Inspector's Report
PL-501695-KY-26

Development	Demolition of dwelling and garage. Construction of 6 apartments, site entrance and associated site works.
Location	Poulnamuck, Muckross Road, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	26/60345
Applicant(s)	Vincent Casey
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Mary Guerin
Observer(s)	None
Date of Site Inspection	17th September 2026
Inspector	Suzanne White

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1.0 Site Location and Description

1.1. The proposed development site is located at Poulnamuck, Muckross Road (N71), c.1.5 km south of Killarney Town Centre. The site has a stated area of 0.11ha and includes a detached two storey dwelling with single storey attached garage, single storey detached outbuilding to the rear and front and rear gardens. A low stone wall marks the front, roadside boundary, while the side boundaries comprise trees, hedgerows and shrubs. The rear boundary adjoining a recently constructed dwelling to the east is undefined. On the day of my site visit, heras fencing was in place between an existing shed to the rear of the subject dwelling and the southern boundary of the site, separating the subject site from the recently constructed dwelling to the east.

1.2. The adjacent site to the north, occupied by the Appellant in this case, comprises a detached two storey building, Killarney View House guesthouse, with parking to the rear. The application site is elevated relative to the guesthouse site. Beyond the guesthouse to the north is the River Flesk. To the east (rear) of the site is a recently constructed detached two storey dwelling, beyond which is a two storey plus roofspace building containing apartments associated with the Gleneagle Hotel. There is a detached two storey dwelling on the adjoining site to the south, which is also in the ownership of the applicant.

1.3. The wider area is characterised by a mix of detached residential properties and tourist accommodation in the form of hotels and Bed and Breakfasts. There is a footpath and cycle path located adjacent to the site's roadside boundary and existing entrance.

2.0 Proposed Development

2.1. The application seeks permission to demolish the existing dwelling house and ancillary structures, construct a three storey apartment building containing 3 no. 1 bedroom, 2 no. 2 bedroom and 1 no. 3 bedroom apartments, together with 12no. parking spaces, cycle and bin storage, a new site entrance and ancillary services. The proposed finishes to the building are dark grey/black brick, dark grey/black metal cladding, dark smooth render, frameless glass (opaque and clear)

screens/balustrades. The front boundary treatment is indicated as a stone finish wall with grey galvanised louvred fence above.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to conditions, by order dated 16th June 2026.

3.1.2. Conditions

Condition 4 requires that the external finishes are neutral in colour, tone and texture and states that the use of white uPVC shall not be permitted on windows, doors, fascias, soffits and guttering.

Condition 5 requires that a minimum of 4 No. recessed swift bricks shall be provided as part of the development.

Condition 8 (a) requires that balcony lighting shall not result in any upward illumination, or outward illumination beyond the site boundaries.

Condition 12 requires that no ancillary plant or equipment including satellite dishes shall be placed on the external walls or roofs without a prior grant of planning permission.

Planning Authority Reports

3.1.3. Planning Reports

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

- Site located in an area zoned "Existing Residential" in the Development Plan 2022-2028. The zoning allows for apartment developments.
- The proposal is not one which requires EIA Screening or EIA and is not likely to have a significant effect on any European Sites.
- Notes the context includes large detached houses along Muckross Road, the Gleneagle Apartments to the east and Killarney View House guesthouse to the north, which overlooks the front and back garden of the existing house.

- Notes the amendments to the previous proposal for the site, including omission of a proposed floor and roof garden, the provision of obscured glazing/windows/balconies on the northern elevation and an increased setback from the northern boundary.
- The proposed density of 40uph is in line with Section 3.3.3 'Key Town and Large Towns (5,000+ population)' of the Sustainable and Compact Settlement Guidelines which set out a density of 30dph to 50dph in suburban and urban extension parts of Key Towns. Considers that the density would not be excessive, when taken with the existing infill dwelling to the rear.
- The nature of the development is acceptable in principle in terms of the Kerry County Development Plan 2022 – 2028. In relation to the third party's concerns that a proposal for apartments is inappropriate for the site, it is noted that development in the area is characterised by large, detached dwellings and it is considered that the proposal will provide for variety in dwelling tenure in this area.
- It is considered that the reasons for refusal of the previous application for a 4-storey block as set out in An Bord Pleanala's decision have been addressed.
- The report notes that the design incorporates a small palette of high quality materials, that the ABP Inspector's report for the previous scheme stated that a three storey building would be of an appropriate scale for the site, that the visual impact of the proposed development will be softened by the existing mature trees in the immediate area (though not all of which are within the applicant's control) and that, according to the submitted Arboricultural Impact Assessment, no healthy trees will be removed. No issues are raised with regard to visual impact.
- The report notes that the building would be setback within the site which will prevent any overlooking or any overshadowing of the balcony areas of the guesthouse.
- Notes the concerns raised by TII and the site's location on the N71 route, however, the report concludes that, having regard to the residential zoning objective of the site and the location of the site within an urban area, that the

proposal is not likely to result in an unacceptable precedent and is acceptable with regard to traffic impacts. In this regard, the report notes adequate sightlines are available in both directions and that the MD Engineer is satisfied with the proposed vehicular entrance.

- In relation to residential amenity, the report notes that no windows to habitable rooms will overlook the guesthouse to the north, all other windows on the northern elevation will be fitted with opaque glass and the current proposal provides for larger separation distance between the proposed apartments and the guesthouse than previously. The report adds that, as the guesthouse is a commercial property, serious concerns in relation to loss of residential amenity are not attributed to it. It also observes that the guesthouse has had a significant negative impact on the residential amenity of the existing dwelling due to numerous windows overlooking the house and garden. No concerns are raised with regard to impacts on residential amenity of the dwellings to the south and southeast given the screening provided by existing trees.
- The report considers the proposal in relation to the standards set out in the Apartment Guidelines 2025 and raises no issues of non-compliance. No issues are raised in respect of parking and cycle parking provision.

