

An  
Coimisiún  
Pleanála

**Commission Order**  
**PL-500420-CK-25**

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

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 24/06120**

**Appeal** by Donie Searls and by Ruth Patel and others care of Armstrong Planning Limited against the decision made on the 25<sup>th</sup> day of November, 2025 by Cork County Council to grant subject to conditions a permission to Peppard Construction Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for the construction of a 120 number bed space nursing home, 32 number duplex apartment units comprising of 16 number ground floor assisted living units and 16 number first floor staff accommodation units, one number childcare facility, improvements to the public road (L-7249-0) and all associated landscaping, car parking, bicycle storage and site development works. The proposed site development works include the construction of a services building comprising of a substation, switch room and generator room, underground pump station, underground gas tanks and service yard with external plant enclosure. The proposed improvements to the public road L-7249-0 include traffic calming measures, a new footpath and cycleway and a new pedestrian crossing . Access to the

proposed development will be via a new access road onto the L-7249-0., all at Cappagh (Townland), 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**

It is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the applicable Community zoning objective and other policies and objectives set out in the Cork County Development Plan 2022-2028, would be an appropriate community use at this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not adversely affect archaeology or cultural heritage at the site or in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

In accordance with section 177U(4) of the Planning and Development Act 2000, as amended, and on the basis of objective information on file, the Commission concluded that the proposed development would not be likely to have a significant effect on any European Site either alone or in combination with other plans or projects. It is, therefore, determined that an Appropriate

Assessment (Stage 2) (and submission of a Natura impact statement) under section 177V of the 2000 Act is not required.

This conclusion is based on:

- (a) the nature, scale and location of the proposed development,
- (b) objective information presented in the case file and from verified sources (for example, Environmental Protection Agency, the National Parks and Wildlife Service, and the planning authority),
- (c) qualifying interests and conservation objectives of the European Sites.,
- (d) absence of any meaningful pathways to any European site,
- (e) distances from European Sites, and
- (f) standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

## 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 11<sup>th</sup> day of July, 2025 and by the clarification of further information received by the planning authority on the 1<sup>st</sup> day of October, 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. The development shall comply with the following requirements:
- (a) the nursing home facility (120 number beds) shall be used and operated for residential care purposes only,
  - (b) the assisted living (16 number) and staff accommodation (16 number) units shall be used and operated for ancillary residential purposes only associated with the main residential care use,
  - (c) the assisted living and staff accommodation units, and/ or bedrooms within each unit, shall not be amalgamated or combined,
  - (d) the assisted living and staff accommodation units shall not be sold, leased, sub-let, or in any manner separated from the ancillary residential use associated with the main residential care use, and
  - (e) the nursing home facility and the assisted living and staff accommodation units shall be constructed and made available for use in a single phase of development, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of clarity and protecting the amenities of occupiers of the units and surrounding properties.

3. (a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.
- (b) Details of external lighting, and signage for the nursing home facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) Details of a maintenance strategy for all external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (d) Details of the location, types, textures and finishes of all proposed boundary treatments within the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interests of visual amenity and orderly development.

- 4. (a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, proposals for a development name and numbering scheme and associated signage. Thereafter, all such name and numbering shall be provided in accordance with the agreed scheme.
- (b) The development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate place names for new residential areas development.

- 5. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) 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 proper planning and sustainable development.

6. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for written agreement. This plan shall provide details of the construction practice for the development including, inter alia:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
  - (b) 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) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) 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.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interests of residential amenities, public health and safety.

7. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, proposals, measures, and/or revised plan(s) as relevant, indicating the following:
- (a) The southern-most pedestrian crossing on the proposed spine road shall be re-positioned to align with the centre-line of the proposed east-west shared path. The crossing shall be similar in width to the proposed east-west shared path and shall have appropriate tactile paving on either side of the crossing. Signage in accordance with the traffic signs manual shall also be incorporated at the crossing on poles supported on retention sockets.

