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**Planning and Development Act 2000, as amended**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 255979**

**Appeal** by Meabh Ring Fitzgerald and Noel Fitzgerald, and by Dan and June Buckley against the decision made on the 13<sup>th</sup> day of November 2025 by Cork County Council to grant, subject to conditions, a permission to Denis Keohane in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission to construct; 1) two number new dwelling houses, 2) new site entrances, 3) new below and above ground services, 4) new rainwater soak pits, 5) ancillary works and associated site works to include new water and foul sewer connections to public mains at

## **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 provisions of the Cork County Development Plan 2022-2028 as they apply to Kinsale, to the undeveloped, infill nature of the application site, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be seriously injurious to existing residential amenities, will not result in a traffic hazard, will not result in a significant visual impact on the surrounding area and will not be prejudicial to public health. It is considered that the proposed development is 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, 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. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for service connection(s) to the public water supply and wastewater collection network.

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

3. (a) The wastewater pre-treatment system, including the individual treatment units and pump station, hereby permitted shall be installed in accordance with the relevant standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency (EPA), 2021.
- (b) Prior to occupation of the proposed new dwellings, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the pre-treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above and, otherwise, to the satisfaction of the planning authority.
- (c) Upon connection of the existing dwelling (House number 1) to the public wastewater collection network, the existing septic tank on site shall be removed or backfilled with inert material.

**Reason:** In the interests of public health, residential amenity and to prevent water pollution.

4. (a) All pump sumps or other treatment plant chambers from which spillages might occur shall be fitted with high-level alarms. The alarm systems shall be fitted with an audible and visible alarm and shall relay via GSM dial out to a responsible person in accordance with the management plan agreed under part c) below. The pump chamber shall be installed with 24 hours storage capacity to ensure there is no emergency overflow from this sump. Levels shall be set and controlled so that risk of odour nuisance is minimised, and contents are conveyed for treatment as expeditiously as practical.
- (b) Prior to the commencement of development, details of the pump chamber (including storage capacity) and of the vent stacks shall be submitted to and agreed in writing with the planning authority.
- (c) Prior to the first operation of the wastewater pre-treatment system, the developer shall submit for the written agreement of the planning authority, a management plan for the ongoing operation, maintenance and monitoring of the wastewater pre-treatment system, including the individual treatment units and pump station. The development shall be maintained in accordance with the agreed management plan.

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

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining lands.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts, "Aco type" channels of a minimum of 150 millimetres diameter or equivalent, to ensure that no interference will be caused to existing roadside drainage.

- (c) The driveway and all hardstanding areas shall be of permeable material(s).
- (d) The design and positioning of all soakaways shall comply with the 2021 EPA Code of Practice.

All hard stand areas contiguous with the dwelling shall have separate drainage pathways. The driveways shall be drained appropriately along their entire length.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

- 6. Samples of the stone and timber cladding to be used as external finishes on the proposed dwelling and boundary walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

- 7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, surface water drainage and pollution control measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

8. 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 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.

  
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**Mary Henchy**

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

Dated this *31<sup>st</sup>* day of *March* 2026

