



An  
Bord  
Pleanála

## Inspector's Report

**320518-24**

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<b>Development</b>	Construction of a dwelling house and associated site works (alteration of house design - permitted plan ref 13/6437)
<b>Location</b>	Scilly, Kinsale Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	244339
<b>Applicant(s)</b>	Vincent Madden
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sheila McCarthy
<b>Observer(s)</b>	
<b>Date of Site Inspection</b>	17 <sup>th</sup> January 2024
<b>Inspector</b>	Suzanne Kehely

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**Appendix 1 – Form 1: EIA Pre-Screening Form 2 : Screening**

## **1.0 Site Location and Description**

- 1.1.** The site is located in an elevated setting on the loop stretch of the Lower Road in Scilly within the developed environs of Kinsale town and along the Scilly walking trail. The immediate environs are characterised by a variety of individual buildings, ranging in style, era, plot size and elevation and generally in a compact form. The plots reflect the irregular and curved alignment of both the Harbour shoreline and the Lower road that serves both waterfront and landside properties.
- 1.2.** The site is a deep narrow plot measuring 54m at its deepest and 5.2m at its narrowest. The road frontage is in the order of 5.5m from where sightlines are restricted. The site widens to 9.2m at a setback of 22m from the road. The ruins of an old stone building mark, in part, the sides of the site. The site is adjoined by multiple plots of mainly residential development. Three properties at a lower ground level back onto the south of the site and substantially block public views of the core of the site where the ruins are located. There are views of the front and rear ends of the site and boundaries as viewed from the road to the south. A large modern recently constructed dwelling adjoins the site for most of the boundary to the north and is a prominent feature in the streetscape and environs. Another dwelling backs onto the site to the north at a distance.
- 1.3.** The ground within the site is rocky comprising an extensive rock surface that has been cleared of topsoil and vegetation.
- 1.4.** It is a quiet predominantly residential area removed from the direct road between Summercove and Kinsale town. The road forms part of the Scilly Walk trail network from Summercove to Kinsale town. There is no kerbed footpath in the vicinity of the site frontage. Double yellow lines line the road in this area. The site is serviced by public mains and a foul sewer.

## **2.0 Proposed Development**

- 2.1.** The application is for a house and ancillary works

  - The proposed dwelling rebuilds on and beyond the footprint of the ruins. The design as revised in further information comprises a deep rectangular two storey structure with a stepped gable ended roof profile which steps down from a regular

pitch roof (with ridge of 6.817m) to a 5.4m high hipped flat roof and then steps down to a flat roof terrace over ground level to the rear at a height of 2.65m. The roof terrace is screened to the north by a 2.5m high timber composite cladding and this steps down to a glazed screen to the east.

- The north elevation is a blank elevation with no windows and modelled with a mix of profile metal cladding and timber composite cladding along the terrace screening.
- The south elevation incorporates rooflights and a variety of opening styles at ground and first floor levels. The terracing has glazed screens.
- The east and west elevations have extensive glazing incorporating door openings at each end.
- The front west elevation comprises a raised ground floor level entrance at c.1.5m above ground/driveway level. A glazed screened patio with double doors is proposed on ground floor level supported on a concrete /rendered base drawings obscure with car). Splayed steps fill the space between the patio and north boundary and fan out from the front door down to the ground/driveway. A large square feature window is proposed at first floor level. Materials include metal cladding, render and grey aluminium framed glazing.
- The layout incorporates an inverted floor plan with:
  - 17m deep ground level with two ensuite bedrooms, a study, bathroom and utility at entrance level. Opaque glazing (in the bathroom and utility) is proposed along the southern boundary. One bedroom window is at ground level in the south elevation where the site widens. The other habitable rooms have windows in the east and west elevations which are set back from the boundaries
  - A reduced first floor level with an open plan kitchen, living and dining area which opens onto a rear patio over the ground level to the rear
- Drawings are presented with a comparative delineation of the previously permitted house for which permission has lapsed - in October 2024.
- A Heritage Building Report was submitted as part of further information. This was prepared by an archaeologist. It dates the original structure to 1832-1845 from cartographic context. Based on surveying the site there are limited remaining

features. Given that so little survives and reconstruction is not possible, the archaeologist is of the view that retaining the southern wall is debatable.

