by promoting initiatives contained within "Smarter Travel, A Sustainable Transport Future 2009-2020" and the "National Cycle Policy Framework" and any future national sustainable mobility policy.

5.4 Natural Heritage Designations

The nearest designated sites to the appeal site are:

- Killarney National Park SPA (004038) c. 0.48km to the west
- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and pNHA (000365) c. 0.15km to the south

- Sheheree (Ardagh) Bog SAC and pNHA (000382) c. 2.24km to the southeast
- Castlemaine Harbour SAC & pNHA (000343) c. 6.53km to the northwest
- Old Domestic Building, Curraglass Wood SAC (002041) c. 13.4km to the south

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations 1994).

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received, submitted on behalf of the Chairperson of Castle Falls Residents Association. The issues raised in the Appellant's grounds of appeal may be summarised as follows:

- The existing gateway which is proposed to be replaced is not authorised and was the subject of enforcement notice ref. ENF 09/028. It is not possible to rely on an unauthorised development to justify a new proposal. This appeal maintains that the applicants are attempting to establish a new entrance.
- It is accepted that the applicants have a right of way along the roadway in question, but not an authorised entrance point. The proposed entrance, and movement of substantial commercial vehicles and horses, is not compatible with the use of the roadway as the primary access to a residential estate. Roads should be segregated to ensure safety, particularly for pedestrians. There are alternatives available to the applicants, e.g. off Ross Road.
- There is a safety implication of moving horses on foot through a residential area and adjacent to a cycle path.
- Implications for protection of the green community space immediately to the north of the proposal, which is an amenity of the Castle Falls estate and maintained by the residents. It is the only local play space. Insufficient space

for vehicles to turn without mounting the green space, no swept-path analysis submitted. Horses walked along the green space will cause damage to it. Photographs attached in this regard at Appendix 1.

- The proposal would introduce hazard and inconvenience for users of the Flesk cycle path, developed by KCC in 2020. No separation between the cycle lane and the Castle Falls distributor road. Temporary heras fencing is erected at the side of the cycle way when horses are being conducted to the racecourse, which indicates that the conduct of horses along the route is inappropriate and unsuitable.
- The proposal is contrary to the zoning of the site. The proposal is the creation of a commercial entranceway. Concludes that it is hard not to conclude that the proposal is a material contravention of the Development Plan and its zoning given the damage that it will cause to adjacent amenity open space for the residential estate, as well as the potential hazards which it will introduce.
- The planning authority did not seek alternative means of accommodating the needs of the applicant which would avoid disruption to the Castle Falls estate.
- A site plan showing the applicant's other lands in blue was not submitted.

7.2. Applicant Response

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

- Notes that the road from Ross Road leading to the Castle Falls estate, a private house and the racecourse is a public road. States that there are a number of accesses from the grass area in to the side of the racecourse property. Explains that the racecourse has a formal right of way (copy enclosed) to gain access to the rear of the racecourse.
- States that, at a meeting between Kerry Council, Castle Fall residents (represented by the appellant in this case) and Killarney Race Company, it was agreed to avoid using the public roadway for the conveying of horses on foot where possible from the front car park area to the stable yards.
- States that the larger horse box trucks enter the stable yards via the existing roadway. Indicates that single horse boxes and vehicles with trailer enter via the main entrance (or a side entrance) and that horses are conveyed on foot

from a side entrance through the grassed area and into the stable yard via the existing yard gateway.

