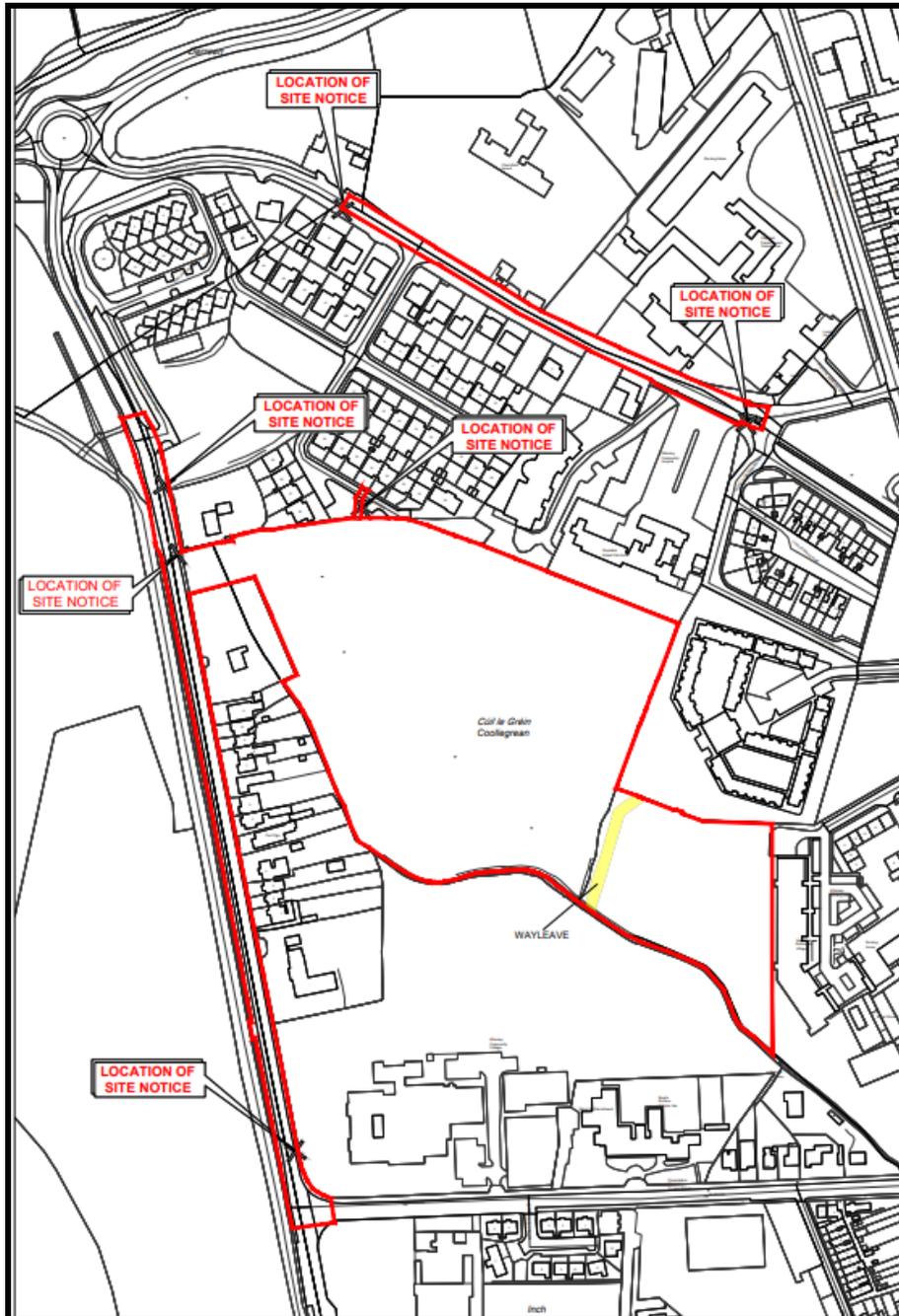


Strategic Housing Development.

228 no. residential units (no. 76 houses, 152 no. apartments), creche and associated site works at Port Road and St. Margaret's Road, Coollegrean, Inch, Knockreer, Ardnamweelt, Derreen, Killarney, Co. Kerry. (ABP-312987-22)



Section 8(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017

Introduction

Kerry County Council hereby sets out its Chief Executive Report, including recommendations on the above Strategic Housing Development for An Bord Pleanála. An Bord Pleanála (ABP), as the competent authority will carry out an Environmental Impact Assessment and Appropriate Assessment Screening of the proposed development and will decide to grant or refuse this Strategic Housing Development application.

Proposed Development

The proposed development comprises the following:

- 228 residential units:
- 76 houses (terraced/semi-detached/detached).
- 4 x 3 storey duplex terraces and 3 x 4 story apartment complexes providing 152 2-3 bed apartment/duplexes.
- Two storey creche.
- Residential pocket parks.
- Communal open space.
- Car parking, bicycle parking, bin stores, plant areas/utilities infrastructure. New Vehicular and pedestrian access to be provided onto Port Road to the west of the site
- Pedestrian routes to the Millwood Estate, pedestrian routes to the boundaries at the adjacent development to the east and to ETB lands at the South.
- All associated site development works (including site reprofiling), landscaping, boundary treatments and services provision.

Development Statistics

Key Statistics for Proposed Development
228 residential units in total
Houses – Total 76 (33.3%)
<ul style="list-style-type: none">• 38 x 3bed (50%)• 30 x 4bed (39%)• 8 x 2bed (11%)
Apartments and Duplexes – Total 152 (66.7%)
Duplex
<ul style="list-style-type: none">• 14 x 3bed (9%)• 28 x 2bed (18%)• 14x 1bed (9%)
Apartments
<ul style="list-style-type: none">• 80 x 2bed (53%)• 16 x 1bed (11%)
Ancillary Amenities/Facilities
<ul style="list-style-type: none">• Creche (334sqm)
Site Area: 5.3 ha (6.19ha including proposed road upgrades)

Net Density: 43 units per ha

Height: 2-4 Storeys

Dual Aspect duplexes: 100%

Dual Aspect apartments: 54% (52 of the 96 Apt.)

Public Open Space: Stated as 1.65 Ha (31%) usable public open space stated as .8 Ha (15%)

Procedural Background

Statutory Requirements of this Report

This report sets out, in accordance with the provisions of Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017 - inter alia:

1. A summary of the points raised in the submissions received by An Bord Pleanála on the application.
2. The Chief Executive's view on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment, having regard to matters specified in Section 34(2) of the Planning and Development Act, 2000 (as amended) and submissions received by An Bord Pleanála on the application.
3. The Planning Authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, including a statement as to whether the Planning Authority recommends to An Bord Pleanála that permission should be granted or refused, together with the reasons for its recommendation.
4. Suggested conditions should the Bord grant permission.

Development Context

Description of Site and Surroundings

The application site consists of two irregular shaped green field sites that are divided by a hedgerow running north to south in the mid-section of the site. The site is located to the east of Port Road Killarney. The area to the south is mixed in nature and consists of educational facilities and residential properties. To the east of the site is Oakwood Retirement Village and to the north of the site is Millwood housing estate and Killarney Community Hospital.

