



An
Coimisiún
Pleanála

Inspector's Report

ACP-322863-25

Development

Permission for the demolition of existing 2 storey house and derelict shed, construction of a new 2 storey single family dwelling, new home office/store/playroom to replace existing derelict shed, new wastewater treatment system and associated site landscaping works

Location

Knocknapogaree, Sallyport, Kinsale, Co.Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

254094

Applicant(s)

Louise Smyth, Kevin Roche

Type of Application

permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Matthew Camilleri

Observer(s)

none

Date of Site Inspection

4th September 2025

Inspector

Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is located in the rural area of Knocknapogaree, southeast of Kinsale in County Cork. The site has an area of 0.38ha and contains a vacant dwelling and agricultural outbuilding. Access to the site is via a long private driveway of c 100m to the Knocknapogaree / Clonleigh local secondary L7253 road. The site is adjoined by existing residential properties to the northwestern boundary and to the south. Agricultural lands adjoin the western boundary and flank either side of the driveway. The site on elevated lands c 400m from Charles Fort military fortress, a historic OPW site.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
- demolition of 97sqm two storey house and 90sqm shed,
 - construction of 380sqm two storey family dwelling and 90sqm home office / store/ playroom,
 - wastewater treatment system,
 - associated landscaping works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 28th May 2025, the planning authority granted permission subject to 10 conditions.

Condition 3 states that the site shall be landscaped in accordance with a comprehensive scheme and details shall be submitted and agreed with the planning authority.

Condition 4 relates to the installation of the proposed on site waste water treatment system.

Condition 5, 6 and 7 relate to surface water drainage.

Condition 9 states that the garden store/hobby room/storage shed/ garage structure shall only be used for the purpose incidental to the enjoyment of the dwelling and shall not be used for residential living, commercial or business purposes.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first report of the Case Planner (20/03/2025) recommends further information.
- Further information was requested on 21/03/2025 in relation to four items – (1) impact on the amenity of the house to the north, verify the submitted photomontages are correct or submit FI to show that the proposed house will not dominate the house, (2) impact on the amenity of the house to the south - address overbearing effect of first floor bedroom block and overlooking, (3) clarify how entitled third parties will negotiate proposed gateway over right of way, (4) submit details to address storm water from site onto public road, details on wells, existing waste water treatment system in the area and groundwater as per EPA Code of Practice (CoP).
- Unsolicited Further Information submitted 04/03/2025 in relation to wayleave.
- Further information response received 07/05/2025 including revised drawings and engineering details to address items raised. The bedroom windows on the southern elevation were amended to provide an angled view from the bedrooms to reduce the potential for overlooking on the southern property.
- The second report of the Case Planner (27/05/2025) sets out a recommendation to grant permission.

3.2.2. Other Technical Reports

- Area Engineer – First report recommends FI in relation to storm water drainage impacts on road, information on wells, wwts, groundwater flow in accordance with EPA CoP. Second report of 26/05/2025 (FI stage) indicates no objection, grant subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two third party observations received raising issues including concern regarding the following:

- planning history in surrounding area – precedent for refusals on visual grounds, impact on landscape, views from Charles Fort, adverse impact on Charles Fort national monument;
- adverse impact on residential amenity including overlooking, overbearing, excessive scale, light and noise overspill;
- out of character, overdevelopment, disproportionate development for replacement house;
- concern re potential use of outbuilding as dwelling;
- tree planting – safety hazard;
- concern re surface water run off;
- concern re proposals impacting on right of way.

4.0 Planning History

Site: none identified.

Adjoining to north:

PA23/5994 – grant – permission for to demolish existing shed, construct extension to existing dwelling, construct domestic home office/storage, wastewater treatment system and construction of plant room/garage and all associated site works

Other (to south):

PA22/5429 – grant – permission for demolition of an existing rear conservatory and construction of a new single storey rear extension, refurbishment and alteration to the existing dwelling, refurbishment of the existing detached garage to a recreation

room and store area, upgrading the existing septic tank to a new biofiltration unit and all associated site works.