- States that the cycleway was constructed along the edge of the public road and that the pre-existing right of way traverses the cycle way. The purpose of the application is to allow access into the stableyard without entering the greenway. Demolition of part of an existing store is proposed in order provide separate access.
- The public road and access to the stable yard via the existing gateway has been in existence for many years and is a public access.
- States that enforcement proceedings were not continued with by KCC in relation to the existing gateway.
- Horses are walked along the green area rather than along the public road. States that Killarney Race Company has used the route for more than 20 years. States that, following a protest in 2023 whereby access was obstructed, the Race Company applied to the Court for Injunctive Relief and a Court Order was granted in its favour (enclosed). States that the court order granted the race company a right of way over the whole grass area between the public road and the walls of the racecourse.
- Explains that a licensing application is made yearly for heras fencing to be installed on the grassed area to convey horses along the walls of the racecourse and into the stable yard.
- States that no safety issues arose before the greenway/cycleway was installed and that it is the applicant's opinion that it would be safer for horses to be kept separate to the cycleway, via a new access into the stable yard.
- In response to the grounds of appeal specifically, the applicant also states:
 - The grass area is not part of the Castle Falls housing estate and is an area owned by WK O'Connor and Company (in liquidation). It is not part of the amenities of the estate and the applicant understands that it is maintained by the Local Authority.

- In response to safety concerns, states that horses are individually walked up the enclosed passageway on racedays by grooms and that it is a safe environment.
- There is no inconvenience and potential hazard to users of the cycle path as the proposal will not cross the path.
- The zoning of the site allows for this type of development, which is ongoing for many years. Horse racing is a recreational event. Do not accept that the proposal is a material contravention.
- The application did not include a map outlining in blue the full land in the applicant's ownership as the application related to access over a green space in third party ownership.
- There is no traffic safety issue and no transportation associated with this application. It relates to access for single animals on foot led by grooms. There is already a public roadway over which trucks and horseboxes travel to enter the stable yard. There will be no increase in transportation as a result of this application.
- The photos submitted by the appellant of damage to the green area do not reflect the true position, they represent one occasion when there was heavy rainfall. The area has had drainage works incorporated as part of the cycleway.
- The heras fencing installed under licence is not part of this planning application.
- In any planning application, it is a matter for the applicant to decide what they wish to apply for. There are no alternatives that the race company owns to get access from the front area and they have a right of way which they are entitled to use.
- Do not accept that the proposal will seriously inconvenience residents of Castle Falls or introduce traffic or pedestrian hazards.

The applicant's response to the grounds of appeal includes a layout plan, KR-01, which shows the existing layout with heras fencing in situ and is referred to in the court order also enclosed.

7.3. Planning Authority Response

None received.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

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

- Principle of development
- Impact on adjoining residential amenity and safety
- Other issues

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including visual amenity, biodiversity and the principle of demolition of part of the existing storage building. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. The third-party grounds of appeal raise a number of issues relating to the principle of development in this case. They consider that the proposed development is contrary to the zoning objective for the lands as it relates to the creation of a new commercial entranceway and would result in damage to existing amenity open space associated with the Castle Falls estate. They also state that the existing gateway to be replaced

is not authorised and that it is not possible to rely on an unauthorised development to justify a new proposal.

- 8.1.2. The applicant, in response to the grounds of appeal, states that the zoning of the site allows for the proposed development, noting that horseracing is a recreational event. They also note that the road serving the Castle Falls estate, the racecourse and a private house and is a public road. They add that access to the racecourse stables from the public road has been in existence for many years and that enforcement proceedings were not continued by the Planning Authority in relation to the existing gateway.
- 8.1.3. At the outset, I note that there is no suggestion in the documentation submitted by the applicant that it is intended to close the existing access to the stableyard from Castle Falls road/the cycleway. The development proposal is for the creation of an additional entrance to the stableyard from the lands to the north. In relation to the issue raised as regards the planning status of the existing gateway, the matter of enforcement falls under the jurisdiction of the planning authority. However, I note that the Planner's Report did not raise any issue with the planning status of the existing gateway. Overall, I consider that the proposed new entrance can be considered separately to the existing entrance and would not result in the consolidation of unauthorised development on the site.
- 8.1.4. The application site of 0.019sqm is zoned 'G4 – Active Open Space' in the County Development Plan 2022-2028, with the zoning objective "Intended solely for the provision of recreational uses" and the zoning description "Provide recreational and amenity resources for the community including sporting and leisure facilities." This zoning also applies to the green space to the north of the site, to the racecourse and its associated buildings and to the golfcourse located on the wider racecourse lands. Castle Falls road and part of the cycleway adjacent to the north of the site are not zoned. The Castle Falls estate and the separate private dwelling which is also accessed from Castle Falls road are zoned "Existing Residential R2".
- 8.1.5. The proposed development relates to the creation of a new entrance to the racecourse stableyard for the purposes of facilitating the movement of horses and stable staff, primarily, as well as small utility vehicles known as 'gators', between the front car park of the racecourse and the stableyard. The racecourse use of the site is