Site Visits

Site inspections have been made in 2021 and 2022.

Zoning

The site is subject to Zoned as *R1 New/Proposed Residential* in the Killarney Town Development Plan 2009 - 2015 (as extended).

Planning History

07-204845

Permission Granted and (Extension of duration granted to 27/05/2018) construct 13 terraced houses, 4 own-door apartments, medical office (186 sq.m), shop unit (230 sq.m) and a new entrance off the Port Road; 8 no. underground LPG tanks and associated site and landscape works in relation to the future development of the remainder of the site

08-204935

Permission Granted and (Extension of duration granted to 6/1/2019) construct a creche (591 sq.m) and 25 dwellings (consisting of 5 terraced houses, 10 courtyard houses, 6 town houses and 4 own door apartments), ancillary car parking and associated site and landscape works, access roads and ancillary development.

08-204908

Permission Granted and (Extension of duration granted to 13/5/2019) develop 45 dwellings (consisting of 21 detached houses, 18 terraced houses and 6 courtyard houses) and 14 own-door apartments; an ESB Substation and associated site and landscape works, access roads and ancillary development in relation to this development and to the future development of the remainder of the site

08-204929

Permission Granted and (Extension of duration granted to 06/01/2019). Construct 38 no. dwellings, ancillary car parking and associated site and landscape works, access roads and ancillary development.

08-204985

Permission Granted Construct 103 no. apartments in 3 blocks, A, B and C; provision of 129 no. parking spaces at basement level and 12 no surface parking spaces, ancillary landscaping works, ancillary access road and associated site development works.

Recent Relevant Enforcement History

None recorded.

Internal Consultations

Those consultees which returned reports were as follows:

1. Environmental Services Department.

The Lough Leane waterbody is currently classified as being of good water quality, however, the water quality of Ross Bay is considered separately and is currently classified as being of only moderate water quality status. It is essential therefore that the management of surface waters and wastewaters arising from the proposed development and any potential impact on water quality in Lough Leane are considered in detail by the Bord. Recommended conditions to be attached in relation to water quality management, waste management noise and dust.

2. County Archaeologist.

The County Archaeologist notes that the planning application is accompanied by an Archaeological Impact Assessment (AIA) and an archaeological, pre-development testing report. The testing, based on the mapping included in the report, did not encompass the site of the barrow Ke066 066. The County Archaeologist has suggested that either archaeological testing of the actual site of the barrow be carried out or a buffer zone of 20m around the barrow Ke066 066 (this zone would in effect be 60m in diameter given the barrow itself is suggested to be 20m in diameter) be preserved. It is also suggested that all

ground works/ground disturbance associated with the development of Areas 1 and 2 should be archaeologically monitored, under licence from the National Monuments Service.

3. Biodiversity & Biodiversity Officer.

The proposed development is located on zoned lands within Killarney Town - the zoning of which was subject to Strategic Environmental Assessment and Appropriate Assessment. With respect to Biodiversity Impact, the Bord may wish to consider the need for Further Information, as referred to in the report of Kerry County Council's Biodiversity Officer. Notwithstanding this, it is considered that the impact on Biodiversity is likely to be acceptable and is not one likely to be significant. The site while greenfield is an infill one located within the urban setting of Killarney Town and is separated from the National Park by the N71 National Secondary Roadway. The relatively small site area and its Biodiversity value is insignificant relative to the large expanses and biodiversity value of the nearby Killarney National Park. It can be expected that the residents of the proposed development would utilise the National Park for recreational purposes. It is also considered reasonable to assume that such use would be concentrated on the amenity paths which form part of Zone C (intensive use zone) as set out in the Killarney National Park management plan 2005-2009. It is considered that the recreational pressure likely to arise would be imperceptible within the context of existing background levels of recreational use, in what is one of the Country's premier tourist destinations and would not adversely impact the biodiversity value of same.

4. Municipal District Engineer.

Has recommended that all recommendations in the Road Safety Audit are implemented and has suggested planning conditions.

Submissions / Observations.

The following is a summary of the submissions received:

1. Transport Infrastructure Ireland

Expresses concern regarding the development onto a National route, the associated impact on the existing Ballydowney Roundabout Junction and the Traffic and Transport Assessment (TTA) submitted.

Response.

The Bord may wish to seek further information in relation to TII's submission, however the Port Road is within the urban area of Killarney Town that notwithstanding its National secondary route designation has a speed limit of 50km per hour. The site is an infill site zoned as R1 proposed residential bounded by existing residential, community healthcare and educational developments. Should the Bord determine on foot of TII's submission that upgraded road infrastructure is necessary to facilitate the development, Kerry County Council suggest that these works could be facilitated by way of a special development contribution.

2. Department of Housing, Local Government and Heritage (summary)

The submission highlights a number of species that are part of the qualifying interests of the SAC which is located 75 metres west to the site. The submission also highlights the issue of water quality particularly during periods of low rainfall and associated low lake and river levels. Finally the submission recommends that a Natura Impact Statement (NIS) and an Appropriate Assessment (AA), be submitted and carried out.

Response

It is considered that impacts on Biodiversity is likely to be acceptable and is not one likely to be significant. The site while greenfield is an infill site, zoned residential, located within the urban setting of Killarney Town and is separated from the National Park by the N71 National Secondary Roadway. The relatively small site area and its Biodiversity value is insignificant relative to the large expanses and biodiversity value of the nearby Killarney National Park.

3. Irish Water

Irish Water have requested the following upgrade works:

- Upsize approximately 1.2km of 450mm diameter combined sewer, or alternatively storm water separation from the existing 450mm diameter combined sewer for an area 0.2ha is necessary to accommodate the proposed connection at the premises.

Irish Water requests the board include conditions on any grant as follows:

- 1) The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.
- 2) All development is to be carried out in compliance with Irish Water Standards codes and practices.
- 3) Irish water does not permit any build over of its assets and separation distances as per Irish Waters standards codes and practices must be achieved.
- 4) Any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.

Response.

Bord to condition as appropriate.

4. Killarney Environs Protection Group

- Concerns raised in relation to over development as killarney is an already overdeveloped location.
- Traffic and transport.
- Loss of privacy due to overlooking.

Response.

The site is an infill site zoned as R1 proposed residential bounded by existing residential, community healthcare and educational developments. The application has been subject to a detailed traffic and transportation assessment. In addition, the proposal seeks to maximise pedestrian and cycling modes of transport within and through the development and proposes permeable cycle / pedestrian linkages to adjacent developments. The design of the individual residential units ensures that overlooking of adjacent properties will not occur.

5. Kerry Education and Training Board

- No consent has been given for the two proposed pedestrian walkways connecting to Kerry ETB lands.

Response.

Submission noted. While the development proposes a pedestrian / cycle route up to the boundary of the site adjoining ETB lands, the issue of access including opening time (for example to coincide with school hours) is to be agreed with the ETB.