- An architectural design statement was submitted as part of further information and explains how the design is intentionally individual and bridges the highly stylised modern buildings with the historical traditional fishing village context. It is a 'thin form' Irish building with a modern pallet of materials. It is cognisant of the Heritage building report and states that stone will be reused in the rear boundary wall. The architects further elaborate on the building regulations and standards required and the need to demolish.
- The design is informed by the previous permission for 3 storeys and the rock breaking required which has been reviewed.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following submission of further information to the satisfaction of the planning authority a decision to Grant permission subject to 8 conditions was made by order on 17<sup>th</sup> July 2024.

##### **3.1.1. Conditions**

Conditions are of a standard nature. Of particular note, is **condition 3** relating to archaeology heritage and requires re-use of stone.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- The assessment has regard to the extant permission (since lapsed) for a taller structure on the site. However, regard is also had to the built heritage policies in the current CDP as compared to those prevailing at the time of the initial grant of permission.
- Further information was sought in respect of:

- water connection, services and details of levels in foundation and viability of achieving same in the context of the underlying bedrock.
- Design by reference to current development plan policies for the area and compatibility with traditional forms in the environs.
- Ownership
- Built Heritage report and incorporation of features into the development
- Entrance details and auto track analysis
- impact on bedrock
- The report acknowledges the challenges of the narrow deep site and considered the submitted details including revised design to be acceptable, subject to conditions.

### 3.2.2. Other Technical Reports

- The area engineer required further information of an access and services and on receipt of this has stated no objection subject to standard conditions.
- Uisce Eireann)
- Co. Archaeologist: Further information was required in respect of the historic structure on site. On receipt of this and by reference to scale and nature and having regard to the relevant cited policies of the CDP no objections were raised subject to the attached condition. This requires the setting aside of the ruinous remains and re-using them as part of the construction of the boundary walls.

### 3.3. Prescribed Bodies

No reports

### 3.4. Third Party Observations

As raised in grounds of appeal.

## **4.0 Planning History**

The PA planning report comprehensively lists the planning decisions pertaining to the site area. The site originally had permission for a dwelling dating from 2009. A subsequent permission has recently lapsed.

ABP 306968 refers to permission for retention of revised house plans – house to north.

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-2028**

#### **5.1.1. Volume 1 - Landscape and built heritage**

The site is located in a High Value Landscape area as delineated on the CDP maps. Section 14.8.5 in Vol 1 defines High sensitivity landscapes as vulnerable landscapes with the ability to accommodate limited development pressure. In this rank, landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape's limitations the character of the landscape may change.

- **Objective GI14-9 landscape**

- a) protect visual and scenic amenities of County Cork's built and natural environment
- b) landscape issues would be an important factor in all land-use proposals ensuring proactive view of development is undertaken while protecting the environment and heritage generally in line with the principles of sustainability
- c) ensure that new development meets high standards of siting and design
- d) protect skylines and ridgelines from development
- e) discourage proposals necessitating the removal of extensive amounts of trees hedgerows and historical walls or other distinctive nature treatments.

- HE 16-19: Vernacular Heritage** a) Protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place. b) Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings including thatched structures through the use of specialist conservation professionals and craft persons. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultant. c) There will generally be a **presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings** subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.
- HE 16-21: Design and Landscaping of New Buildings** a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape. b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout. c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design. d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.

5.1.2. **Volume 5** provides more specific policies and objectives for **Scilly**

- Table 5.1.8 Placemaking and Urban Design provides the following guidance for Scilly and Summercove** for lands zoned 'Existing Residential/ Mixed Residential and Other Uses.' demolition of historic buildings which are an integral part of the character of the townscape will be discouraged.

**5.2. National Sustainability Mobility Policy 2022** sets out a framework for active travel and public transport to meet climate targets and alternatives to the private car. It is based on an Avoid Shift Improve model.

### **5.3. Natural Heritage Designations**

Nearest pNHA - James Fort pNHA.