established. The 'G4' zoning of the site supports sporting, recreational and leisure uses or activities. While there may be a commercial aspect to the use of the site as a racecourse, I consider that the land use is a sports and recreation use. I consider that the proposed development, comprising a new entrance to the stable yard, is directly related to the established racecourse operations on site. Overall, having regard to the zoning objective of the lands, which supports sports facilities, and to the established use of the site as a sports facility, in the form of a racecourse, I consider that the proposed development would be consistent with the zoning of the lands according to the County Development Plan 2022-2028.

8.2. Impact on adjoining residential amenity and safety

- 8.2.1. The grounds of appeal state that the proposed entrance, and movement of substantial commercial vehicles and horses, is not compatible with the use of the roadway as the primary access to a residential estate, specifically in terms of safety for pedestrians and cyclists. The grounds of appeal also express concern that the proposed development will result in damage to the green space to the north of the proposed entrance, which is identified as an amenity benefitting the Castle Falls estate.
- 8.2.2. The applicant, in their response to these grounds of appeal, states that the roadway is a public road, that the grass area is not part of the Castle Falls estate, is owned by a third party and is understood to be maintained by the Local Authority. In relation to the safety issues raised, the applicant states that horses would be led along an enclosed walkway between the racecourse car park (accessed via the Ross Road entrance), and stableyard on race days, which is subject to a separate licence application hoarding. They note that the purpose of the proposed entrance is to provide a separate route for horses to enter the stable yard, without crossing the existing cycleway.
- 8.2.3. The Castle Falls road is a public road, which serves a number of users, including the Castle Falls estate, a separate private dwelling located to the south of that estate and the racecourse. The road therefore serves a mix of uses. I note that the application was referred to the Municipal Engineer, but that no report was provided. The Planner's Report did not raise any concern with regard to increased traffic on

Castle Falls road or the type of vehicles using the proposed entrance. I also note that there is an existing footpath on the eastern side of Castle Falls road, connecting the Castle Falls estate with Ross Road, thereby limiting the risk of potential conflict between vehicular traffic, including racecourse traffic, and pedestrians.

- 8.2.4. From the description of development set out in the application and appeal documents, large vehicles associated with racecourse activities would continue to utilise the wider, existing gateway off Castle Falls road. Therefore, the concern raised in the grounds of appeal that large vehicles may need to mount the grass area to enter the site is unfounded. It is also apparent from the details on file that the proposed additional gateway would not result in an increase in movements on Castle Falls road associated with the racecourse, instead it would segregate horses walked on foot from the cycleway and existing entrance gate. The diversion of horses walked on foot from the cycleway would reduce the potential for conflict between cycleway users at this point, and would therefore be in accordance with Policy Objectives KCDP KY-59, which supports improved connectivity and accessibility of key features, infrastructure and amenities within Killarney and KCDP14-3, which supports the development of sustainable modes of transport.
- 8.2.5. In relation to the green space, the proposed entrance would open onto an existing tarmac surfaced area to the north of the existing storage building and would not directly interfere with the existing green space. It is documented in the grounds of appeal, applicant's response and Planner's Report that the green space is used during race meetings to walk horses from the racecourse car park to the stable area, via a fenced route which is the subject of a hoarding licence to the Local Authority. The Planner's Report details that issues relating to safety and re-seeding of the grassed area are considered as part of that application.
- 8.2.6. The applicant submitted, as part of their response to the grounds of appeal, a letter from the stated owner of the green space lands, W.K. O'Connor & Sons Limited, stating that the applicant has a right of way over this space for the purpose of accessing the stable yards, including the walking of horses. The applicant also submitted, as unsolicited further information to the Planning Authority, and as part of their response to the grounds of appeal, a copy of a Court Order confirming that right of way. I am satisfied on this basis that the applicant has a right of way for the stated

purpose across the green space. In my view, the provision of the proposed entrance would not result in any material change to that activity.