6. Summary of views from Local residents and response:

- Concerns over height, scale and elevation of proposed development in its current siting and wider environs. Site levels should be reduced to match those of housing developments around the site.
- Loss of privacy due to overlooking.
- Concerns raised over proposed pedestrian access to Millwood estate and antisocial behaviour.
- Removal of existing amenity spaces from surrounding existing residential developments.
- Concerns raised over the potential use of surrounding residential estates as drop off points or parking locations for the proposed Creche.
- Loss of ecological habitat for local wildlife and associated impacts on Local Biodiversity and Habitats.
- Traffic and transport.
- Impact on local tourist amenity/Killarney National Park.
- Lack of public consultation.
- Flooding on the site and removal of trees will have adverse impacts on the water table of the site.
- Noise impact During Construction phase.

Response.

- The proposed development will result in an overall reduction in the elevation of the site as it currently stands in its undeveloped state. This will result in a development of similar heights to the adjacent developments.
- The proposed development maintains appropriate separation distance from neighbouring developments which in addition to the design of the various residential units, mitigates the potential of overlooking on neighbouring properties.
- The development has been designed to maximise pedestrian and cycling modes of transport and reduce dependency on the private car to access services and facilities. This necessitates facilitating adjacent residential developments access through the proposed estate thereby facilitating existing residents of the area and the new residents of the proposed development access to local facilities and services particularly schools.
- There is no removal of existing residential amenity spaces from adjacent residential developments. The proposed development seeks to undertake development within lands in the ownership of the applicant.
- The proposed crèche has adequate parking spaces for both cars and bicycles as well as drop off points to cater for the needs of those who will use its services and for those who work there without impacting the amenity of surrounding residential estates.
- It is considered that impact on Biodiversity is minimal. The relatively small site area and its Biodiversity value is minor relative to the large expanses and biodiversity value of the nearby Killarney National Park.
- The proposed development is an infill site located between existing residential, educational and community facilities. The development has been designed to maximise permeability throughout the site and to adjacent developments to ensure that sustainable modes of transport (walking and cycling) are maximised. The impact on traffic therefore is considered reasonable.
- The proposed development site is an infill site, zoned residential with no public access. The proposed development as submitted does not represent a diminishment of tourist amenity.
- The application has to date complied with statutory requirements in relation to public notification. In addition, it is noted that submissions have been made to the Bord by adjacent residents.
- The proposed site is located within Flood zone C and therefore is not a flood risk. In addition, the proposed development seeks to construct open channel drainage in lieu of existing drainage networks, utilise permeable construction materials and use Sustainable Urban Drainage Systems (SUDS's), therefore the flood risk to adjacent sites and downstream is negligible.
- Standard conditions regarding noise and construction operating hours will minimise the disruption to adjacent residents.

Relevant Government Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the *'Project Ireland 2040 National Planning Framework'*. In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of *'Compact Growth'*. The NPF states,

'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people'

and National Policy Objective 3a, which states,

'Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements'.

The National Planning Framework also includes a specific Chapter, No. 6, entitled *'People, Homes and Communities'*. It includes 12 objectives among which Objective 27 seeks to

"ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages."

Additional National Policy Documents of Relevance

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional, Spatial & Economic Strategy 2020-2032 (RSES),

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016)

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, 2007.

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government (December 2008).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2020).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Urban Development and Building Heights Guidelines for Planning Authorities December (2018)

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).

National Cycle Manual – National Transport Authority (June 2011).

Regulation of Commercial Institutional Investment in Housing (2021) (DoHLGH)

Circular NRUP 02/2021 Residential Densities in Towns and Villages (April 2021)

Relevant Policy Context - The Killarney town development plan 2009-2015 (Extended).

- Objective HSG-01-D: Social Housing
- Objective HSG-03-C: Densities
- Objective 12.10.1: Density: Development Management Standards
- Objective 12.9.1: Site Coverage and Plot Ratio
- Objective 12.12.1: Private Open Space
- Objective 12.13.1: Public Open Space

Assessment.

The main issues for assessment include the following:

- Zoning and Council Policy
- Residential Density
- Building Height
- Unit Mix
- School Provision
- Layout and Design
- Residential Amenity
- Childcare Facilities
- Part V
- Parking and Access
- Water, Drainage and Flooding
- Ecology
- Archaeology

Zoning and Council Policy

The proposed development site is zoned *R1 New/Proposed Residential* in the Killarney Town Development Plan 2009-2015 (as extended & Varied). A residential development and creche / childcare facility are permitted in principle under this zoning

Residential Density

The density proposed across the site averages 43 units per hectare.

Section 5.11 of the *Sustainable Residential Development Guidelines* states that for Outer Suburban/Greenfield' sites within cities and larger towns, the density of development should be in the general range of 35-50 dwellings per hectare. Having regard to the infill nature of the site located within Killarney Town, the proximity of services and facilities including educational facilities it is considered that the proposed density is appropriate.

Building Height

The heights of the proposed buildings range from two stories for the houses, 3 stories for the duplex dwellings to four stories for the apartment blocks. The layout of the development situates the units in locations on the site adjacent to neighbouring developments of similar heights which is accommodated by the change of levels throughout the site.

In this context, it is considered that having regard to the proposed change in levels and overall siting of the proposed development units the proposed building heights are appropriate.

Unit Mix

The application proposes 228 units made of the following unit mix:

Houses – Total 76 (33.3%)

- 38 x 3bed (50%)
- 30 x 4bed (39%)
- 8 x 2bed (11%)

Apartments and Duplexes – Total 152 (66.7%)

Duplex

- 14 x 3bed (9%)
- 28 x 2bed (18%)
- 14x 1bed (9%)

Apartments

- 80 x 2bed (53%)
- 16 x 1bed (11%)

It is noted that 76 of the proposed units are houses and 56 of the proposed units are duplex houses. In accordance with the *Regulation of Commercial Institutional Investment in Housing* guidelines a condition concerning institutional investment in the houses and duplexes is required. It is however recommended that ABP reviews these guidelines and attaches a condition if relevant.

School Provision

The applicant has provided a report relating to the capacity of schools both primary and post primary within Killarney. This indicates that there will be an overall decrease in school going numbers in the future. It should be noted that there are additional undeveloped lands zoned as *S1 Educational* at existing Primary & Post primary schools in the town in the Killarney Town Development Plan 2009 - 2015 (as extended) to cater for the expansion of these facilities should educational providers deem it necessary.

Layout and Design

Layout & Permeability.

The subject site is located within the built environment of Killarney. The development has been centred around a central area of open space which includes a children's play area. This ensure that the public open space element is usable at different times of the year. The apartment elements of the development are located on the eastern boundary with the houses and duplex houses located from this area west towards the Port Road. This increase in density at the eastern boundary allows a corresponding reduction in density through the central and western areas of the site.

The layout of the site has ensured pedestrian and cycling permeability through the site and allows adjacent development access to the site. This will ensure that adjacent development can access services and facilities by sustainable modes of transport but in particular presents an opportunity for children to walk to school from both the site and adjacent developments. While it is acknowledged that concerns were raised in relation to the pedestrian access to the lands to the immediate south of the south of the site, this access will be controlled by the educational providers. It is envisaged that this access will be restricted to certain times of the day to allow access to the local schools for the use of school going children, thus reducing the reliance on car based transport.