3.1.4. Other Technical Reports

- Municipal Engineer: no objection subject to conditions.
- Housing Estates Unit: no objection.
- Environmental Assessment Unit: AA screened out. No objection subject to conditions.

3.2. **Prescribed Bodies**

- Transport Infrastructure Ireland: the proposal is considered to be at variance with official policy in relation to control of frontage development on national roads. Also, the application indicates inappropriate standards which are not in accordance with those set out in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012).

3.3. **Third Party Observations**

One third party submission was received by the Planning Authority, from the appellant in this case. I consider that the issues raised in the submission are covered in the grounds of appeal, summarised in Section 7 below, and therefore it is not necessary to repeat them here.

4.0 Planning History

Application site:

ABP-321613-25 (PA. ref: 23/60444): Permission refused to (a) demolish existing dwelling house and garage (b) construct 6 No. 2 Bedroom Apartments and 1 No. 3 Bedroom Apartment (c) construct new site entrance, parking, ancillary services & areas.

Reasons for refusal:

1. Having regard to the limited separation distances being provided between a number of windows to habitable rooms in the proposed development and the northern site boundary, it is considered that the proposed development would adversely impact upon the residential amenity of the property on lands adjoining to the north by way of overlooking and loss of privacy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the inadequate information provided with the application, including the failure to submit an Appropriate Assessment Screening Report, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

PRR 23/259 – Permission granted to retain dwelling house, garage, ancillary services and areas within revised site boundaries.

PRR: 72/874 (listed in the Planner's Report) – Permission for dwelling house.

Adjacent site to the rear:

23/528 - Permission granted to construct a dwelling house, ancillary services and areas.

5.0 Policy Context

5.1 Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. Killarney is identified as a key town which is described as a 'Large population scale urban centre functioning as self-sustaining regional drivers, and strategically located urban centres with accessibility and significant influence in a regional and subregional context'. 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 'R2- Existing 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 residential development and protect and improve residential amenity*." The zoning description is: "*For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered.*"

KCDP KY-12 Protect local biodiversity features and where appropriate enhance ecological corridors and natural features of the landscape such as hedgerows, trees, rivers, ponds and wetlands.

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

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

2.1.9.4.1 Lesser Horseshoe Bat (LHB) Considerations

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

KCDP KY-50 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.

County Development Plan 2022-2028 Volume One - Written Statement

Chapter 3: Core and Settlement Strategy

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

Chapter 4: Towns and Villages

KCDP 4-27 Prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.

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 Residential Development

1.20 Transport, Movement and Parking Standards

5.2 National Guidance

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

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines).

5.3 Natural Heritage Designations

The northeastern portion of the site is located within the Killarney National Park, Macgillycuddy's Reeks And Caragh River Catchment pNHA (site code:000365). The nearest European designated sites are:

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365 c. 20m to the north and c. 0.43km to the south.
- Killarney National Park SPA Site Code: 004038 c. 880m distance to the north and c. 1km to the west.
- Sheheree (Ardagh) Bog SAC Site Code: 000382 is located c.1.57km to southeast.

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

One third party appeal was received from the owner/occupier of the existing guesthouse and residence adjacent to the north. The grounds of appeal can be summarised as follows:

i) Failure to demonstrate that the previous reasons for refusal have been overcome. While the omission of the fourth floor, repositioning of the building and measures such as obscure glazing and privacy screening may represent an improvement over the previous scheme, the Board did not simply conclude that the fourth floor was unacceptable, rather it found that the separation distances between the proposed development and the guesthouse/residence on the adjoining lands to the north were insufficient to protect the amenities of that adjoining property. The Board also observed that alternative design solutions were available which could protect those amenities, but there is little evidence that the revised proposal has fundamentally altered the planning relationship between the apartment building and guesthouse/residence adjacent.

ii) Inadequate assessment of scale, bulk and visual relationship with the adjoining guesthouse and, in particular, whether the revised proposal now provides adequate separation distances to protect the amenities of the adjoining property. The continuous horizontal roofline, limited articulation and building form of the proposed development, that differs significantly in scale and character from the adjoining guesthouse is highlighted. Also, the cumulative impact arising from the recently completed detached dwelling to the east of the appeal site is raised as a concern, contributing to an increase in the intensity of built development and sense of enclosure around the guesthouse. The Board's previous refusal was not confined to compliance with the 16metre opposing window standard set out in the Sustainable Residential Development and Compact Settlements Guidelines but concerned the broader issue of whether separation distances were sufficient to protect the amenities of the adjoining property. Observes that no daylight or sunlight study or shadow analysis was

submitted and, while not mandatory in every case, would have been of assistance in demonstrating that the Board's concerns have now been satisfactorily addressed. Also observes that the lack of verified photomontages or equivalent visual assessment make it difficult to verify the PA's conclusion that the revised building no longer gives rise to unacceptable visual relationship with the adjoining property.

iii) Failure to properly apply the previous decision of An Bord Pleanála. In this regard, the appellant maintains that the PA overly relied upon observations in the Inspector's Report rather than undertaking a comprehensive assessment against the Board's reasons and considerations.

iv) Failure to properly assess the compatibility of adjoining land uses. The PA assessment does not adequately consider the planning relationship between the proposed apartment development and the adjoining property as an established mixed-use dwelling incorporating both tourist accommodation and a private residence. In this regard, the appellant refers to the residential activity, communal circulation, parking, bicycle storage, refuse storage and outdoor amenity areas immediately adjacent to an established tourism business. The Planning Authority has not adequately assessed the effect of the proposed development upon the environmental qualities which contribute to that established use, including its outlook, tranquillity, riverside setting and overall visitor experience.