Nearest SPA - Sovereign Islands SPA.

### **5.4. EIA Screening**

Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. Refer to Form 2 in Appendix 2.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. Sheila McCarthy has appealed the decision to grant permission on grounds of:

- **Pedestrian and traffic safety** and impact on the Scilly Walk of which the road serving the development forms a part. It is submitted that traffic safety was a previous reason for refusal on grounds of the road alignment and that this has never been adequately addressed.
- **Visual impact** of modern design on the views of Scilly both from along the Walk and from key vantage points around the Harbour.

### **6.2. Applicant Response**

6.2.1. The applicant addresses the appeal grounds by way of the following points:

- A single car park space is in line with public Policies (national, regional and local) seeking to encourage walking and limit car parking. The location of the dwelling

relative to the town and amenities provide for this and accords with the applicant's requirements. An integral bike store is stated to part of the sub ground floor plans.

- The road alignment provides for passing of cars in the vicinity of the site. The alignment and road characteristic support a low-speed environment. Traffic generation will be very low and there will be no risk to pedestrian safety
- The applicant would be happy to contribute toward footpath provision
- With regard to retaining the southern original wall it is explained by reference to the archaeologist report and recommendation that the re-use of stone is appropriate and to the satisfaction of the planning authority.

### **6.3. Planning Authority Response**

- No further comment - relevant issues are considered to have been covered

### **6.4. Observations**

None

### **6.5. Further Responses**

None

## **7.0 Assessment**

### **7.1. Scope of Issues**

- 7.1.1. This proposal is presented as being for an alteration of house type, however, the permission that is being sought to vary has lapsed. Accordingly, this appeal relates to a new dwelling and ancillary works and the principle of development is therefore open for consideration.
- 7.1.2. As the proposal is for an infill house on residential zoned lands and encompassing the footprint of a ruinous structure, the principle of a dwelling is not generally at issue, however the current development plan as compared to the previous one has particular criteria in relation to vernacular buildings of heritage value and also

provides design guidance for the Scilly area. This is a key issue raised. The other issue relates to traffic hazard and pedestrian safety in an amenity area. Both issues challenge the implementation of development. The appeal seeks to have permission refused. The assessment is accordingly under the headings of:

- Impact on built heritage
- Traffic and pedestrian safety

## **7.2. Impact on built Heritage**

- 7.2.1. The appellant is opposed to the modern development style and its scale in addition to the loss of historic form and fabric and does not regard the re-use of stone, as proposed, to be sufficient. In the context of the current development plan, this is not an unreasonable criticism. The Scilly area along with Summercove, is defined in the development plan by its attractive terraced housing with expansive coastal views. The urban design guidance for this area states that 'Within the fine-grained cores of these villages, demolition of historic buildings which are an integral part of the character of the townscape will be discouraged. Outside the historic core, any replacement dwellings to be of a scale, form and material finish appropriate to its local context. Natural roadside boundaries to be retained or reinstated as these are an intrinsic part of the local character.'
- 7.2.2. As the proposal involves the demolition of the remains of an old stone shed, (not I note a Protected Structure) dating from around the 1830s which is generally discouraged in this historic settlement and which is also within a zone of archaeological interest, a Heritage Report was sought by the planning authority. This was prepared by an archaeologist and outlines the cartographical history and based on site survey concludes that the site retains little features of interest.
- 7.2.3. While I accept the former structure would have contributed to the townscape, I consider with its pitched roof and simple solid profile and its visually backland-type context, that the visual zone of influence is limited in the townscape setting in both near and distant views.
- 7.2.4. I consider the rationale for demolition is reasonable having regard to the restricted site width at c.5.2m and the residual floor width if the extant side walls were to be brought to a habitable standard. The state of disrepair is not unreasonably explained by the very recent lapsed permission for its replacement with a three-storey dwelling.

I note the county archaeologist comments and assessment by reference to the applicant's heritage report and design revision. I do not consider there is a sufficient or reasonable case to warrant the reconstruction of the ruins.