Design

The design of the houses, duplexes and apartments including the choice of materials and elevations are generally considered to be acceptable.

Residential Amenity

Standard of accommodation

Based on the accommodation schedule provided by the applicant all units would appear to meet or exceed minimum internal space and storage standards.

Dual Aspect/North Facing

The applicant has stated that 54% of the Apartments in blocks J, K & L are dual aspect while the Duplex/apartment blocks 1, 2, 3, and 4 are 100% Dual Aspect which would exceed the minimum requirement as per the Apartment Guidelines.

Public Open Space

The applicant has proposed a series of pocket parks and a large green area in the centre of the site, which would give a total amount of space of 1.653Ha or 31% of the site. Approximately 15% or 0.8Ha of the overall site is usable open space. The public open space proposed is in line with the minimum requirements which is welcomed in principle.

Overlooking

The proposed development provides for adequate setback from dwellings within the site as well as from neighbouring dwellings and buildings. These setbacks in addition to the design of the various residential units, mitigates the potential of overlooking on neighbouring properties.

Daylight/Sunlight/Overshadowing

The applicant's daylight/sunlight report on reception of sunlight / daylight within habitable rooms in the proposed development, adjoining neighbouring buildings and neighbouring and proposed amenity spaces meet or exceed recommended levels.

Childcare Facilities/School provision

The proposed childcare facility consists of 295.5sqm creche that can cater for up to 46 children. The proposed childcare facility satisfies the requirements as per the *Childcare Facilities Guidelines for Planning Authorities* June 2001.

Part V

The applicant has indicated on a site layout the location and type of the proposed 22 units to be made available in compliance with Part V of the Planning and Development Act 2000 (as amended).

Parking and Access

The MD engineer has recommended that all the recommendations in the Road Safety Audit are implemented and has recommended conditions.

Car Parking

There are 333 car parking spaces proposed across the site as follows:

- All houses (2 - 4 bed) are provided with 148 individual car parking spaces and 7 visitor spaces. (Total 155 spaces)
- The 152 apartments/duplexes are provided with 170 spaces across undercroft and surface car parks.
- The creche is provided with 4 staff and 4 visitor car parking spaces.

The amount and location of car parking is considered acceptable.

Bicycle Parking

Apartment/Duplex block's 1/2/3/4 has 100 (No.) bike spaces for 56 (No.) apartments. Block J, K & L has 230 (No.) spaces in the undercroft car park. The Creche has 20 (No.) spaces. Overall, there are 350 (No.) spaces provided.

Phasing Plan

The applicant has submitted a phasing plan with 3 (No.) phases.

Construction & Demolition Waste Management Plan:

A Preliminary Construction & Demolition Waste Management Plan and a Preliminary Construction & Environmental Plan has been submitted by the applicant.

Water, Drainage and Flooding

The Environmental Services Department has provided a detailed report in relation to surface water. The report highlights the location of the proposed site in close proximity to both the Deenagh River, the Folly Stream and the fact that Killarney WWTP discharges to the Folly Stream. The report also highlights that the main Lough Leane waterbody is currently classified as being of good water quality, however, Ross Bay is considered separately and is currently classified as being of only moderate water quality status. Given this situation the

report recommends that the Bord give careful consideration to the management of surface waters and wastewaters arising from the proposed development and any potential impact on water quality in Lough Leane. The report also recommends conditions in relation to noise, waste and other environmental matters.

Ecology

The proposed development is located on zoned lands within Killarney Town - the zoning of which was subject to Strategic Environmental Assessment and Appropriate Assessment. With respect to Biodiversity Impact, the Bord may wish to consider the need for Further Information, as referred to in the report of Kerry County Council's Biodiversity Officer. Notwithstanding this, it is considered that impact on Biodiversity is likely to be acceptable and is not one likely to be significant. The site while greenfield is an infill one located within the urban setting of Killarney Town and is separated from the National Park by the N71 National Secondary Roadway. The relatively small site area and its Biodiversity value is insignificant relative to the large expanses and biodiversity value of the nearby Killarney National Park. It can be expected that the residents of the proposed development would utilise the National Park for recreational purposes. It is also considered reasonable to assume that such use would be concentrated on the amenity paths which form part of Zone C (intensive use zone) as set out in the Killarney National Park management plan 2005-2009. It is considered that the recreational pressure likely to arise would be imperceptible within the context of existing background levels of recreational use, in what is one of the Country's premier tourist destinations and would not adversely impact the biodiversity value of same.

Archaeology

The proposed development site contains the recorded monument Ke066 066, described in the Record of Monuments & Places as a barrow (unclassified).

The planning application is accompanied by an Archaeological Impact Assessment (AIA) and an archaeological, pre-development testing report. The testing report notes that substantial evidence for agricultural activity was uncovered as were a number of potential archaeological features though none produced dateable artefacts (whether or not dateable charcoal or burnt material was uncovered is unclear).

In this instance it is recommended proposed development would be acceptable subject to conditions as outlined in Appendix 1:

Conclusion

The proposed site is an infill site located within Killarney town bounded by existing residential, educational and community developments. The site is zoned *R1 New/Proposed Residential* under Killarney Town Development Plan 2009 - 2015 (as extended).

The layout of the development has been centered around the principals of permeability for active modes of travel and has facilitated permeability through the site for adjacent residential areas towards existing services and facilities including the schools on the southern boundary of the site.

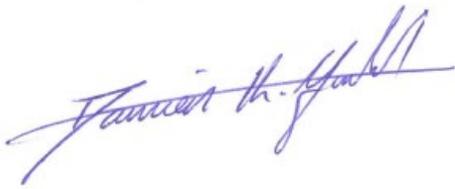
The development accords with the densities and building heights specified in the Ministerial guidelines *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities*, and *Urban Development and Building Heights Guidelines for Planning Authorities December*. In addition, the design, layout and management of access to and within the development is in accordance with the *Design Manual for Urban Roads and Streets*.

The proposed development provides a mix of housing sizes and types to facilitate a wide demographic of housing need, but in particular provides an increased number of small units which typifies housing demand in Killarney and the surrounding area. A crèche / childcare facility is integrated into the layout of the development and the developers obligations under Part V have been outlined with the location and type of the 22 units to be made available identified on a site layout.

Recommendation:

It is recommended that permission be granted for the proposed development.

In the event that the Board grants planning permission, Appendix 1 details the list of conditions recommended by the Planning Authority.

A handwritten signature in blue ink, appearing to read "Damien Ginty". The signature is fluid and cursive, written over a horizontal line.

Damien Ginty.
Senior Planner.

Appendix 1 Suggested Conditions.