5.0 Policy Context

5.1. National policy

- National Planning Framework, First Revision, 2025
- Section 28 Guidelines – Sustainable Rural Housing Guidelines 2005
- Climate Action and Low Carbon Development Act, 2021
15(1) A relevant body shall, in the performance of its functions, have regard to—
(a) the most recent approved national mitigation plan,
(b) the most recent approved national adaptation framework and approved sectoral adaptation plans,
(c) the furtherance of the national transition objective, and
(d) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Note - An Bord Pleanála is a relevant body for the purposes of the Climate Act.

- Climate Action Plan 2025 (in conjunction with the Climate Action Plan 2024)
- National Adaptation Framework: Planning for a Climate Resilient Ireland, 2024
- Places for People – the National Policy on Architecture, Dept Housing, Local Government and Heritage 2022
- Our Rural Future: Rural Development Policy 2021-2025

5.2. Regional policy

- Southern Regional Spatial and Economic Strategy 2020-2032

5.3. Local policy

- Cork County Development Plan 2022-2028
- Cork County Council Climate Action Plan 2024-2029

- Cork County Council Climate Adaptation Strategy 2019-2024

The following provisions of the Cork County Development Plan 2022-2028 are of particular relevance:

- Site is located within 'rural area under strong urban influence' (for purpose of rural housing).
- Site is in a High Value Landscape.
- S61 scenic route is located on the road between Kinsale and Clonleigh via Summercove – protected view is views of the harbour, Kinsale and wooded area (Charles Fort and other protected structures visible on the route).
- There is a cluster of 12 protected structures associated with Charles Fort and lighthouse and national monuments at the site.
- The adjoining house to the north is listed on the NIAH for regional significance.

The following objectives are of relevance:

Chapter 5 Rural

- *RP 5-2: Rural Generated Housing Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community. Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.*
- *RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1) The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:..*
- *RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas a. Encourage new dwelling house design that*

respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape. b. Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions. 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 retention of existing on-site trees hedgerows, historic boundaries, and natural features using predominantly indigenous/local trees and plant species and groupings.

- *RP 5-29: Replacement Rural Dwellings In circumstances involving the replacement of an existing habitable dwelling, the Planning Authority will consider proposals for the replacement or refurbishment of such a house, having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation.*
- *RP 5-30: Redevelopment or replacement of an Uninhabitable or Ruinous dwelling Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria: • The original walls of the dwelling structure must be substantially intact. • The structure must have previously been in use as a dwelling. • The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site. • Existing mature landscape features are retained and enhanced, as appropriate. • No damage shall be caused to sites used by protected wildlife. • Proposals must be acceptable in terms of public health and traffic safety.*

- *RP 5- 31: New uses for disused or derelict farm buildings. Encourage the sensitive refurbishment and conversion of suitable disused or derelict traditional farm buildings, built using traditional methods and materials, and other suitable historic buildings such as mills and churches, for residential purposes, community, or commercial uses (including social enterprise) where appropriate, subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.*

Chapter 14 Green Infrastructure and Recreation

- *GI 14-9: Landscape a) Protect the visual and scenic amenities of County Cork's built and natural environment. b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle 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 historic walls or other distinctive boundary treatments.*
- *GI 14-10: Draft Landscape Strategy Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.*
- *GI 14-12 General Views and Prospects Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy*
- *GI 14-13: Scenic Routes Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan. The scenic*

routes identified in this Plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of this Plan.

- GI 14-14: Development on Scenic Routes a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area. b) Encourage appropriate landscaping and screen planting of developments along scenic routes (See Chapter 16 Built and Cultural Heritage).*

Chapter 16 Built and Cultural Heritage

- HE 16-2: Protection of Archaeological Sites and Monuments Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally. In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.*
- HE 16-7: Battlefield, Ambush and Siege Sites and Defensive Archaeology Protect and preserve the defensive archaeological record of County Cork including strategic battlefield, ambush and siege sites, and coastal fortifications and their associated landscape due to their historical and cultural value. Any development within or adjoining these areas shall undertake a historic assessment by a suitably qualified specialist to ensure development does not negatively impact on this historic landscape.*

- *HE 16-14: Record of Protected Structures a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011). b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow. c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures. d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures. e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures. f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting. g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures. h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons. i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.*