v) Inadequate assessment of the proposed boundary treatment and its impact on residential amenity. It is stated that the appellant is the owner of the existing boundary structure and associated vegetation. The appellant raises concern at the proposed replacement of the existing landscaped boundary with a 1.8-metre-high boundary structure comprising concrete posts and anthracite-coloured "SmartFence" panels in terms of the cumulative visual impact with the proposed building, the scale of the boundary treatment experienced by the appellant given the lower ground levels on the adjoining site, the impact on the character of Killarney View House and the lack of engineering/construction details to show that there would be no adverse effects on adjoining lands.

vi) The appellant's grounds of appeal also note that cycle paths on both sides of the road terminate approximately 1.2 kilometres from the town centre, as such, there is no continuous cycle path connection linking the site directly to the town centre. Bus services are infrequent at 60minute intervals.

7.2. Applicant Response

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

- The proposed development represents a high-quality residential scheme which will deliver well-appointed full time homes in a highly sustainable and accessible location within Killarney town.
- In relation to concerns raised regarding the scale, bulk and visual relationship on the adjoining guesthouse, the applicant states:
  - The finished floor level of the proposed apartment building will be the same as the existing dwelling on site
  - The existing dwelling on site already casts a shadow onto the adjoining guesthouse by virtue of its height and elevated position. The proposed building, whilst one storey taller than the existing house, results in only a marginal overall increase in the ridge height of the building on site and any increased overshadowing would be negligible. The nontraditional oversized overhang/soffit of the existing guesthouse design reduces daylight/sunlight exposure within the premises.
  - Due to the front building line of the proposed apartment building setback 8m compared to that of the existing dwelling on site, overshadowing experienced by the guesthouse currently will be reduced as a result of the proposed development.
- As regards transport, the site is located within Killarney town and future residents will have immediate access to the full range of services. The site is within the operative area of the TFI Local Link On-demand service "TFI Anseo".

- The proposed density, stated to be 55dph, would be in line with the applicable density range set out in the Sustainable Residential Development and Compact Settlements Guidelines 2024 having regard to Killarney's status as a Key Town and the accessible location of the site. The applicant notes also that the density guidance in the Guidelines is most meaningfully applied to larger residential schemes. The applicant also notes that all six apartments proposed substantially exceed the minimum floor area requirements prescribed by the Apartment Guidelines.
- The applicant states that the present proposal provides a greater separation distance to the guesthouse than the previous scheme, that no habitable room windows will overlook the guesthouse or its driveway (noting the deep reveals provided to windows and their orientation at 90º to the adjoining property), all other windows on the northern elevation will have opaque glass, a minimum distance of 16m will be maintained between all habitable room windows and the applicant's house to the south, the balconies of proposed apartments nos. 5&6 will have opaque glass screening to a height of 2.1m on the north and east side of their balconies to prevent overlooking of the guesthouse. This application does not include a roof garden, the flat roof will be used for PV solar panels.
- The application includes an Appropriate Assessment Screening Report.
- In relation to boundary treatment, the applicant seeks to clarify that there is no difficulty in retaining and maintaining the existing hedge and screening which currently forms the common boundary between the two sites. This matter can be addressed by condition.

7.3. Planning Authority Response

None received.

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
- Density
- Visual impact
- Impact on adjoining occupiers
- Condition 3 Special Contribution – new issue
- Parking and access – new issue

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including traffic impact and residential standards. 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 site is located within the settlement boundary of the Key Town of Killarney, as designated by the Kerry County Development Plan 2022-2028 and has the land use zoning 'R2 – Existing Residential' with the objective 'Provide for residential development and protect and improve residential amenity'. The description associated with the 'R2' zoning is for existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. The Zoning Matrix included as Appendix G to Variation No.2 of the Development Plan lists 'Residential Unit' as permitted in principle within residential-zoned lands. The site is located within walking distance of the town centre, being approximately 1.5 km from the centre of Killarney. The appeal site has an established residential use and is surrounded by residential development and tourist accommodation. Having regard to the above factors, I consider that the proposed redevelopment of the site to provide apartments is acceptable in principle.

8.2. **Density**

8.2.1. The grounds of appeal do not raise density specifically as an issue, but do raise concern at the cumulative impact on the guesthouse of the subject proposal in conjunction with the recently completed dwelling to the rear of the site.

8.2.2. The applicant's response states that the density would be in line with the applicable density range set out in the Sustainable Residential Development and Compact Settlements Guidelines 2024 having regard to Killarney's status as a Key Town and the accessible location of the site.

8.2.3. The proposed development of 6no. apartments on a site of 0.11ha equates to a density of 54.55 units per hectare.

8.2.4. Section 1.5.2 Density of the Development Management Standards and Guidelines (Volume 6 of the Development Plan 2022-2028) states that, in general, the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on 'Sustainable Residential Development in Urban Areas' (2009) or any update thereof. The Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) were published in 2024 and replace the Sustainable Residential Development in Urban Areas (2009).

8.2.5. The site falls with the category of Key Towns/ Large Towns (5,000+ population) - Suburban/Urban Extension of Table 3.5 of the Guidelines. The subject site would not qualify as an 'accessible location' having regard to the criteria set out in Table 3.8, therefore, according to the Guidelines, residential densities in the range 30dph to 50dph (net) shall generally be applied.