8.2.7. In terms of the status of the green space to the north of the site as an amenity space for the Castle Falls estate, the documentation on file indicates that it is in the ownership of W.K. O'Connor & Sons Ltd. There is no evidence on file that it was taken in charge by the Local Authority as part of the Castle Falls estate. I also note that the green space has a separate zoning, 'G4 – Active Open Space', to the Castle Falls estate and the green space within that estate, which are zoned 'Existing Residential – R2'.

8.2.8. Overall, I consider that the proposed development, by segregating access to the racecourse for horses on foot and ancillary vehicles from the cycleway/walkway, would result in an improvement in the safety and convenience of the cycleway for users, in accordance with Policy Objectives KCDP KY-59 and KCDP14-3, which support improved connectivity and the development of sustainable modes of transport. I consider also that the walking of horses on the green space as part of racecourse activities is established and is subject to a right of way. Therefore, I consider that the proposed entrance would serve an existing use and activity and would not of itself enable an intensification of that use. In addition, having regard to the ownership details submitted for the green space, its physical separation from the Castle Falls estate by the existing public road and different land use zoning, I consider that it has not been demonstrated that the green space forms part of the Castle Falls estate and that any impact on it associated with the proposed entrance would result in a material impact on the amenity of residents of Castle Falls estate.

8.3. Other issues

Material contravention

8.3.1. The third party appellant's grounds of appeal state that, given the damage that will be caused to the adjacent amenity open space for the residential estate and the potential hazards that it will introduce, that it is hard not to conclude that the proposed development is a material contravention of the Development Plan and of the zoning.

- 8.3.2. As set out in more detail in Section 8.1 above, the application site is zoned 'G4 – Active Open Space' in the County Development Plan 2022-2028, with the zoning objective "Intended solely for the provision of recreational uses" and the zoning description "Provide recreational and amenity resources for the community including sporting and leisure facilities." The site forms part of Killarney Racecourse, which I consider to be a sports and recreation use. I consider that the proposed development, comprising of the formation of a new entrance to the racecourse stable yard, is directly related to the operation of the racecourse. Consequently, I consider that the proposed development is in accordance with the zoning of the lands and that no material contravention arises in this regard.
- 8.3.3. In relation to potential impact on the green space to the north of the site and to the generation of hazards, the appellant does not identify any particular policy objective or text of the Development Plan which they consider would be materially contravened by the proposed development. As set out in more detail in my assessment in Section 8.2 above, I note that the green space to the north of the application site is zoned 'Active Open Space', as distinct from the Castle Falls estate and open spaces therein which have a residential land use zoning. The Active Open Space lands are separated from the Castle Falls estate by Castle Falls road and, based on the details on file, are in private ownership. Taking these factors into account, I do not consider that it has been demonstrated by the appellant that the 'Active Open Space' lands are part of the Castle Falls estate. With regard to the potential for hazards arising from the proposed development, I note that the proposed entrance would serve existing activities ongoing at the racecourse which could, in the absence of the entrance, continue. The proposed entrance would enable some race-day traffic, consisting of horses led on foot and small utility vehicles, 'gators', to enter the stable yard without entering or crossing the existing cycleway/walkway. In my view this would reduce the potential for conflict between cycleway/walkway users and movements associated with the use of the racecourse. Consequently, I consider that the proposed development would be in line with Development Plan objectives to support sustainable transport and improved connectivity, including Policy Objectives KCDP KY-59 and KCDP14-3, and no material contravention of the Development Plan arises in this regard.