Chapter 17 Climate Action

- *CA 17-1: Support national and local climate change objectives set out in the following: • National Planning Framework • Southern Region Spatial and Economic Strategy • Climate Action Plan (2021 or any successor plan). • National Climate Change Adaptation Framework (2018 or any successor framework). • National Mitigation Plan (2017 or any successor plan). • Cork County Council Climate Change Adaptation Strategy*

- *CA 17-2: In order to achieve a reduction in greenhouse gas emissions, an increase in renewable energy production, an increase in energy efficiency and enhanced biodiversity, support the transition to a low carbon, competitive, climate resilient and environmentally sustainable economy by 2050 through implementation of the policies of this plan that seek to deliver the following: • compact growth, • integrated land use and transport, • sustainable transport choices, • liveable settlements, • renewable energy production and reduced energy consumption, • enhanced ecological biodiversity and • climate adaptation measures such as through flood risk management, sustainable urban drainage systems and high quality placemaking and design.*

5.4. Natural Heritage Designations

The following natural heritage designated sites are in the surrounding area:

- James Fort pNHA c 1.3km from the site
- Sovereign Islands SPA and Sovereign Islands NHA c 3.18km from the site

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A third party appeal is received from the owner occupiers of the adjoining property to the north, referenced as 'Camilleri' property. The following is a summary of the key issues raised:

- Application should be refused.
- Planning authority has accepted that the existing dwelling is habitable for the purpose of assessment under section 5.11 of the CDP and thereby exempts the applicant from the requirement to comply with the rural housing requirements of the CDP. This is at odds with the applicants own submission which describes the structure as derelict and inappropriate for use. No evidence submitted to show that the dwelling is habitable. Contradictory information is provided, not addressed by the planning authority. Proposal is contrary to mandatory requirements of the development in respect of applications for rural house.
- Lack of justification for the demolition of the existing dwelling and construction of new replacement house – no technical reports or evidence submitted to justify demolition, contrary to objectives to re-use, refurbish and adapt buildings in favour of demolition, unsustainable generation of construction and demolition waste.
- Conflicts with/ materially inconsistent with/ contradicts:
 - CDP (sections 1.5.7, 1.5.8, 1.5.27, 1.8.1, 5.2.9, 8.8.1, 13.2.5, 15.12.23, 17.3.1(iii), 17.4.9, 17.4.11, 17.4.12, 17.6.7 and 17.6.8).
 - Section 15(1) of Climate Action and Low Carbon Development Act 2021 and Climate Action Plan, Climate Change Advisory Council's 2024 recommendations,
 - Revised National Planning Framework, NPO45, NPO25, NPO76 (reference also to NPO16, NPO35 and NPO56 of 2018 NPF)
 - Places for People – the National Policy on Architecture, 2022
 - Southern RSES, RPO32, RPO34, RPO56
 - Sustainable Rural Housing Guidelines 2005

Materially inconsistent with policy objectives that require sensitive design, protection of amenity, conservation of landscape and heritage values, preference for reuse and refurbishment over demolition.

- Proposal is not in accordance with 'RP5-30 Redevelopment or replacement of an Uninhabitable or Ruinous dwelling' of the CDP. Replacement of 97sqm house and outbuilding with a new 380sqm relocated house and 90sqm habitable building is disproportionate intensification of a sensitive site. The proposed house is not of appropriate scale, design and materials relative to the structure being replaced and the character of the site. The proposed house is 4 times larger in size, nearly 9m high, disproportionate intensification of a sensitive site.
- Incongruous and visually obtrusive development (due to scale, bulk, contemporary form, elevated ridgeline position, skyline / ridgeline changes, loss of foliage, relocating house on more visually exposed part of site) in a sensitive coastal setting and a High Value Landscape, impacts on Scenic Route 61 and the wider headland, adverse impact on views from Charles Fort protected structure / national monument towards the hillside would depreciate its setting, visible from Kinsale Harbour. No landscape visual impact assessment has been submitted – visual impact is unclear. Conflicts with CDP GI14-9, GI14-10, GI14-14, section 14.8.9 (requires visual impact assessment with additional care in design and siting), 14.8.10, 15.5.1, HE16-14. No heritage impact assessment submitted.
- Adversely impacts on the residential amenity of the 'Camilleri' property, due to scale, proximity – proposed house is 4m from boundary, elevated level of site 4m above the Camilleri, loss of trees screening – resulting in:
 - overbearing, visual dominance,
 - overlooking – from private terraces into habitable rooms and terraces of Camilleri, from proposed office building towards Camilleri garden,
 - potential for light pollution - full length glazing on north elevation of proposed house, no light impact assessment submitted,
 - noise spill from terrace, no noise impact assessment submitted.
- Note that visualisations provided at application stage to show impact of the development on the Camilleri property. Confirm that the visualisations are accurate, prepared by qualified person on CAD/Revit in accordance with