8.2.6. Whilst the proposed density of 54.55dph is above the applicable range, I consider the exceedance to be minor. In this regard, I note that the density range is a policy objective rather than an SPPR and that the wording 'generally' allows for some flexibility. Also, given that half of the proposed apartments are 1bed units, this contributes to a higher density figure relative to floor area. Having regard to my conclusions in later parts of this report that the proposed development is acceptable with regard to visual impact, impact on adjoining occupiers and compliance with the standards of the Apartment Guidelines, I consider that the proposed density is

acceptable. Taking into account also the existing infill dwelling, granted under PRR 23/528, due to its position c. 24m southeast of the guesthouse, its two storey scale and nature, consisting of a single dwellinghouse, I consider that the current proposal, when taken with existing development, would not result in an excessive density of development at this location.

8.3. Visual impact

8.3.1. The 3rd party grounds of appeal raise concerns with regard to the scale, bulk, form, articulation and visual relationship of the proposed building to the existing adjacent guesthouse. The appellant also points to the lack of verified photomontages or equivalent visual assessment submitted by the applicant to aid assessment of the visual impact of the proposed development.

8.3.2. In their response to the grounds of appeal, the applicant states that the proposed development represents a high-quality residential scheme in a highly sustainable and accessible location within Killarney town. They note that the finished floor level of the proposed apartment building will be the same as the existing dwelling on site, that its front building line will be setback relative to existing and that the overall increase in the height of built development on site will be marginal.

8.3.3. The Planner's Report makes reference to the area being characterised by large, detached dwellings and also notes the high quality materials proposed and existing mature trees in the immediate area which will soften the visual impact of the proposed building. They also make reference to the Inspector's report for the previous proposal, ABP-321613-25, which stated that a three storey building would be an appropriate scale for the site. Overall, they note no issues with regard to visual impact.

8.3.4. The proposed development is a three storey flat roof building, with the third storey set back c. 3.8m from the front building line at ground and 1st floor levels. The second floor roof height would be c.6.8m, the roof height of the front portion of the third floor would be c.9.6m before stepping up to c.10.275m at the rear. The finished floor level of the existing dwelling is 100.1m, that of the proposed building is 100.2m, and that of Killarney View House to the north is 98.8m, according to the submitted plans. The ridge height of the guesthouse is c. 8.5m, measured from the plans. The

proposed building would be set off the northern boundary by c.4-4.5m, 5m to the east and c. 4m to the south. The separation distance to the side elevation of the guesthouse to the north would be c. 8.1m at the front (opposite proposed Apt no.1) and c. 6.7m at the rear (at Apt. no. 3). The proposed building would be setback from the roadside boundary by c. 24.5m.

8.3.5. The immediate site context is characterised by large detached two storey dwellings, including the guesthouse building, arranged along the eastern side of Muckross Road. The wider context includes the two storey plus roofspace Gleneagle River Apartment blocks to the rear of the site, the Brehon Hotel of 4 storeys plus roofspace further south on Muckross Road and other two storey dwellings to the west on Muckross Road. The proposed apartment building is located at higher ground level than the adjacent Killarney View House and would be one storey taller than the guesthouse and the existing dwellings to the south and rear. However, having regard to the mix of building scales within the wider site context, including buildings of increased scale, to the setback position of the proposed building relative to the site boundaries, to the setback third storey and flat roof form of the proposed building, I consider that the proposed scale does not result in a significant departure from that of neighbouring properties. The length and width of the proposed building would be similar to those of the adjacent guesthouse. Although I note that surrounding buildings are generally of pitched roof form, given the variety of building styles within the vicinity of the site, the setback position of the proposed building and noting the existing mature tree screening around the site, I consider that the proposed flat roof form can be accommodated in this location.

8.3.6. Noting the setbacks incorporated into the upper floors of the proposed building and the contrasting materials proposed, I consider that the front elevation of the proposed building would have an appropriate degree of articulation. The side and rear elevations feature less articulation, which I consider is acceptable given their lower visibility from the public realm and the need to limit overlooking of neighbouring properties (addressed in detail below). Given the variety of facing materials evident in buildings in the site context, and to the quality of the materials indicated on the elevations, I consider that this aspect of the scheme would be appropriate to the prominent location of the site on the main entrance route to the town. I would however have some concern at the extent of dark coloured materials proposed for

the external finishes to the building, which would contrast markedly with the treatment of surrounding buildings. I note that Condition 4 of the Planning Authority's decision required that all external finishes be neutral in colour, tone and texture. In the event of a grant of permission, I recommend that a condition is attached requiring that the specification of facing materials is reserved for agreement with the Planning Authority.

8.3.7. The application submission includes a set of drawings, including contiguous street elevation, landscape plan and front boundary treatment elevation/plan, annotated with details of facing materials, site levels etc. I consider that the submitted drawings are sufficient to enable assessment of the visual impact of the proposed development and do not consider that verified photomontages or equivalent are necessary in this case. My assessment has also been informed by my observations on site.

8.3.8. Overall, having regard to the established pattern of development locally, to the variety of building styles and scales within the vicinity of the site, to the siting, scale, form and appearance of the proposed building and to the existing tree screening to the south of the site, I consider that the proposed development responds appropriately to the character of the area. Therefore I consider that the proposed development would be acceptable in terms of visual impact and would be in accordance with Policy Objective KCDP KY-21 which seeks to ensure that all new development located on main entrance routes to Killarney town adds positively to the streetscape.

8.4. Impact on adjoining occupiers

8.4.1. The grounds of appeal raise particular concern that the proposed development would result in unacceptable impacts on the amenities of the adjoining guesthouse, particularly with regard to separation distances and overlooking. The lack of submission of a daylight/sunlight or overshadowing analysis is also raised. The appellant also highlights that the adjoining building to the north is mixed use, comprising a guesthouse and private dwelling and that the impact of the proposed development on both established uses need to be assessed. In relation to the business, they raise concern that the proposed development will impact on its

environmental qualities, including its outlook, tranquillity, riverside setting and overall visitor experience.