- 7.2.5. In terms of the proposed replacement, I note the reinterpretation of the shed- like structure with metal cladded pitched roof to the front and thin form which moderately extends the depth of the original structure as measured along the new ridged profile. (I refer to the blue line of the historic structure superimposed on the drawings and overlapping with the ridged taller element on the FI drawings included the design statement.)
- 7.2.6. The site has limited views from the road. The most sensitive are from the west where the site is open and will remain so. There are also glimpsed views from the southern stretch of the loop road through the adjacent private car park (formerly Spinnakers) . In keeping with the townscape, the proposed replacement as revised and simplified is a contemporary interpretation of the simple rectangular form with pitched slate roof as is explained in detail in the design statement submitted as part of further information. Its impact I consider would be primarily from the limited road frontage. Therefore, while the rear section with the stepped down half hipped flat roof departs from the traditional form, its visibility would be very limited as it would be substantially obscured by the surrounding buildings. As viewed from the road which is at lower ground level, the flat roof element would be imperceptible. The visibly of the lower hipped roof would also be diminished by the seamless interconnection of the entire southern slope which is consistent in pitch slope and alignment and materials. The dark grey further assimilates into the building cluster in this hillside setting.
- 7.2.7. The site frontage and façade as viewed from the road will I consider be dominated by the bright modern and grandly scaled house to the north and elevated above the subject site. The proposed pitched roofed structure setback from the road is a foil to this and visually subordinate, although the large scaled façade window reflect the modern style. Views from the east will be of a narrow elevation dominated by larger buildings. I consider the scale, form and roof finish to be appropriate to its local context.

- 7.2.8. I do however have some concerns about the façade (in the west elevation) which will be prominent and visible from the public realm due to the open frontage. The rear of the site and elevated boundary treatment as viewed for the south is also a visual consideration.
- 7.2.9. The neighbouring house to the north has used what appears to be a local stone boundary treatment and I consider a reuse of the stone in at least the plinth of the façade as well as in the boundary walls, would better anchor the building to the site and its immediate environs and be appropriate to its local context, in keeping with the CDP guidance of the area. Bearing in mind the need for a simple palette of materials, I would be hesitant to be unduly prescriptive as to the extent of use of the stone as cladding in the façade. The steps could be narrowed giving the stone more prominence in the plinth. It could also be used in the screening, in part or to rail height to replace the glazed screen to the front or brought up to the eaves. The designer may have another way of adjusting the finishes. The stone could also be used as a planter and in hard landscaping to the front. In terms of the rear boundaries, while I accept the site constraints, the re-use of the stone as cladding on the southern elevation but particularly the visible boundaries would also better assimilate the property. I note the rear of the site where it is exposed and timber fencing has collapsed. The use of salvaged stone at this location would be particularly appropriate. I consider the use of stone should be increased by way of condition. While it is open to the Board to invite such details, I consider this could be addressed by condition.

### **7.3. Traffic and pedestrian safety**

- 7.3.1. The appellant objects on the basis of insufficient parking on the site and in the area and the substandard access which would compromise traffic and pedestrian safety.
- 7.3.2. The proposal includes car parking for one car park space where a maximum of two spaces applies. The appellant is concerned about visitor parking demand and pressure in the area and the need for additional off-street parking. In terms of parking strategy for the area, I note the development plan identifies a need for parking in the area. In volume 5 it is stated that 'the Traffic and Transport Plan identifies the need for improved bus set down and parking facilities within the town. A new bus parking area has been identified at Scilly. Pressure for car parking is a

continuous issue within the area especially during peak summer months. It is clear that any future additional provision of spaces within the historic town will be constrained by the historic environment. As part of the future parking strategy for the town, Cork County Council will investigate options that will avoid impacts on the historic environment.'

7.3.3. While I note the parking restrictions, I do not consider it reasonable to prevent redevelopment of the for site for a single dwelling on the basis of lack of progress of this traffic and transport plan. The applicant in this case states that one car park space is in keeping with transport policy and the development plan requirements and also states that a bike store is proposed and while the detail in this regard is not clear this could be addressed by condition. In view of the accessibility of the town and services and congestion in the town, this, I consider, provides a reasonable and viable alternative to additional car parking. This approach to travel is I concur in line with national policy such as the active travel strategies as part of the Climate Action Plan 2024 and National Sustainability Mobility Policy which together aim to reduce car usage. The approach to car demand management is much more advanced than at the time of previous proposals on this site. In this context, the proposal for a two-bed house with one car park space at this location is I consider acceptable and in accordance with the development plan and national policy.