Consideration of alternatives

- 8.3.4. The appellant raises as an issue in their grounds of appeal that the Planning Authority did not seek alternative means of accommodating the needs of the applicant which would avoid disruption to the Castle Falls estate. They add that the applicant did not submit a blue line plan, indicating other lands in their ownership, with the application, making difficult a proper assessment of the application in regard to possible alternatives available to the applicant.
- 8.3.5. The applicant, in their response to the grounds of appeal, states that the application did not include a map outlining in blue the full land in the applicant's ownership as the application related to access over a green space in third party ownership.
- 8.3.6. Having regard to the submitted plans, the application site boundary is drawn around the existing storage building and other land within the racecourse and does not include the green space in third party ownership. A location plan submitted with a planning application submitted under section 34 of the Planning and Development Act 2000 (as amended) is required under s.22(2)(b)(ii) of the Planning and Development Regulations 2001 (as amended) to identify any land which adjoins the land to be developed and which is under the control of the applicant or the person who owns the land. The Killarney Race Company DAC is the owner of the application site according to the submitted application form. As such, the racecourse lands would be expected to be indicated in blue on the location plan. Notwithstanding, I note that the Planning Authority validated the application. Also, in this case, given that the application site is of limited size and that the ownership of lands adjacent to it is documented clearly in the application documents, I consider that no party has been disadvantaged by the omission of this detail on the site location plan.
- 8.3.7. The proposed development is not one for which an Environmental Impact Assessment Report would be required, having regard to the EIA Pre-screening assessment set out in Appendix 1 below. Consequently, the consideration of alternatives is not required as part of the determination of the application. Instead, I have assessed the proposal set out in the application on its own merits, having regard to the issues raised in the appeal, to relevant planning policy and other relevant considerations.

Conditions

- 8.3.8. Condition 3 of the Planning Authority's decision required an asbestos survey and a Construction and Demolition Resource Waste Management Plan. Asbestos is a notifiable substance, the subject of a separate legal code, and therefore I do not consider that a condition in this regard is necessary. Given also the limited extent of demolition, consisting of 10sqm of an existing storage building, I do not consider that a waste management and disposal plan Construction and Demolition Resource Waste Management Plan is necessary and proportionate in this case.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Killarney National Park SPA (004038), Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365), Sheheree (Ardagh) Bog SAC (000382) and Castlemaine Harbour SAC (000343), Old Domestic Building, Curraglass Wood SAC (002041) or any other European Site, 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 Killarney National Park SPA (004038), Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365), Sheheree (Ardagh) Bog SAC (000382), Castlemaine Harbour SAC (000343) and Old Domestic Building, Curraglass Wood SAC (002041).
 - 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 'G4 – Active Open Space' zoning of the site according to the Kerry County Development Plan 2022-2028, with the objective "intended solely for the provision of recreational uses", to the established use of the site as part of Killarney Racecourse, and to the nature of the proposed development which would facilitate access to the racecourse for horses and traffic associated with that use, separate to the Flesk Cycleway/Walkway, 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 with regard to 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed entrance shall be installed in such a way as to prevent surface water run-off from flowing onto the public roadway or adjoining properties.

Reason: In the interest of public health, traffic safety, residential amenity, as well as proper planning and sustainable development.

3. Site development and building works shall be carried out between the hours of 07:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

4. All necessary measures shall be taken by the developer to prevent any mud, dirt, debris or building material being carried onto or placed on the public road, cycleway or adjoining properties as a result of the site construction works. The developer shall repair any damage to the public road arising from carrying out the works.

Reason: In the interest of traffic safety and orderly development.

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

25th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL.501441-KY-26
Proposed Development Summary	Permission to demolish part of existing storage buildings and form a new gated access from the existing grass area at the northern side of the storage buildings to facilitate movement of horses, horse personnel, and equipment including gators and similar vehicles to the stables area.
Development Address	Killarney Race Course, Ross Road, Killarney
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to 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	

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:** 25th August 2026