8.4.2. The applicant, in response, states that the present proposal provides a greater separation distance to the guesthouse than the previous scheme, that no habitable room windows will overlook the guesthouse or its driveway (noting the deep reveals provided to windows and their orientation at 90º to the adjoining property), all other windows on the northern elevation will have opaque glass, a minimum distance of 16m will be maintained between all habitable room windows and the applicant's house to the south, the balconies of proposed apartments nos. 5&6 will have opaque glass screening to a height of 2.1m on the north and east side of their balconies to prevent overlooking of the guesthouse and increased overshadowing would be negligible.

8.4.3. The Planner's Report raises no serious concerns in relation to negative impacts on the amenities of the guesthouse, noting that it is a commercial property. No concerns are raised with regard to impacts on residential amenity of the dwellings to the south and southeast given the screening provided by existing trees.

8.4.4. Section 1.5.4.10 Minimum Separation Distance of Volume 6 (Development Management Standards) of the County 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.

8.4.5. In terms of overlooking, material impacts on the dwelling to the rear can be ruled out given that the separation distance between the proposed building and that dwelling is c.12m and as the southeastern corner of the proposed building comprises lift shaft and stairs with only opaque glazed windows to the rear i.e. no directly opposing above ground floor windows. The separation distance between the proposed building and the existing dwelling to the south is c. 16m, which is in accordance with SPPR 1 of Compact Settlements Guidelines 2024 which requires a minimum separation distance of 16m between windows serving habitable rooms above ground floor. In addition, potential overlooking of this adjoining dwelling is mitigated by the existing mature tree screening on the boundary.

8.4.6. All windows above ground level in the north elevation of the proposed building, facing the guesthouse, are shown on the elevation and floorplans as opaque glazed. Also, the balconies on this side of the proposed building at 1st and 2nd floor levels are shown to have opaque glass screens to a height of 2.1m above finished floor level. The design of the building includes projecting, recessed windows, facing east and west only, serving habitable rooms on this side of the building. The design also includes variation in the distribution of materials on the north elevation, which adds interest to mitigate the limited number of windows. I consider that the measures incorporated in the design are sufficient to prevent a material impact on Killarney View House in terms of overlooking from units on the 1st and 2nd floors of the proposed building.

8.4.7. The proposed ground floor units include habitable room windows facing north which would be at a higher finished floor level to the guesthouse. The submitted plans indicate a new boundary treatment on the northern boundary comprising 1.8m height concrete/metal post with horizontal metal infill panels, “Smartfence”. The appellant states in their grounds of appeal that the existing boundary treatment including planting is within their ownership. The applicant has responded that they have no objection to the retention of the existing hedge and screening. From my site observations, the existing hedging provides a good screen, though there are some gaps in cover. I consider that it would need to be augmented by additional boundary screening on the application site side in order to provide adequate privacy to the ground floor bedrooms in the proposed development and to habitable room windows in the ground floor of the guesthouse. This can be secured by condition.

8.4.8. The appellant’s grounds of appeal also raise concern that the proposed development would result in a sense of enclosure on the guesthouse and that it has not been demonstrated that it would not result in unacceptable impacts in terms of daylight, sunlight or overshadowing. The finished floor level of the proposed apartment building (100.2m) would be 1.4m above that of the guesthouse (98.8m), according to the submitted drawings. The northern elevation of the proposed building, at ground and first floor levels, would be positioned between c. 6.7m (rear), c. 10m (middle) and c. 8.1m (front) from the southern elevation walls of the guesthouse. These distances exclude the roof overhang on the guesthouse and the projecting windows and balcony at first floor level of the proposed building. At second floor level, the

northern elevation of the proposed building is indented, with two substantial portions of the building set back from the northern boundary by an additional c. 1.6m relative to the lower floors. Taking these factors into account, particularly the setbacks at second floor level, I consider that the massing of the proposed building relates appropriately to the adjoining guesthouse building, whilst also making best use of serviced urban land. I do not therefore consider that a material impact on residential amenity or the amenity of guesthouse occupiers would arise due to an increased sense of enclosure caused by the proposed development.

8.4.9. In relation to impacts on daylight, sunlight and overshadowing, the appellant's grounds of appeal observe that no daylight or sunlight study or shadow analysis was submitted, though they also note that same is not mandatory in every case.

8.4.10. The applicant, in their response, points to the presence of the existing dwelling casting shadow, a marginal increase in the height of the proposed building relative to the existing and concludes that any increased overshadowing will be minimal.

8.4.11. Given the increase in height and footprint above that existing on the appeal site, I consider the proposed development has the potential to result in some additional overshadowing on Killarney View House beyond that which already exists. However, having regard to the scale of the proposed building which is one storey taller than the adjacent guesthouse and incorporates setbacks at second floor level and a flat roof, to the separation distance between the proposed building and guesthouse and to the existing boundary screening to be retained, I do not consider that the proposed development would result in material impacts in respect of loss of daylight or sunlight or increased overshadowing on the guesthouse. I do not consider that a technical assessment of daylight, sunlight and overshadowing is necessary in this case.

8.4.12. The grounds of appeal also assert that the Planning Authority did not properly assess the compatibility of the proposed apartment development adjacent to the established tourism business. In this regard, the appellant refers to the environmental qualities which contribute to the established business, including its outlook, tranquillity, riverside setting and to the residential activity, communal circulation, parking, bicycle storage, refuse storage and outdoor amenity areas of the proposed apartment building. In this regard, I am mindful that the existing use and zoning of the site is existing residential. Also, although an uplift in the number of

units on the application site is proposed, as a scheme of six units in total, I consider that it the increase is modest in terms of the number of occupants. Given also that the proposed use is residential, I do not consider that the level or nature of activity on site would be likely to result in material negative impacts, in terms of e.g. noise, disturbance or lighting on the amenities of the adjoining guesthouse. I also note that both the guesthouse and application site are situated on a main access road serving Killarney town, in an area characterised by a mix of residential and visitor accommodation uses and associated activity.