Landscape Institutes 'Guidelines for Landscape & Visual Impact Assessment'. Applicant submitted different visualisations. Any differences relate to positioning and viewpoints from the properties.

- Inappropriate siting and design, excessive suburban form and scale, overdevelopment of a sensitive site, fails to integrate with the established pattern of adjoining houses which are modest in scale, follow contours and maintain separation distance. The proposal materially contravenes/ conflicts with several policy provisions concerning overdevelopment, visual dominance, privacy infringement, amenity disruption including:
 - Rural Housing Guidelines which prioritises appropriate siting, protection of landscape character, safeguarding residential amenity,
 - CDP policies and standards in relation to siting, amenity, visual integration, sensitive design (sections 4.10.8, 5.3.2, 1.5.15).
- Development will impact on established trees. The development relies on foliage for screening. Foundations would impact on the trees. No Arboricultural Assessment is submitted and impact on trees is unclear, unclear how roots would be protected, northern boundary of western terrace impinges on the root protection zone of the western most tree, no details on quality of the trees. Insufficient details provided regarding proposed planting and landscaping, concern over safety of planting new trees on elevated grounds.
- Concern regarding the design and layout of the proposed 90sqm office building – has capacity to accommodate residential use. Condition required to restrict its use so does not become used as a second dwelling or is used for commercial use.
- Risk of flooding from surface water drainage.
- Planning authority decision is premature, procedurally deficient and inconsistent with policy and legal requirements. The applicant has not submitted landscape and visual impact assessment, cultural heritage impact assessment, arboricultural impact assessment, demolition justification report and structural survey. The Commission does not have sufficient evidence

before it to enable it to fully consider the proposal and reach a determination in the application.

- The development fails to comply with proper planning and sustainable development and materially contravenes established national, regional and local policy.
- Planning history of surrounding lands noted including 91/2983 and 97/3876 – refused due to detrimental impact on views from Charles Fort.

7.2. Applicant Response

The applicant has submitted a response. The following is a summary of the key issues raised:

- The demolition of the existing house is justified. The planning authority referred to the long term, vacant condition of the house which is not a protected or vernacular structure. The existing 1930s house is inefficient in size, layout and energy efficiency. Materials and construction no longer meet standards for insulation, moisture protection and structural performance. Issues include poor quality materials, outdated plumbing and electrics, poor air tightness, poor quality windows, poor insulation, large cracks in walls suggesting poor quality foundations or subsistence, does not have storage / layout require for family home, room sizes do not comply with Design Standards for Quality Housing, requires change of windows, doors, chimney, alterations would impact on integrity of the building. Survey undertaken of existing house. Outbuilding is derelict, dangerous, would require significant retrofit. Architects and engineers considered the house is of poor quality design, poor material fabric, adaptation not viable, does not warrant expenditure for upgrade, demolition most appropriate to allow for energy efficient and flexible needs of family. Demolition waste will be reused on the site where possible – offset loss of embodied carbon.
- Proof of rural housing need not required as the proposal is for the replacement of a habitable dwelling. The existing dwelling is described as vacant but inappropriate for use. The existing outbuilding is described as

derelict. The applicant owns 20ha of land which is now working farm and has Kinsale business – contributes to local economy.