7.3.4. In terms of traffic safety, the appellant is concerned about the access arrangement in terms of visibility and conflict with the pedestrian route. There is a stated 15m visibility which is I accept limited. I note however the area engineer has no objection having regard to the quiet area, road alignment contributing to low speed and noting the auto track analysis. I note that this loop stretch is a remote off-shoot from the main roads and is a very quiet area. At time of inspection on a Saturday there was little or no vehicular traffic as compared to a noticeable number of pedestrians. The provision of only one car park space would generate little traffic and bike parking which has the potential to reduce car trips is supported by the applicant. This is further enhanced by the doorstep availability of an established and popular walking trail to the town and outlying areas. In a stretch of road where walking is clearly established and popular and well signposted and where the alignment of the road supports low speed, I do not consider the generation of vehicular movement by the

proposed development to present a conflict. I further note the alignment which allows passing cars at the entrance in the event of potential conflict.

- 7.3.5. The appellant also raises the concern about conflict with the pedestrian route as there is no footpath. The applicant in this regard is willing to contribute to a footpath however there are no clear plans in place for any street design to enhance pedestrian use and no basis therefore to seek a special or supplementary development contribution toward such a scheme. This is unfortunate given the policy KS-GO-08 to 'Support the preparation of a heritage-led public realm strategy for Kinsale which focuses on creating an enhanced pedestrian environment within the historic core; a new Waterfront Amenity Zone and improved linkages between the town centre and the waterfront' and what I consider is the clear need to demarcate and prioritise pedestrian use in the congested area of the town at the end of Scilly Walk. The subject area is however more dominated by pedestrians and out of the way for vehicular traffic. On balance I do not consider obstruction of road users or traffic safety to constitute reasonable grounds of refusal.

#### **7.4. Other matters**

- 7.4.1. I note that the rock surface was an issue in the history file and that the planning authority required further details. The same level of detail does not appear to have been submitted in this case, but I do note that the design and reduction from three sites is stated to be informed by the rock breaking constraints. The FI section drawing (across the 5.5m width) shows a proposed floating concrete slab. It does not show provision of services as shown in the plan. As a precaution and in view of the width of the site I consider a condition providing further details would be appropriate.
- 7.4.2. I note reference to a bike store and as stated this has not been shown in the drawings. This could be addressed by condition.
- 7.4.3. I finally note that the house at c 160sq.m. has been designed to take account of privacy and proximity to adjacent properties and there are no objections raised by the neighbouring residents or the planning authority in this regard.
- 7.4.4. In view of the foregoing and in terms of the development plan in respect of vernacular heritage policies and character of the area and the planning history I consider the proposal to be acceptable and in accordance with the proper planning and sustainable development of the area.

## **8.0 AA Screening**

- 8.1. Having regard to the nature and small scale of the proposed development in a serviced site in an urban area and its considerable distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site

## **9.0 Recommendation**

- 9.1. I recommend a decision to grant permission based on the following reasons and consideration and subject to the conditions hereunder.

## **10.0 Reasons and Considerations**

Having regard to the policies and objectives of the Cork County Development Plan 2022 to 2028 in particular those relating to vernacular heritage (HE16-19) and urban design in the Scilly environs on residential zoned lands, the nature of the proposed development which includes demolition of the remains of a building of interest and the potential for the reuse of the stone in the development in this case, it is considered that subject to compliance with the conditions set out below that the proposed development can be positively assimilated in this site and its setting in a manner that would not detract from the character of the area which includes the Scilly trail. Furthermore, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or unduly detract from the enjoyment of users of the Scilly walking trail and would be acceptable in terms of pedestrian and traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28th day of February, 2024 and as amended by revised drawings received on 26<sup>th</sup> June

2024 and as clarified in unsolicited drawings received on 16<sup>th</sup> July 2024, 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. Stone retrieved from the demolition of the remains of the ruinous structure should be set aside in a safe manner on site and reused as part of the construction and/or finishes of the proposed development in accordance with condition 3.