8.5. **Special contribution – new issue**

8.5.1. Condition 3 of the Planning Authority's decision relates to a special contribution and states:

> *3. Prior to the commencement of development, the developer shall pay a contribution of €8,650.00 to Kerry County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the proposed development, as a special contribution within the meaning of Section 48 (2) (C) of the Planning & Development Act, 2000 towards the cost of implementation of the following schedule of works:-*
>
> *Proposed Infrastructure and Facilities: 100 % contribution towards the cost of upgrading the public footpath outside this development*
>
> *Estimated Cost: €8,650.00*
>
> *Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, in accordance with the provisions of Section 48 of the Planning and Development Act, 2000.*

8.5.2. The requirement for a special contribution was referenced in the internal local authority roads department report, dated 16th June 2026. The report set out the proposed wording of the condition, as above, excluding the reason. No further justification for the special contribution was set out in the Roads report or the Planner's Report.

8.5.3. An appeal has not been submitted in respect of Condition 3, however I consider that it warrants assessment. This is a new issue and the Commission may wish to seek the views of the parties.

Legislative basis for special contributions and relevant guidelines and publications

8.5.4. Section 48 (2)(c) of the Planning & Development Act, 2000 (as amended), states:

'A planning authority may, in addition to the terms of a scheme[9], require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development' ([9] A development contribution scheme).

8.5.5. Section 48 (12) of the Act (as amended), states:

'Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply —

(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,

(b) where the works in question —

(i) are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)),

(ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)), or,

(iii) where the local authority decides not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,

(c) where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out'.

8.5.6. Special contributions are specifically referenced in section 7.12 of the Development Management Guidelines for Planning Authorities (2007) as follows:

'… 'special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs

not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area ...'

8.5.7. The Development Contributions Guidelines for Planning Authorities (2013) states, 'A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution' (page 5).

8.5.8. Policy Objective KCDP 4-30 states that it is an objective of the Council to utilise, where appropriate, the provisions of Section 48 & 49 of the Planning and Development Act, 2000 (as amended) to generate financial contributions towards the capital costs of providing local and strategic transport infrastructure, services, or projects in the county, and to incentivise and achieve the National Strategic Outcomes of the National Planning Framework.

8.5.9. The Kerry County Council Development Contribution Scheme is effective from 25th July 2017. The Scheme does not provide guidance on special contributions.

8.5.10. Further to section 48 (2)(c) of the Planning & Development Act, 2000 (as amended), four essential requirements or characteristics are necessary to justify attachment of a special contribution condition. The payment must be required:

(a) in respect of a development,

(b) specific exceptional costs must be incurred as a result of or in order to facilitate it,

(c) such costs cannot be covered by a Development Contribution Scheme made under sections 48 or 49 of the Act (as amended), and,

(d) it must relate to public infrastructure and facilities which would benefit the proposed development.

8.5.11. Having regard to the four essential requirements or characteristics necessary to justify attachment of a 'special contribution condition', the first requirement has been satisfied in that the special contribution relates to a 'development' i.e. the upgrading of a public footpath.

8.5.12. The key issues in relation to Condition No. 3, are, therefore, whether or not the costs as set out in Condition 3 properly constitute specific exceptional costs, not covered by a general development contribution scheme, and which would be incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development, and secondly, has the nature and scope of the works, the expenditure involved and the basis for the calculation been properly set out by the Planning Authority.

8.5.13. The Kerry County Council Adopted Development Contribution Scheme (DCS) 2017 includes 'the refurbishment, upgrading, enlargement or replacement of roads', as a service identified for contributions. Section 48(17) of the Act gives the meaning to "public infrastructure and facilities" which includes the provision of pedestrian facilities. Having regard to the foregoing, I consider that the upgrading of the existing footpath adjacent to the application site would already be at least partially funded by the General DCS, as there is no evidence provided by the PA to indicate otherwise.

8.5.14. In terms of the calculation of the special contribution, the extent of footpath to be upgraded is not defined in Condition 3 or the Roads Report. Also, given that the footpath is alongside Muckross Road, a key approach route to Killarney Town, I consider that the proposed upgraded footpath would serve a wider population than the proposed development. Whilst I accept that the footpath will be utilised by the future occupiers of the proposed development, the Planning Authority has not identified any significant impact on the existing footpath generated by the proposed scheme. Taking these factors into account, I consider that it has not been

demonstrated that specific exceptional costs would be incurred as a result of or in order to facilitate the proposed development.

8.5.15. Overall therefore, I conclude that the works listed in Condition 3 cannot be considered as specific exceptional costs, which are not covered in the general scheme, and which would solely benefit the proposed development. Therefore, I am of the view that Condition 3 is not in accordance with section 48(2)(c) of the Act and, should the Commission be minded to grant permission for the proposed development, a special contribution condition should not be applied.

8.6. Parking and access – new issue

8.6.1. The proposed development provides 12no. car parking spaces to serve the 6no. proposed apartments.

8.6.2. Section 1.20.7 of the Development Management Standards and Guidelines (Vol. 6) of the Development Plan provides that the parking standard for apartments in areas outside town centres is 1 space per bedroom. For the subject scheme, this would result in a maximum provision of 8no. car parking spaces. I consider that a reduction in parking on site to 8no. spaces is appropriate therefore and can be secured by condition. Section 1.20.7.1 requires 1no. EV charge point per 5no. car parking spaces, with ducting for all other spaces. Section 1.20.8 requires 1no. disabled space per 5-25 spaces. These requirements can also be secured by condition.