	Condition	Reason
1.	<p>Effective control on development as approved Development in accordance with submitted plans and details. The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</p>	To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2.	<p>Regulation of Commercial Institutional Investment in Housing (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>	To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
3	<p>Irish Water</p> <p>a) The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.</p> <p>b) All development is to be carried out in compliance with Irish Water Standards codes and practices.</p> <p>c) Any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water Prior to connection agreement.</p>	In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
4.	<p>Minimise Air Blown Dust. During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This</p>	In the interest of public health

	shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.	
5.	<p style="text-align: center;">Construction Noise and Hours.</p> <p>a) To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.</p> <p>b) Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).</p> <p>c) The applicant or developer shall engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:</p> <ul style="list-style-type: none"> - Schedule of works to include approximate timeframes - Name and contact details of contractor responsible for managing noise complaints - Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise. 	In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area.
7.	<p>Ecology</p> <p>The ecological mitigation measures proposed within the Environmental Impact Assessment shall be adhered to at all times during demolition and construction works and the operation of the development.</p>	In the interest of wildlife and ecological protection
8.	<p>Flooding</p> <p>The mitigation measures contained within the Site-Specific Flood Risk Assessment prepared shall be implemented in full by the applicant.</p>	In the interests of amenity and sustainable development.
9.	<p>Access</p> <p>Prior to the commencement of development, the applicant shall submit a detailed plan for the securing of the proposed pedestrian access points along the southern boundary to allow for the pedestrian access point to be utilized only during the operational hours of</p>	In the interest of proper planning and sustainable development

	the educational facilities.	
10.	<p>Environment</p> <p>a) The developer shall prepare and implement a site-specific water management plan, to include detailed drawings of adequate scale, for each phase of the project. The plan shall provide specific details of the measures which are to be implemented on-site in relation to (a) sediment and erosion control, and (b) the management of any other potentially polluting substances. The plan shall be developed taking account of all relevant guidance and standards and should take specific account of the proximity of the site to the Deenagh River and Folly Stream. Details of the plan shall be submitted to the planning authority in advance of any works commencing on-site.</p> <p>b) Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.</p> <p>c) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person would be responsible for ensuring that all environmental control measures are fully implemented and maintained, and to act as the point of contact in the event of any environmental difficulties arising with the project. Contact details of the person appointed shall be forwarded to Kerry County Council in advance of any works commencing on-site.</p> <p>d) The developer shall retain the services of a competent environment consultant to carry out freshwater biological (Q) monitoring prior to and after the construction phase of the proposed development. A proposed plan for the monitoring programme shall be submitted to the local authority for agreement prior to the commencement of any works on-site and the results of all such monitoring shall be submitted to the planning authorities upon completion.</p> <p>e) Prior to the commencement of any works on-site, the developer shall carry out an evaluation and quantification of all construction and excavation waste likely to arise during all phases of development/construction, and shall develop a waste management and disposal plan (waste management and disposal plan template is available from Kerry County Council) for all such wastes arising. A copy of this plan shall be submitted to the Planning Authority for agreement and approval prior to the commencement of any works on-site.</p> <p>f) Dust suppression equipment must be available at all times to minimize the risk of excess dust generation during the construction works.</p> <p>g) In advance of any works commencing on-site, the developer shall submit detailed proposals for agreement with the Planning Authority in relation to the storage and management of household waste at the development. In particular, details shall be provided of the location, size and format of the household waste storage area(s) to serve the development.</p>	In the Interests of proper planning and sustainable development

<p>11.</p>	<p>Archaeology</p> <ul style="list-style-type: none"> a) The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development. b) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered. c) The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Planning Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring. 	<p>To facilitate the recording and protection of any items of archaeological significance that the site may possess.</p>
<p>12.</p>	<p>Roads.</p> <ul style="list-style-type: none"> a) All the Recommendations of Stage 1 Safety Audit (Sept 2021) for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the Planning Dept of Kerry County Council for their approval. b) A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations acted upon. c) All the Recommendations of Internal DEMURS Road Safety Audit (November 2021) for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the Planning Dept of Kerry County Council for their approval. d) Prior to the commencement of the proposed development all works affecting the properties which are in the charge of Kerry County Council must be agreed in writing with the Kerry County Council. All works which impact on the public infrastructure shall be completed with 12 months of submission of the Commencement Notice. e) All works on the N71 Port Road to comply with TII Specifications and National Cycling Manual and must be agreed in advance with Kerry County Council f) All footpaths and pedestrian facilities shall be built in accordance with the Standards and Specifications of Universal Design at set out by the National Disability Councils Centre of Excellence in Universal Design. g) Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road h) All Surface\Storm Water Drainage to be designed and constructed as per Engineering & Construction Report and Drawings as submitted by the 	

applicant.

- i) The proposed surface water system that is to be installed on St. Margret's Road is to be constructed to the satisfaction of Kerry County Council, it is to increase to a minimum diameter of 900mm and to an invert level which will allow for future usage and connectivity.
- j) All works adjacent to or on the public road shall require a road opening licence approved by the Directorate of Roads, Transportation & Marine. The approval of this licence will be subject to the Applicant/Contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The Applicant/Contractor will furthermore have to produce a company safety statement along with a site-specific safety plan. The site-specific safety plan shall include a site-specific risk assessment and a traffic management plan.
- k) The Applicant shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road.
- l) All vehicles associated with the construction of the project must be parked within the site.
- m) Prior to the commencement of the proposed development, the developer to submitted to the Kerry County Council a schedule of delivers\haulage and deliver\haulage routes. These routes and schedules must be agreed in writing prior to the commencement of the development.
- n) All works to be out in accordance with the Design Manual for Urban Roads and Streets (DMURS).
- o) All Site works shall be in accordance with the Department of the Environment, Heritage and Local Government publication "Site Development Works for Housing Areas" and the details submitted in the application.
- p) Public Lighting within the development to be designed and built to the most update to date standards and the required of the ESB. All public lighting within the development shall be designed in accordance with ISO EN 13210 and shall be designed by a competent Lighting Engineer. Lamps shall be LED type. All Fittings to be Irish WEEE Compliant. Lamp fittings to have minimum I.P. 67 Rating. Lighting Columns to be Steel Columns to EN40 standard. All Electrical installations shall comply with the National Rules for Electrical Installations "ETCI regulations" and shall be tested, verified by RECI or ECSSA registered contractors.
- q) The Applicant shall submit a report on the completion of the development, prepared by a third-party consulting engineer, to the planning authority certifying the quality of the works undertaken during the construction of the development. The consulting engineer preparing the report shall have Professional Indemnity Insurance and evidence of the same shall be submitted with the report.

<p>13.</p>	<p>Bond.</p> <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Bord Pleanála for determination.</p>	<p>To ensure the satisfactory completion of public infrastructure serving and within the site.</p>
<p>14.</p>	<p>Development contribution.</p> <p>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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p>	

Appendix 2

Internal reports.

MEMORANDUM

To : Shane O'Connor, A.P. – Planning Department.

From : Mick Boyce, S.E.E. – Environment Department.

Re : Strategic Infrastructure Application – Strategic Housing Development, Killarney.

Date : 22nd April, 2022.