- (b) On the southern end of the internal north-south road adjacent to the eastern side of the proposed main building, a pedestrian crossing shall be installed across the proposed ramp in east-west direction, with appropriate tactile and signage accompanying the crossing point that accords with the Traffic Signs Manual.
- (c) On the northern end of the internal north-south spine road, a pedestrian crossing shall be installed across the northern side of the proposed ramp in east-west direction, with appropriate tactile and signage accompanying the crossing point that accords with the Traffic Signs Manual.
- (d) All works shall be undertaken at the developer's expense and completed to the satisfaction of the planning authority.

**Reason:** In the interest of pedestrian and traffic safety.

- 8. Prior to the commencement of development, revised traffic calming proposals shall be submitted for the written agreement of the planning authority making provision for a raised junction, 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 L-7249 shall be constructed entirely at the applicant's expense and in accordance with the proposed phasing plan to the satisfaction of the planning authority.

**Reason:** In the interest of pedestrian and traffic safety.

- 9. (a) The vehicular entrance to the development on the L-7429 shall be provided in accordance with the standards specified in the Design Manual for Urban Roads for the applicable design speed with associated minimum unobstructed visibility splays, unless

otherwise agreed with the planning authority, and to the construction standards of the planning authority for such works.

- (b) The site frontage along the L-7429 shall be set back and supporting infrastructure (for example, pedestrian pathway, cycle track, road paving and pedestrian crossing) shall be provided in accordance with the revised layout plan (subject of condition number 8 above) and to the construction standards of the planning authority for such works.
- (c) The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes, shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority.

In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of traffic and pedestrian safety.

- 10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To safeguard the amenities of property in the vicinity.

11. No additional development shall take place above roof parapet level of the nursing home and/or duplex units including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

**Reason:** In the interests of visual amenity and orderly development.

12. (a) 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.
- (b) All development shall be carried out in compliance with Uisce Éireann codes and practices.

**Reason:** To provide adequate water and wastewater facilities in the interest of public health.

13. 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 interests of public health and surface water management.

14. Prior to the commencement of development, the developer shall submit for agreement a Construction Method Statement for works associated with the stormwater outfall to the Lischanemore watercourse to the north of the site. The Construction Method Statement shall incorporate details of all water quality protection measures and ecological mitigation measures as required to protect the aquatic and terrestrial environment of this watercourse.

The layout of the stormwater sewer to the north of the site shall be reviewed to minimise impact to existing hedgerow and treelines. The Construction Method Statement shall be prepared by a qualified and experienced person whose experience shall be cited.

No works shall commence on site until the Construction Method Statement and revised stormwater layout has been agreed. All construction works shall be implemented in accordance with the final agreed Construction Method Statement.

**Reason:** To protect the aquatic and terrestrial environment and prevent water quality impacts.

15. Construction activities shall be carried out, as a minimum, in accordance with good practices as set out in the Construction Industry Research and Information Association (CIRIA) 'Guidelines Control of Water Pollution from Construction Sites - Guide to Good Practice'. Construction practices shall also be carried out in accordance with the Inland Fisheries Ireland document entitled "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters".

**Reason:** To protect the amenity of the area and prevent water quality impacts.

16. (a) The site shall be landscaped in accordance with the landscape scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority.
- (b) The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

- (c) This landscaping scheme shall be completed before the nursing home facility is operational and any of the ancillary residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

**Reason:** In order to ensure the satisfactory maintenance of the open space areas and their continued use for this purpose.

17. (a) The mitigation measures contained in the submitted Ecological Impact Assessment Report, shall be implemented in full.
- (b) All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

**Reason:** In the interest of environmental protection.

18. 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. Such lighting shall be provided before the nursing home facility is operational and any of the ancillary residential units are made available for occupation.

**Reason:** In the interests of pedestrian and traffic safety.

19. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual amenity and of the amenities of occupiers of the units.

20. (a) All areas within the development not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before the nursing home facility is operational and any of the ancillary residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development.

21. (a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to the planning authority for written agreement not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

- (b) The OWMP shall provide for screened communal bin stores, the locations and designs of which shall be as indicated in the plans and particulars lodged with the application unless otherwise agreed in writing with the planning authority. Bin stores shall not be stored on the public footpath.


**Reason:** In the interest of the amenities of occupiers of the units, and to ensure the provision of adequate refuse storage for the proposed development.

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

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

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

  
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**Patricia Calleary**

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

Dated this *20<sup>th</sup>* day of *April* 2026