8.6.3. In respect of cycle parking, the proposed development includes a cycle shelter to the rear of the apartment building for 16no. bicycles. Section 1.20.9 of the Development Management Standards and Guidelines requires 1 private secure bicycle space per bed space and a minimum of 2 spaces 1 visitor bicycle space per two housing units. SPPR 4 of the Sustainable and Compact Settlements Guidelines 2024 sets a general minimum standard of 1 cycle storage space per bedroom, plus visitor spaces, which should be in a dedicated facility of permanent construction. Having regard to these standards I consider that a minimum of 12no. cycle storage spaces should be provided, within a secure (fully enclosed) structure. This can be secured by condition.

8.6.4. It is proposed to install a new entrance to serve the development. The new entrance would be located to the south of the existing entrance. The application drawings

show sightline visibility on Muckross Road. The report of the Municipal District Engineer (Roads) raised no objection to the proposed entrance.

8.6.5. The proposed front boundary treatment consists of a stone wall of 0.9m in height with galvanised louvered fence above, together with a sliding gate, to an overall height of 1.8m. I note that the entrance gate opens directly onto the public footpath, beyond which is a cycleway. In order to ensure adequate visibility of pedestrians and cyclists for motorists exiting the proposed development, I consider that the front boundary treatment should be limited to a maximum of 1m in height. Notwithstanding the issue of road safety, I note that the front boundary treatment of the adjoining properties comprise low stone faced walls and, consequently, a similar treatment would be more in keeping with the character of the area. This can be secured by condition.

8.6.6. The issues raised above in respect of parking and access are new issues and the Commission may wish to seek the views of the parties.

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, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) in view of the conservation objectives of this site 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, limited zone of influence of potential impacts 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.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same

- Distance from European Sites and the absence of meaningful pathway to any European site.
- The qualifying interests and conservation objectives of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).
- Taking into account the AA screening determination of the planning authority.

9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

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 provisions of the Kerry County Development Plan 2022-2028, including the R2 Existing Residential land use zoning of the site with the objective to "*Provide for residential development and protect and improve residential amenity*", to the previously developed infill nature of the site, to the pattern of development in the

area and to the design, scale and form of the proposed development, it is considered that, subject to the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design and access. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th April 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
   Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

   (a) The existing boundary planting on the northern boundary of the site shall be retained and augmented with additional screen planting, in accordance with Condition 14 below.
   (b) The front boundary treatment shall consist of a stone finish wall of a maximum height of 0.9m. Any pillars forming the entrance shall have a maximum height of 1m.
   (c) The proposed boundary fence on the southern boundary shall be a maximum of 1.2m in height between the front (roadside) boundary of the site and the front building line of the proposed apartment building.
   (d) The number of car parking spaces on site shall be reduced to 8no. spaces, including 1no. disabled space. The remaining space at the front of the

building shall consist of soft landscaping, in accordance with details submitted under Condition 14 below.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed apartment building and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed materials shall complement those used in the surrounding context.
Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.
Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.
Reason: In the interests of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.
Reason: In the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), no part of the proposed apartments shall be used for the provision of overnight commercial guest accommodation without a prior grant of planning permission.
   Reason: In the interests of orderly development and residential amenity.

8. Proposals for an apartment numbering scheme and associated signage for the development shall be submitted to and agreed in writing with the planning authority prior to the occupation of any of the units.
   Reason: In the interest of urban legibility.

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.
   Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

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

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management

measures, waste management and recycling of materials, environmental protection measures including measures to manage and monitor surface water-runoff, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

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

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

    Reason: In the interest of proper planning and sustainable development.

13. (a) All findings of the stage 1/2 Road Safety Audit shall be closed out, signed off and incorporated into the development.

    (b) A Road Safety Audit (Stages 3/4) shall be submitted to, and agreed in writing with, the planning authority prior to the completion of development, in order to demonstrate that appropriate consideration has been given to all relevant aspects of the development in accordance with the Design Manual for Urban Roads and Streets (DMURS).

    (c) The measures recommended by the audit shall be undertaken, unless the planning authority approves any departure in writing. Detailed drawing(s) showing all accepted proposals and a feedback report shall also be submitted.

    Reason: In the interests of public safety and residential amenity.

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

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

    (i) The existing trees and hedgerows on the northern boundary of the site to be retained.

    (ii) Existing trees and hedgerows on other boundaries, specifying which are proposed for retention as features of the site landscaping.

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

    (iv) The species, variety, number, size and locations of all proposed trees and shrubs.

    (v) Details of additional screen planting, particularly along the northern boundary of the site.

    (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

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

    (c) A timescale for implementation.

    All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

    Reason: In the interest of residential and visual amenity.

15. The applicant is requested to incorporate specific designed measures to be agreed with the Planning Authority for provision of nesting for swifts, through the use of ‘swift bricks’ into the normal courses of facades, ‘swift boxes’ under eaves, or ‘swift towers’ in courtyards. These are to be located and installed in consultation with a qualified ecologist and with reference to the specific design requirements for the targeted species and the ‘Saving Swifts’ national guidance

booklet (2019). Evidence of proper installation will be provided by a suitably qualified ecologist to the Planning Authority.
Reason: To provide for maintenance of local breeding populations of swift.

16. 12no. safe and secure bicycle parking spaces shall be provided within a dedicated, fully enclosed facility of permanent construction on site. Details of the cycle storage facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement development

    Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

17. A minimum of 2no. EV charging point spaces shall be provided within the parking area at the front of the apartment building. Ducting shall be installed to allow for future electric vehicle charging points to be provided to all other parking spaces on site.
    Reason: In the interest of sustainable transportation.