With reference to the above application, I have reviewed the information received by Kerry County Council and the following are my comments :

The application relates to a proposed housing development in the Killarney town area. The site is in close proximity to the Deenagh River, located to the west of the site, and also to the Folly Stream, located to the south of the site. Both waterbodies are significant in the context of the Lough Leane Catchment, particularly given the significant algal blooms which occurred in the late 1990s, and both catchments were specifically highlighted in the Lough Leane Catchment Monitoring and Management Project.

In particular, the Deenagh River Catchment is a significant input to the main lake body of Lough Leane, while the Folly Stream flows to Ross Bay which is smaller bay within Lough Leane. The Killarney Wastewater Treatment Plant discharges to the Folly Stream and, while it is my understanding that the operation of the plant is generally satisfactory, historically there have been issues during storm-flow events with by-pass of the plant. The main Lough Leane waterbody is currently classified as being of good water quality, however, it should be noted that from the water quality perspective Ross Bay is considered separately and is currently classified as being of only moderate water quality status. Given this situation it would be imperative that the management of surface waters and wastewaters arising from the proposed development and any potential impact on water quality in Lough Leane are considered in detail by an Bord Pleanala.

In addition to the issue of water quality management, it would also be important that the issue of waste management would be thoroughly considered, particularly the management of any wastes arising during the construction phase of the project. Finally, there are a number of other environmental issues such as noise and dust which would need to fully considered.

I would, therefore, suggest that an Bord Pleanala would consider applying the following conditions should approval be granted for the proposed development :

- h) The developer shall prepare and implement a site-specific water management plan, to include detailed drawings of adequate scale, for each phase of the project. The plan shall provide specific details of the measures which are to be implemented on-site in relation to (a) sediment and erosion control, and (b) the management of any other potentially polluting substances. The plan shall be developed taking account of all relevant guidance and standards and should take specific account of the proximity of the site to the

Deenagh River and Folly Stream. Details of the plan shall be submitted to the planning authority in advance of any works commencing on-site.

- i) Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.
- j) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person would be responsible for ensuring that all environmental control measures are fully implemented and maintained, and would also act as the point of contact in the event of any environmental difficulties arising with the project. Contact details of the person appointed shall be forwarded to Kerry County Council in advance of any works commencing on-site.
- k) The developer shall retain the services of a competent environment consultant to carry out freshwater biological (Q) monitoring prior to and after the construction phase of the proposed development. A proposed plan for the monitoring programme shall be submitted to the local authority for agreement prior to the commencement of any works on-site and the results of all such monitoring shall be submitted to the planning authorities upon completion.
- a) Prior to the commencement of any works on-site, the developer shall carry out an evaluation and quantification of all construction and excavation waste likely to arise during all phases of development/construction, and shall develop a waste management and disposal plan (waste management and disposal plan template is available from Kerry County Council) for all such wastes arising. A copy of this plan shall be submitted to the Planning Authority for agreement and approval prior to the commencement of any works on-site.
- b) Particular care should be taken with regard to noise sensitive locations in the vicinity of the site during the construction phase of the development. In this regard, in advance of any works commencing on-site the developer shall prepare and submit a Noise Management Plan for approval by the Planning Authority. The plan shall identify the various construction methods and plant to be used on-site, identify any noise impacts potentially arising and set out in detail the noise mitigation measures proposed. The plan shall also set out in detail how it is proposed to implement these mitigation measures and clearly identify the person responsible for same.
- c) Dust suppression equipment must be available at all times to minimize the risk of excess dust generation during the construction works.
- d) In advance of any works commencing on-site, the developer shall submit detailed proposals for agreement with the Planning Authority in relation to the storage and management of household waste at the development. In particular, details shall be provided of the location, size and format of the household waste storage area(s) to serve the development.

Mick Boyce, S.E.E.

Memo

Date/Dáta: April 27th, 2022
To/Chuig: Planning Department
From/O: Environmental Assessment Unit
Re/Le: Report on the Strategic Housing Development 228 no. residential units (no. 76 houses, 152 no. apartments), creche and associated site works at Port Road and St. Margaret's Road, Coollegrean, Inch, Knockreer, Ardnamweelt, Derreen, Killarney, Co. Kerry.

In reference to the above strategic housing development, as described in the planning reports submitted with the application, I note the following:

1. I have reviewed the reports submitted with the application specifically the AA Screening Report; the Ecological Impact Assessment (EclA), Tree Survey; Landscaping proposals; CEMP and Engineering Design Report,
2. I have reviewed the submission on the application by the Environment Department of Kerry County Council,
3. I note the issues raised by the Environment Department particularly relating to the management of water - at both construction and operational phase. The Environment Department draw attention to the connectivity between the development site, the Folly Stream, the town's waste water infrastructure and Ross Bay located within Lough Leane. They note Ross Bay has ongoing issues in relation to water quality from diffuse urban discharges, and
4. I have reviewed the submission made by the Department of Housing, Local Government and Heritage (DHLGH) and the recommendations they make in relation to AA and other potential ecological impacts of the proposal.

AA Screening

5. In relation to the AA screening Report submitted by the applicant, I note that the only European Site deemed likely to be significantly affected by the application is the Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (here after called the SAC),
6. The application site is outside the SAC but the SAC is located c.80m to the west, beyond the Port Road. Here the SAC consists of the River Deenagh and its riparian woodland habitat,
7. I note there are a number of other European sites, as listed in the AA screening report, within 15kms of the application. However, I note these European Sites are either physically removed; occur upstream; are in different catchments to the application site or are a considerable distance downstream with a tenuous and weak hydrological connectivity,
8. As regards birds of SCI I note the application site is outside the nearest SPA boundaries (Killarney National Park SPA) and does not contain functionally linked/support habitats for birds of SCI,
9. Therefore, I note the conclusions of the AA Screening report, which I believe to be reasonable, that there is no viable source-pathway-receptor (SPR) connectivity including hydrological connectivity to other European Sites that could result in a significant effect on those European Sites. Again this is due to the lack of connectivity and/or weak hydrological connectivity; distance from the application site and/or lack of supporting and/or functionally linked habitats for the qualifying interests of those European sites,
10. As stated the application site is outside the Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC and is physically removed from the River Deenagh. I note the habitats on the application site are not annexed habitats,
11. I note the EclA confirms same and I believe it is a fair and reasonable assessment of the ecology of the application site (please see separate comments below in relation to the submitted EclA),
12. I note that the main potential for significant effects on the SAC identified relate (1) to potential impacts to water quality from the application at construction and operational phase and (2) the potential impacts to annexed species, notably Lesser Horseshoe bats (LHB) and to a lesser extent otter,
13. I note the submission from the DHLGH notes similar potential significant effects but in addition draws particular attention to one water-dependent annexed species, Slender Naiad, located downstream of the proposed development within Lough Leane, including Ross Bay,
14. As regards **(1) water quality** –
 - a. I note the proposals for the management of water – foul; surface and storm at construction and operational phase are detailed in the Engineering Design Report submitted by the applicant,