**Reason:** To protect items of archaeological heritage.

3. Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority revised drawings which
  - (a) provide for the incorporation of the salvaged stone into the façade (west elevation) to include up to at least ground level and where feasible in place of other rendered elevations, in addition to the boundary walls, particularly where visible from the public realm.
  - (b) Provide for bicycle storage as part of an integrated landscape plan.

**Reason:** To respect the vernacular heritage in accordance with the vernacular heritage policies of the development plan and in the interests of streetscape.

4. Details of the materials, colours, and textures of all the external finishes 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

5. Prior to the commencement of any development on site the developer shall submit to, and agree in writing with the Planning Authority, longitudinal and cross sections of the foundations and location of services together with construction method demonstrating the safe management of the underlying rock and in a manner that accords with best practice. The survey and detailed specification and supervision of these works shall be carried out by a competent structural engineer.

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

- 6 The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.

7. The access arrangements, any works to the adjoining public carriageway of shall comply with the requirements of the planning authority for such works. Prior to the commencement of development, the developer shall submit final details of these works for the written agreement of the planning authority.

**Reason:** In the interest of traffic safety

- 8 Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Demolition and 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 and off-site disposal of construction/demolition waste.

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

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400

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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 amenities of property in the vicinity.

10. 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 Bord 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Suzanne Kehely  
Senior Planning Inspector

31st January 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP- 320518		
<b>Proposed Development Summary</b>	House		
<b>Development Address</b>	Lower Road, Scilly, Kinsale, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	x	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	x		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	Class (10)(b) of Schedule 5 Part 2 Construction of more than 500 dwelling units; Urban development which would involve an area greater than 2 ha in the case of a business district, 10. ha in the case of other parts of a built-up area and 20 ha elsewhere	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	x	<b>Screening determination remains as above (Q1 to Q4)</b>	

Yes		
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Inspector: \_\_\_\_\_

Date: 31<sup>st</sup> January 2025

**Appendix 2 - Form 2  
EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	ABP- 320518
<b>Proposed Development Summary</b>	House
<b>Development Address</b>	Lower Road, Scilly, Kinsale, Co.Cork
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p><b>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</b></p>	<p>The proposal is for the construction of a dwelling house and all associated site works in an urban area. It is not an exceptional type of development. The development is to be served by public mains and foul sewer. There will be a modest increase in loading. This will not result in pollution. Surface water is to a soakaway. Disposal of storm water to soak pit will not result in significant pollution. The proposed development will not result in the production of significant waste, emissions, or pollutants.</p> <p>This is a relatively small development in this context. There is no real likelihood of significant cumulative effects with other permitted developments.</p>
<p><b>Location of development</b></p> <p><b>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,</b></p>	<p>There are no significant ecological sensitivities on the site.</p> <p>The underlying bedrock in the site is flagged as an issue in the history file and the subject file. The design is stated to be informed by the rock breaking constraints and incorporates a floating concrete slab. Additional conditions, as a precautionary measure, could safeguard against wider impacts on underlying bedrock.</p>

<p><b>densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</b></p>	<p>The site is in a Zone of Archaeological Potential and Zone of Notification around Kinsales Historic Town CO112-034/001 map notation is within 100m of the site. The site has been subject to archaeological assessment by a qualified archaeologist and reviewed to the satisfaction of the county archaeologist who has raised no objection subject to a condition.</p>	
<p><b>Types and characteristics of potential impacts</b> <b>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</b></p>	<p>While there are visual and historic sensitivities in the area and potentially challenging site preparation works presented by the underlying rock mass, I do not consider them to be of a magnitude to warrant an EIA given that such matters can be addressed under normal planning considerations</p>	
<p>Conclusion</p>		
<p><b>Likelihood of Significant Effects</b></p>	<p>No</p>	<p>x</p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>	<p>x</p>

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DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)