- Siting and design – Development is high quality contemporary architecture, respects the skyline, respects ridgeline of neighbouring developments, retains trees, additional planting proposed, respects building lines of houses north and south, consistent with development patterns and is in accordance with 14-9 and 14-10, responds positively to the high value landscape, takes account of visual sensitivity of site, designed to minimise impacts on lands. Section 14.8.9 relates to large scale development and is not relevant. Planners report addresses visual impact and impact on Scenic Route 61.
- Residential amenity, overdevelopment and visual dominance –
 - Existing house is modest, not compatible with family life. Proposed is appropriate scale, similar in scale to appellants property and properties to south.
 - No requirement that replacement houses must be on same footprint, designed to account with contours, provides appropriate separation between properties (6.7m from appellants house, c 20m from appellants house), logical extension of floor footprint into the western section of site.
 - The third party visuals exaggerate the impact on the appellants property.
 - House is designed with 'blind wall's to direct views and remove overlooking.
 - Planting is proposed along the boundary.
 - The only design changes made at FI stage were to the southern elevation.
 - Noise and light from patio would be within the normal parameters of residential activity.
- Site constraints and safety – Development is designed to retain trees. A detailed landscape proposal will be completed to identify root protection zones and ensure retained trees will not be impacted during construction. Detailed planting plan will be prepared.
- Flooding – Drainage plan including SUDS demonstrates how surface water will be reduced and managed.

- Inaccuracies in the appeal – Second building is not a dwelling and is ancillary to the main house and farmland. Condition 9 restricts use.
- The planning authority completed assessment and further assessment reports were not required. No prescribed bodies submitted observations.
- Issues raised regarding planning status of development on the appellants property.
- Proposed is a high quality replacement dwelling. Proposal complies with the policies and objectives of the Cork CDP 2022.

7.3. Planning Authority Response

The planning authority submitted a response to the appeal. The key issues raised are as follows:

- Acknowledges there is a substantial replacement of an existing dwelling of low architectural merit.
- The replacement dwelling is of high architectural merit, is site specific design, together with landscaping will preserve residential and visual amenities in the immediate and wider surrounds.
- The grounds of appeal are speculative.
- The application was considered in accordance with the CDP.
- If required, matters can be resolved by conditions to increase separation distance, design changes, enhance landscaping.

7.4. Observations

None

7.5. Further Responses

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in the appeal are as follows:

- principle of development and justification for demolition
- design of replacement dwelling
- visual impacts
- impact on built heritage
- residential amenity
- material contravention of the plan
- other matters

8.2. Principle of development and justification for demolition

8.2.1. Principle of development

8.2.2. The site is within a 'rural area under strong urban influence' where applicants for new houses must demonstrate a rural generated housing need under the Cork County Development Plan (CDP). The proposal is for the demolition of an existing 1930s two storey 97sqm farm dwelling and single storey 90sqm agricultural outbuilding. It is proposed to replace these with a new 380sqm house and 90sqm ancillary store / hobby/office. For the purposes of assessing the proposal under the objectives of the CDP, I consider that the proposal is for a replacement house and is not for a new rural house.

8.2.3. The existing dwelling is constructed from blocks and concrete with tiled roof and timber and pvc windows. It has regular, neat and simple architectural form and features. It is not of vernacular or historical significance. From visual inspection, I am satisfied that the dwelling is vacant and in poor condition but is habitable albeit subject to repair and renovation. It is not in a derelict or ruinous state. I do not consider that objective RP 5-30 which relates specifically to ruinous dwellings is relevant.