- b. I note Irish Water (IW) has issued a *Statement of Design Acceptance* confirming acceptance of the proposed water supply connection and waste-water connection from the proposed development,
- c. However, notwithstanding the above I note the concerns raised by the Environment Department of Kerry County Council in relation to potential discharges to Ross Bay. The waterbody is presently at moderate status and the Environment Department concludes that given the current situation *it would be imperative that the management of surface waters and wastewaters arising from the proposed development and any potential impact on water quality in Lough Leane are considered in detail by an Bord Pleanala,*
- d. Similarly, I note the issues raised by the DHLGH in their submission. They also note pressures on Ross Bay from diffuse waste water urban discharges,
- e. The DHLGH goes on to note that notwithstanding the compliance of Killarnay's WWTP, the AA screening report submitted fails to address specific potential for significant effects on protected aquatic species receptors within Ross Bay. The submission notes that the Folly Stream, located downstream of the development site, ultimately discharges to Ross Bay (via the towns waste water infrastructure),
- f. Specifically, the submission provides evidence from research by the NPWS that an annexed species, Slender naiad, previously recorded extensively in the Bay before the drought of 2018 was only recorded at one location in 2019. DHLGH note *it appears that there was a significant impact from the deterioration in the water quality in the Bay,*
- g. DHLGH note that this decline in water quality is, according to a recent (2021) EPA report, due in part to diffuse urban discharges,
- h. As regards other annexed species the DHLGH are also of the view that a more thorough survey and assessment of potential impacts on LHBs from the housing scheme is required, particularly in relation to potential significant effects from the lighting scheme of the proposed development,
- i. Therefore, the DHLGH concludes in their submission that an appropriate assessment is required, therefore a NIS is required. The submission goes on to recommend a refusal.

Having regard to the above I note the following:

Foul Water

- j. I note the details provided on the foul sewer network which will be piped, in accordance with IW specifications, within the application site before being discharged to the public waste water network and carried to the WWTP in the town by that network,
- k. I note the local arrangements in place with IW/KCC whereby due to limited capacity in the local combined network, other parts of the combined network are to be separated to accommodate the application,
- l. I note this has been agreed with all parties, I note therefore that the applicant is of the view that the foul water associated with the development will be satisfactory collected and treated within the existing public network in agreement with IW,

Surface/Storm Water

- m. The Engineering Design Report also provides details on the surface water network/storm water management, which is used to inform the EclA and AA screening reports submitted,
 - n. I note the details provided on the Folly Stream, the only watercourse of note located in the applicable site, along the southern boundary,
 - o. I note the stream has limited ecological/fisheries potential, it is a highly modified system and is piped/culverted beyond the site application boundary. Beyond the New Road it is culverted, is subterranean and forms part of the towns urban water network. This network ultimately discharges to the WWTP which itself discharges to Ross Bay, within Lough Leane,
 - p. As such the Folly waterbody is not directly hydrologically linked to the River Deenagh or other designated surface waterbodies, rather it discharges to the town's urban water network and ultimately into the town's WWTP,
 - q. As regards surface water/storm water management within the site, I note the suite of proposals for the treatment of surface/storm water all further to SuDS including nature based solutions – as provided in detail in the Engineering Design Report,
 - r. I note buried storage tanks will hold back storm water, the tanks will have a new outfall to the Folly Stream, but will only need to be discharged in an extreme weather event. Again in such an instance, the discharge will ultimately end up in the urban network that discharges to the WWTP,
15. I note the aa screening report submitted by the applicant therefore concludes there is no likely significant effect on the SAC from indirect impacts on water quality,
16. However, notwithstanding the above, I note the relevant submission from KCC's Environment Department and the DHLGH. Both raise concerns about possible discharges to Ross Bay. Notably the DHLGH are not satisfied that significant effects can be ruled out on aquatic ecological receptors notably Slender naiad, an annexed species, from potential discharges further to the proposed development.
17. I would conclude that based on the concerns raised by both the Environment Section of KCC and the DHLGH, significant effects cannot be excluded at this stage. An appropriate assessment would be required.

18. As regards **(2) annexed species**,

- a. In relation to otter I note the overall unsuitability of the site for otter due to lack of an ecologically viable watercourse with fisheries potential (see previous comments on Folly Stream) while I note the Deenagh located in the vicinity provides ample and preferable habitat for the species and is physically removed by the Port Road from the development site,
 - b. However, as noted above, indirect impacts on water quality have been identified, therefore significant effects on water dependent habitats or species in the SAC cannot be excluded, implying possible indirect effects on fisheries prey availability for otter,
 - c. I note the submission made by DHLGH which draws specific attention to an annexed species, Slender Naiad. They note significant effects cannot be excluded on the species at this stage. Further assessment of possible impacts on the species from downstream discharges from the proposed development is required,
 - d. In relation to LHB, I note the EciA provides a Bat Report. I note the contents of the report.
 - e. I believe ABP could request further information on the survey effort which is not provided in detail in the EciA,
 - f. I note from the information that is provided, that the survey recorded no suitable roosting potential on the application site and further to survey work, no evidence of foraging LHB utilising the site,
 - g. Foraging was previously recorded along the linear Deenagh River to the west but I note this is outside the application site and physically removed from it,
 - h. I note the relatively open nature of the application site but there are linear boundary features,
 - i. The Tree Survey indicates the development will require several trees to be removed. However, overall the development integrates existing boundaries into the development's landscaping design,
 - j. As regards possible loss of roosting habitats, LHB do not roost in trees, therefore no impacts are likely on roosting.
 - k. As regards foraging habitat, I note the AA screening report submitted refers to the conservation objectives of the SAC. The COs provide in Map 10 foraging habitat within 2.5km of the known LHB roost site within the nearby National Park.
 - l. I note however, this foraging habitat mapped on Map 10 does not include the linear features surrounding the application site. Rather it maps the River Deenagh and its associated riparian woodland habitats. Therefore, I note there will be no loss of foraging habitats mapped within the COs further to the application,
 - m. Notwithstanding the above I note the DHLGH is not satisfied with the survey effort and/or information provided in relation to the potential disturbance/impacts on LHBs, particularly at operational phase,
 - n. In relation to the lighting scheme, I note the Engineering Design Report provides details on the proposed lights for the scheme. It notes the lighting scheme will not cause indirect light loss/spill and will be in compliance with KCC specifications for residential lighting schemes,
 - o. However, again I note that notwithstanding the above, the DHLGH believes a more detailed assessment of the potential significant effects of the proposed lighting scheme on LHBs is required. This is particularly relevant given the known sensitivity of the species to lights.
19. Having regard to the above, I note the aa screening report concludes there is no likely significant effect on the SAC from indirect impacts on annexed species,
20. However, based on the submission from the DHLGH, I would conclude that significant effects cannot be excluded at this stage. An appropriate assessment would be required.
21. To conclude, having regard the above and in particular to the submission by KCC's Environment Department and the submission from the DHLGH, I believe the AA Screening, and other reports submitted which I have referenced, are not sufficient to exclude significant effects on European Sites. I believe an appropriate assessment would be required and a NIS requested.