18. The design of the parking areas, footpaths, and kerbs internal to the development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
    Reason: In the interest of amenity and of traffic and pedestrian safety.

19. (a) Balcony lighting shall not result in any upward illumination, or outward illumination beyond the site boundaries.

    (b) All external lighting, including balcony lighting shall be LED in type with a 'warm' white light source (2700 kelvin or lower).

    Reason: In the interest of biodiversity.

20. No ancillary plant or equipment including satellite dishes shall be placed on the external walls or roofs without a prior grant of planning permission.
    Reason: In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

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

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

22. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

    Reason: To ensure the satisfactory completion and maintenance of this development.

23. 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.

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

    Reason: To ensure the satisfactory completion of the 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
Senior Planning Inspector

20th October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501695-KY-26
Proposed Development Summary	Permission to (a) demolish existing dwelling house and garage, (b) construct 3 No. 1 Bedroom Apartments, 2 No. 2 Bedroom Apartments and 1 No. 3 Bedroom Apartment, and (c) construct new site entrance, parking, ancillary services & areas.
Development Address	Poulnamuck, Muckross Road, 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.
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)**	Class 10 (b) (i) – threshold: Construction of more than 500 dwelling units. Class 10 (b) (iv) - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

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:** 20th October 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501695-KY-26
Proposed Development Summary	Permission to (a) demolish existing dwelling house and garage, (b) construct 3 No. 1 Bedroom Apartments, 2 No. 2 Bedroom Apartments and 1 No. 3 Bedroom Apartment, and (c) construct new site entrance, parking, ancillary services & areas.
Development Address	Poulnamuck, Muckross Road, 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 site comprises an urban infill site of modest footprint, located within an established suburban area. The proposed development comes forward as a standalone project, requires limited demolition works consisting of one dwelling house and garage, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	The development is located in an established, serviced urban area, within the settlement of boundary of Killarney town. 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 proposed

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).	development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant	**EIA is not required.**

effects on the environment.	

Inspector: Suzanne White **Date:** 20th October 2026

Appendix 3: Standard AA Screening Determination Template 2

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL.501695-KY-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Proposed demolition of the existing dwelling house and garage, construction of a three storey building comprising 6no. apartments, together with new site entrance, parking, ancillary services & areas. See detailed description in Section 2 of the Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	[include size, scale, land take, proximity to European site, duration of works, measures integral to design – any key issues, e.g. emissions, disturbance,] The 0.11ha site comprises an urban infill site of modest footprint, located within an established suburban area with the settlement boundary of the town of Killarney. The proposed three storey apartment building would accommodate 6no. units which would be connected to the public water and foul sewer networks. The application site is elevated relative to the adjoining guesthouse site adjacent to the north, beyond which is the River Flesk. SuDS features are

	included as part of the design. Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365, is located c. 20m to the north and c. 0.43km to the south of the site. The River Flesk runs parallel to the site, c. 25m to the north.
Screening report	Y
Natura Impact Statement	N
Relevant submissions	None.

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 (Site	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation	c. 20m	No existing hydrological link with the application site.	Yes

Code: 000365)	of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Blanket bogs (* if active bog) [7130]			

	Depressions on peat substrates of the Rhynchosporion [7150] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Geomalacus maculosus (Kerry Slug) [1024] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Euphydryas aurinia (Marsh Fritillary) [1065] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099]			

	Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Alosa fallax killarnensis (Killarney Shad) [5046] Vandenboschia speciosa (Killarney Fern) [6985] ConservationObjectives.rdl (NPWS, 12/10/2026)			
Killarney National Park SPA Site Code: 004038	Merlin (Falco columbarius) [A098] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] CO004038.pdf (NPWS, 12/10/2026)	c. 880m distance to the north and c. 1km to the west.	No	No
Sheheree (Ardagh) Bog SAC Site Code: 000382	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120]	c.1.57km to southeast.	No	No

	ConservationObjectives.rdl (NPWS, 12/10/2026)			

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

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

[3] if no connections: N

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

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

(a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).

(b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

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: Name (code)	**Direct:**	

QI list Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or	No direct loss of SAC habitat. **Indirect** Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution. Potential negative impacts arising from removal of on site habitat utilized by QI species.	The site is separated from the River Flesk by the site of the Killarney View Guesthouse (including hardstanding and hedges within its curtilage) and a dense band of riparian vegetation which would intercept potential run-off entering the SAC. 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 the possibility of contaminated water reaching the SAC is low. SuDS features proposed as part of the landscaping design will prevent contaminated water leaving the site at operational stage.

calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [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 incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Geomalacus maculosus (Kerry Slug) [1024]		The site is within the Core Sustenance Zone of Lesser Horseshoe Bat however there is no particular habitat present on site to attract foraging bat species. The submitted AA Screening Report concludes that there are no roosting bats on site.

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Euphydryas aurinia (Marsh Fritillary) [1065] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Alosa fallax killarnensis (Killarney Shad) [5046]		

Vandenboschia speciosa (Killarney Fern) [6985]		
	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**	
	Impacts	**Effects**

Further Commentary / discussion

I note that one of the reasons for refusal of the previous appeal on site, ABP-321613-25, related to inadequate information provided with the application, including the failure to submit an Appropriate Assessment Screening Report. I note that an AA Screening Report, incorporating a walkover ecological survey, has been submitted with the present application. Having regard to the AA Screening Report and other documentation on file, I consider that there is adequate information submitted to make a determination in respect of AA.

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). 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

Finding of no likely significant effects

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, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of the development, limited zone of influence of potential impacts 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.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites and the absence of meaningful pathway to any European site.
- The qualifying interests and conservation objectives of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).
- Taking into account the AA screening determination of the planning authority.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.