- 8.2.4. Objective RP 5-29 states that in circumstances involving the replacement of an existing habitable dwelling, the planning authority will consider proposals for the replacement or refurbishment of the house having regard to other policies and objectives in the plan and subject to normal planning considerations. As referred to under section 5.12.2, the requirement to demonstrate a 'rural generated housing need' does not apply to the replacement of dwellings. I am satisfied that in principle, the proposal for the replacement house can be considered and is in accordance with objective RP5-29.
- 8.2.5. The agricultural building is constructed from blocks and concrete with galvanised steel roof. Objective RP5-31 encourages the conversion of traditional farm buildings using traditional methods and materials. I do not consider that the building is a traditional building and therefore I do not consider that this objective is relevant. I consider that the demolition of the existing farm building is acceptable in principle.
- 8.2.6. Justification for demolition
- 8.2.7. The third party appellant has argued that that the proposal to demolish the existing buildings conflicts with, is inconsistent with and contravenes national, regional and local policy and legislation to promote reuse and refurbishment of existing buildings over demolition. The key legislation and policy provisions relevant to the proposal and the issue raised are considered below.
- 8.2.8. The Climate Action and Low Carbon Development (Amendment) Act 2021 establishes Ireland's legally binding targets to reduce emissions by 2050. Section 15(1) of the Act requires bodies including the Commission to in so far as is practicable, to perform its functions in a manner consistent with the Climate Act.
- 8.2.9. The Climate Action Plan 2025 (to be read in conjunction with the Climate Action Plan 2024) sets out a roadmap to deliver the national climate objectives. It promotes actions and measures such as building retrofit, move to improve energy efficiency of buildings, reduction of carbon in construction materials and processes and moving to a circular economy as a sustainable alternative to the take-make-waste model.
- 8.2.10. The Revised National Planning Framework 2025 aligns with the 2021 Act and aligns with the Climate Action Plan. The following objectives are of relevance:

NPO 67 Support the circular and bio economy including in particular through greater efficiency in land and materials management, promoting the sustainable re-use and refurbishment of existing buildings and structures while conserving cultural and natural heritage, the greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.

NPO 76 Sustainably manage waste generation including construction and demolition waste, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

- 8.2.11. The Cork County Development Plan 2022-2028 was prepared to align with national and regional strategic objectives and includes many sections that generally promote climate action. Climate action objectives in the CDP include CA17-1 to support national and local climate change objectives set out in documentation such as the NPF and Climate Action Plan, and CA17-2 to achieve a reduction in greenhouse emissions through policies that seek to deliver outcomes such as reduced energy consumption. Section 15.12.23 relates to construction and demolition waste:

A significant amount of waste generated in Cork County is as a result of construction activity. The Council recognises the inherent sustainability of retention and refurbishment, compared with the whole life energy costs and waste impacts that would result from demolition and replacement. The reuse of existing structures preserves the embodied energy expended in the original construction, minimises waste and reduces the use of new materials. The Council will, therefore, promote circularity by seeking to avoid demolition and encourage re-purposing of existing buildings in the first instance. Since the last Development Plan there has been a shift in line with regional and national policy with regard to how C&D waste is treated. The most recent figures from the Southern Region Waste Management Plan indicate that 95% of C&D waste is being re-used or recycled.

- 8.2.12. The Cork County Council Climate Action Plan 2024-2029 includes local county actions that the Council is committed to in order to meet national emission targets. Goal 4.8.3 is to support the transition to low carbon / net zero buildings and includes the following objective:

4.8.3.1.1 Promote the retention and reuse of existing building stock as a first preference, having due regard for environmental sensitivities such as local human receptors, European sites and biodiversity; protected species, and the need to appropriately protect and conserve protected structures, during any retrofitting works.

- 8.2.13. The proposal to demolish the existing buildings is contrary to NPO67 and sections 15.12.23 of the CDP and section 4.8.3.1.1 of the Cork Climate Action Plan which promote the refurbishment and reuse of existing buildings over demolition. I note that the CDP and Action Plan refers to avoiding demolition and supporting refurbishment 'in the first instance' and therefore does allow for potential demolition thereafter. The applicant is required to show why demolition is necessary. I am of the opinion that a key consideration is whether or not the proposal contributes to climate action objectives and whether demolition and replacement is the most sustainable and efficient option in use of land and materials.
- 8.2.14. The existing dwelling has a small size, constrained layout and small footprint. I note the information submitted at the appeal stage by the applicant describing the poor structural condition of the house and listing the structural interventions that would be required to upgrade the house to current building standards and to make the house suitable for family living. The building contains embodied carbon.
- 8.2.15. The proposed new house is a good quality design that would accord with current building standards for an accessibility and energy efficiency. However it has a significantly larger size and scale, a large building envelope and larger foundation footprint / land take than the exiting house. The potential carbon expenditure of construction and materials is unclear.
- 8.2.16. The existing outbuilding is to be replaced with a new outbuilding. It is unclear if the existing building or its materials can be reused.
- 8.2.17. No structural engineering report is submitted. No life cycle assessment is submitted which would show the different embodied and operational emissions of 'doing nothing', retrofitting with or without potential extension and of demolishing/ replacing. The applicant has indicated that demolition waste will be assessed for re use on the site, however no details are provided.

