



An
Coimisiún
Pleanála

Commission Order
ACP-323673-25

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 254009

Appeal by Catriona Devlin care of Sean Desmond Consulting Engineers Limited of the Granary, the Glen, Kinsale, County Cork and by Rowan and Lizette Connolly of Kervin, Barrack Street, Kinsale, County Cork against the decision made on the 21st day of August 2025 by Cork County Council to grant subject to conditions a permission to Catholic Walk Kinsale Limited care of McCutcheon Halley Chartered Planning Consultants of 3 Joyce House, Barrack Square, Ballincollig, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for the demolition of an existing dwelling house and ancillary structures and the construction of a residential development of 18 number residential units comprising of five number detached units (two of which will have associated domestic garages), eight number semi-detached units, five number apartments (in two number blocks) and all associated site development works including access, footpaths, car and bicycle parking, drainage, bicycle and bin stores, lighting and landscaping/amenity areas. Site development works include road widening and the provision of a raised table along Catholic Walk and the provision of

new footpaths along Catholic Walk and Barrack Street. Access to the site will be via new vehicle access points from the existing Catholic Walk and Barrack Street, all at Catholic Walk, Rathmore, Kinsale, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature, scale, layout, design and location of the proposed development on lands zoned as "Existing Residential/Mixed Residential and Other Uses" in the Cork County Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions as set out below, would comply with the policies and objectives of the Cork County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The proposed development would not negatively impact the residential amenities of the adjacent properties and would be an acceptable form of development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 8th day of January 2025, 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. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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 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.

4. (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 relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with

an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

5. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

6. The location, design and construction details (including structural drawings) of all retaining walls, including between plots and the raised public open space, shall be submitted to and agreed in writing with the planning authority prior to commencement of development, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

Reason: In the interests of public safety.

7. Notwithstanding any details submitted with the planning application in relation to boundary treatments, before any development commences, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing, details of boundary treatments surrounding and within the development shall be submitted and agreed in writing with the planning authority. These details shall provide for the following: -
- (a) the provision of a two metre high wall or agreed written alternative between the rear gardens of opposing properties, (except that with regard to those rear gardens addressing shared private space, a pedestrian gateway through the said wall shall also be provided).
 - (b) the provision of a two metre high wall in materials consistent with the external finishes of the adjacent/adjoining structures, along boundaries between any public open space, public road, or public footpath and a residential property,
 - (c) details of a suitable boundary treatment along the dividing property line between adjoining dwellings, and
 - (d) proposed treatments for any other boundaries not covered in the above.

Reason: In the interests of residential amenity.

8. The landscaping scheme shown on drawing number 202412/SLD/P01, as submitted to the planning authority on the 25th day of July 2025 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals presented in the submitted scheme, additional landscaping shall be carried out to the southeast location of the site.

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, 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.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan drawing no. 202412/SLD/P01. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. The details, type and positioning of the proposed lighting shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure that design requirements are met in the interest of orderly development.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

13. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 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.

16. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

17. The developer shall submit as required by the planning authority, accurate record drawings to scale 1/500 of roads, footpaths, foul and storm sewers including depths and locations of manholes, and locations of house services, watermains including locations of valves, hydrants and other fittings, public lighting and open space areas.

Reason: To facilitate future maintenance of the roads and services.

18. Prior to development commencing, detailed proposals for traffic calming measures for the internal estate roads in accordance with Section 4 of the Council's "Making Places: A design guide for residential estate development" shall be submitted to the planning authority for agreement.

Reason: In the interests of public safety.

19. Prior to any development commencing, revised traffic calming proposals shall be submitted for the written agreement of the planning authority making provision for Tabletops and the precise location, specification and make-up of these shall be clearly shown on a revised site plan and shall be designed to integrate with the proposed frontage and prioritised to cater for pedestrian movements. Once agreed, the proposed traffic calming measures on the street (Regional Road) shall be constructed entirely at the applicant's expense and to the satisfaction of the planning authority.

Reason: In the interests of road safety.

20. The recommendations of the Stage 1 Road Safety Audit shall be incorporated into the design of the development. The developer shall submit to the planning authority a Stage III Road Safety Audit on the completion of the development and shall undertake to rectify any concerns raised therein.

Reason: In the interests of road safety.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) the provision of parking for existing properties at during the construction period;
 - (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

22. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

Reason: To ensure the timely provision of infrastructural works for the development.

23. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

24. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

25. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

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

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

Patricia Calleary

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Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 23 day of December 2025