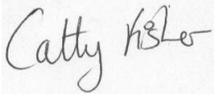
In relation to other (non-annexed) ecological constraints on the application sites as detailed in the EciA, I note:

22. The EciA submitted provides a comprehensive description and assessment of the application relative to other (non-annexed) habitats and species within the application site, including aquatic ecology (see comments on Folly Stream above),
23. I note the presence of a badger sett and I believe the procedures outlined in the EciA appendix provide a fair and reasonable assessment of the possible impacts on the species,

24. However, I note the submission from the DHLGH requires additional assessment of impacts to badger within a regional context while clarity on specific post-construction mitigation for badger is also provided in the submission,
25. The DHLGH submission also notes an assessment of recreational pressure on the National Park should be considered in the EclA,
26. I note the Tree Survey which outlines some loss of trees in the site. However, I believe this is minimal and that overall the application integrates existing green infrastructure into the development. I believe this to be fair and reasonable assessment and the loss of trees is acceptable in this instance, while I note the landscaping proposed will also mitigate same,
27. I also note the suite of SuDs measures proposed to manage surface/storm water including more detailed examples of nature based solutions for the site. I believe this is in line with recent guidance on *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document* on the inclusion of such features into urban development,
28. I note the invasive species recorded on the site and I believe the measures provided for the management of same are acceptable, adequate and can be satisfactorily managed by way of a condition,

29. To conclude, overall I believe the ecological impacts identified, described and assessed that relate to non-annexed habitats and species namely impacts to badgers and potential recreational pressures on the National Park, needs to be further addressed in light of the comments made by the DHLGH.

Mise le Meas



Cathy Fisher
Biodiversity Officer, Kerry County Council, County Buildings,
Tralee, Co Kerry.

MEMORANDUM

Date/Dáta: 28th March 2022.

To/Chuig: Dawn Diggins,
Planning

From/O: Michael Connolly
County Archaeologist

Re/Le: ABP 312987-22 SHD Port Road & St. Margaret's Road, Coollegrean, Inch, Knockreer, Ardnamweely and Derreen, Killarney

The proposed development comprises two hundred and twenty-eight residential units on a greenfield site. The proposed development site contains the recorded monument Ke066 066, described in the Record of Monuments & Places as a barrow (unclassified).

The planning application is accompanied by an archaeological impact assessment and an archaeological, pre-development testing report. The testing report notes that substantial evidence for agricultural activity was uncovered as were a number of potential archaeological features though none produced dateable artefacts (whether or not dateable charcoal or burnt material was uncovered is unclear).

The testing, based on the mapping included in the report, did not encompass the site of the barrow Ke066 066, which the impact assessment describes as being circa 20m in diameter, and, as such the nature and extent of this feature is unknown. Given the fact that, as stated in the impact assessment, the proposed development is likely to directly impact the barrow it is suggested that either:

Archaeological testing of the actual site of the barrow be carried out and based on the results the monument site is either excluded from development or, should no evidence of the barrow remain/be uncovered, development in this area may be possible

Or

A buffer zone of 20m around the barrow Ke066 066 (this zone would in effect be 60m in diameter given the barrow itself is suggested to be 20m in diameter) be preserved. This buffer zone should be securely fenced during construction to prevent accidental damage and no traffic of machinery or storage of materials is to be allowed within the buffer zone. On completion of the development a management plan for the monument should be put in place.

It is also suggested that all ground works/ground disturbance associated with the development of Areas 1 and 2 should be archaeologically monitored, under licence from the National Monuments service

Regards,

Dr Michael Connolly
County Archaeologist



To: Shane O'Connor, Assistant Planner,
From: John Ahern S.E.E., Killarney M.D. Engineer
CC: Dawn Diggins
Date: 3rd May 2022
Re: ABP – 312987 - 22, Portal Asset Holdings Ltd., - Strategic Housing Development – 228No Residential Units (No.76 Houses, 152 Apartments), Crèche and Associated Site Works, Port Road, and St. Margret's Road, Coolgrean, Inch, Knockreer, Ardnamweelt, Derreen, Killarney, Co. Kerry

Regarding the above development, please find here the report of the Roads, Transportation & Marine Directorate,

If granted by An Bord Pleánala the following conditions should be applied

1. All the Recommendations of Stage 1 Safety Audit (Sept 2021) for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the Planning Dept of Kerry County Council for their approval.
2. A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations acted upon.
3. All the Recommendations of Internal DEMURS Road Safety Audit (November 2021) for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the Planning Dept of Kerry County Council for their approval.
4. Prior to the commencement of the proposed development all works affecting the properties which are in the charge of Kerry County Council must be agreed in writing with the Kerry County Council. All works which impact on the public road\footpath must be substantially completed shall be completed with 12 months of submission of the Commencement Notice.
5. All works on the N71 Port Road to comply with TII Specifications and National Cycling Manual and must be agreed in advance with the TII and Kerry County Council.
6. All footpaths and pedestrian facilities shall be built in accordance with the Standards and Specifications of Universal Design at set out by the National Disability Councils Centre of Excellence in Universal Design.
7. Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road
8. All Surface\Storm Water Drainage to be designed and constructed as per Engineering & Construction Report and Drawings as submitted by the applicant.

9. The proposed surface water system that is to install on St. Margret's Road is to install to the satisfaction of Kerry County Council.
10. All works adjacent to or on the public road shall require a road opening licence approved by the Operations' Department. The approval of this licence will be subject to the Applicant / contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The Applicant / contractor will furthermore have to produce a company safety statement along with a site-specific safety plan. The site-specific safety plan shall include a site-specific risk assessment and a traffic management plan.
11. The Applicant shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road.
12. All vehicles associated with the construction of the project must be parked within the site.
13. The Construction Environmental Management Plan shall be adhered to, however the Hours of Working (Hours of Site Operation) shall be as follows Mon – Fri: 8am – 6pm, Sat: 8am – 4pm
14. Prior to the commencement of the proposed development, the developer to submitted to the Kerry County Council a schedule of delivers\haulage and deliver\haulage routes. These routes and schedules must be agreed in writing prior to the commencement of the development.
15. All works to be out in accordance with the Design Manual for Urban Roads and Streets (DMURS).
16. All Site works shall be in accordance with the Department of the Environment, Heritage and Local Government publication "Site Development Works for Housing Areas" and the details submitted in the application.
17. Public Lighting within the development to be designed and built to the most update to date standards and the required of the ESB. All public lighting within the development shall be designed in accordance with ISO EN 13210 and shall be designed by a competent Lighting Engineer. Lamps shall be LED type. All Fittings to be Irish WEEE Compliant. Lamp fittings to have minimum I.P. 67 Rating. Lighting Columns to be Steel Columns to EN40 standard. All Electrical installations shall comply with the National Rules for Electrical Installations "ETCI regulations" and shall be tested, verified by RECI or ECSSA registered contractors.
18. The Applicant shall submit a report on the completion of the development, prepared by a third-party consulting engineer, to the planning authority certifying the quality of the works undertaken during the construction of the development. The consulting engineer preparing the report shall have Professional Indemnity Insurance and evidence of the same shall be submitted with the report.

Yours faithfully,

John Ahern, S.E.E.,
Killarney M. D. Engineer,