8.2.18. Having regard to the lack of evidence to justify the demolition of the existing buildings, their replacement with the proposed new buildings and to show that the proposal is in line with the national and local climate change objectives, it is considered that the proposal contravenes CA17-1, CA17-2 and section 15.12.23 of the CDP and is not in accordance with NPO 67 of the Revised NPF and objective 4.8.3.1.1 of Cork Climate Action Plan. Refusal is recommended. I am of the view that this recommendation would be consistent with section 15(1) of the Climate Action and Low Carbon Act 2021.

8.3. Design of replacement dwelling

- 8.3.1. The appeal raises concerns that the proposed development is not in keeping with the pattern of development in the area and policies in relation to siting and design.
- 8.3.2. The Sustainable Rural Housing Guidelines 2005 provide guidance on rural housing, setting out principles including ensuring houses blend into the landscape, avoid dominance or visual intrusion, use natural features and protect amenity. Objective RP5-22 of the CDP is an objective for the design and landscaping of dwellings including replacement dwellings in rural areas.
- 8.3.3. The proposed house is to be located within the western part of the site. The proposed house is a 380sqm two storey contemporary house incorporating a mixture of forms, volumes and roof types, with maximum ground to ridge height of 8.93m, finished in dark/ oxide red aluminium corrugated metal sheeting, hardwood windows, clerestory glazing and masonry. The design reflects the forms and materials common of the rural area. The house is within a cluster of existing buildings and trees. The finished floor levels of the proposed house are stepped and reflect the contours of the site and the building line of the proposed house generally reflects the line of the existing dwellings north and south. The north western part of the site contains trees which are to be retained with the house set back from the boundary to allow for their retention. Levels across the lands rise from the north uphill in a southerly direction. The southwest elevation drawings show the proposed house relative to the neighbouring properties. The existing adjoining house to the north is shown with roof level of +53.99, the proposed house is at +59.03 and the existing adjoining house to the south is shown with roof level of +61.09. This shows that the proposed house sits at an acceptable level and position relative to the existing

properties and features. It is unclear how the dwelling is designed to be energy efficient, however in this regard buildings are required to be built to conform with current energy standards. The contemporary design is innovative. Existing trees are to be retained and new landscaping is proposed.

- 8.3.4. Overall, I consider the proposal to be a good quality design that responds to the site and rural location and I consider that the proposal is in accordance with the design objective RP5-22 and the Rural Housing Guidelines design advice.

8.4. Visual impacts

- 8.4.1. The site is located at an elevated hillside location on coastal lands designated in the CDP as High Value Landscape. The site is within the range of CDP Scenic View 61. The CDP includes objectives to protect the landscapes and views including GI14-9 (landscape), GI14-10 (high value landscapes), GI14-12 (general views and prospects), GI14-13 (scenic routes) and GI14-14 (development on scenic routes).
- 8.4.2. No visual impact assessment is submitted. Section 14.8.9 of the CDP states that large scale developments should be supported by a visual impact assessment. Having regard to the nature of this development for a single rural house, I do not consider that the development is a 'large scale development' and there is no contravention of the CDP. On site visit I considered views towards the site from Charles Fort and from scenic route 61.
- 8.4.3. Perhaps the most significant view of the development is from Charles Fort. Views from the fort across the coastal landscape are unspoilt and scenic. The site of the proposed house is c 310m inland from the coast, on elevated lands within a cluster of the existing houses and vegetation. As per site visit, I note that the extension to the existing house to the south is visible however this is at a higher contour to the proposed site. Having regard to the location of the house within the cluster of existing buildings and vegetation, the proposed retention of existing trees and proposal to augment this with additional planting, the ground and ridge levels of the house relative to the surrounding ground and ridge levels and the design and form of the house, including the distance in visibility from Charles Fort, I consider that the proposed house can be integrated into the surrounding area and would not be an obtrusive feature in views and would adequately protect the skyline. I do not consider

that the house would significantly compromise the character and scenic amenity of the landscape.

- 8.4.4. From the Forthill Road, the view of the existing house is visible from the L-7253 intersection. The applicant has submitted a visual image showing the visual impact of the proposed development. It is considered that the proposed house will integrate into the surrounding area.
- 8.4.5. Having regard to the distance of the site from the harbour and Kinsale including its location within an existing line of houses, I do not consider that the construction of a new house would significantly adversely impact the amenity of other views from the surrounding area.
- 8.4.6. Having considered views from the scenic route 61, I am satisfied there would be no adverse impact on views from the scenic route. There would be no obstruction or degradation of views towards and from vulnerable features. Landscaping is proposed to provide additional screening as mitigation and there would be no obstruction of views of the harbour, Kinsale or wooded areas.
- 8.4.7. Overall, I consider that the proposal is in accordance with GI14-9, GI14-10 , GI14-12, GI14-13 and GI14-14.

8.5. Impact on built heritage

- 8.5.1. I consider that the site is within the visual range of views from Charles Fort, a significant national monument and protected structure (12 protected structures at the site).
- 8.5.2. Objectives including HE16-2 (protection of archaeology), HE16-7 (defensive archaeology) and HE16-14 (record of protected structures) provide of the protection of architectural and built heritage.
- 8.5.3. Views from Charles Fort towards the harbour and surrounding coastlines are highly scenic and picturesque, contributing positively to the character and setting of protected structures/ national monuments that make up the fort site.
- 8.5.4. As set out above, I do not consider that the development will adversely impact on the scenic amenity of the landscape and I do not consider that the development would adversely impact on the character or setting of the fort site protected structures / national monuments.

8.6. Residential amenity

- 8.6.1. The proposed house is adjoined by existing residential properties to the north (the appellants) and south of the site. The third party appellants raise concerns that the proposed house adversely impacts on their residential amenity by reason of overlooking and overbearing/ visual intrusion impacts and light and noise overspill.
- 8.6.2. As per the floor plans, there are no openings on the northern elevation that would result in overlooking of the appellants house. There is upper level clerestory glazing proposed along the northern elevation to an internal void area and as such there would be no opportunity for overlooking.
- 8.6.3. Terraces are attached to the proposed house and ancillary building. Having regard to the distance of these terraces from the boundary including the existing and proposed planting along the boundary, I do not consider that there would be any significant adverse overlooking impacts from the terraces or the ancillary building.
- 8.6.4. The proposed house is c 6.7m from the appellants' plant room and c. 20m from the appellant's house. The appellants property is at a lower ground level than the site. The proposed site plan shows that the living and terrace areas of the proposed house are to be +50.10 and +50.85. The outdoor space on the southern side of the appellant's house is +47.10. The drawings indicate 'heavy planting along the boundary edge' which is to be retained. The applicants indicate this is to be augmented with additional planting. Whilst the house has a maximum height of 8.9m, section A-A shows that the wall elevation is to 5.33m and the roof is at low angle directed away from the appellants boundary. This reduces the overall visual impact of the proposed house on the appellants. Having regard the good separation distances between the properties and the design of the house, I do not consider that the proposed house would result in overbearing impacts on the appellants property.
- 8.6.5. Having regard to the domestic residential use of the property and noting the design including the level of glazing and location of the terraces, I do not consider that the appellants amenity would be adversely impacted by reason of unreasonable noise or light pollution. Furthermore, due to the orientation and separation distances, I do not consider that there would be any significant adverse impacts by reason of overshadowing.

8.6.6. The neighbouring house to the south is set back from the shared boundary by over 20m. There is a shared right of way passage running along the shared boundary. The boundary is marked by existing natural hedge and vegetation. Having regard to the good separation distances between the proposed development and the adjoining southern house, the intervening right of way and boundary planting, including the design of the proposed dwelling, I am satisfied that the proposed house would not impact on the amenity of this property by reason of overlooking, overbearing or overshadowing impacts.

8.7. Material contravention of the development plan

8.7.1. The third party appeal states that the development materially contravenes local policy. The appeal includes reference to a significant number of sections and objectives in the development plan. The appeal explicitly states that the proposal materially contravenes section 4.10.8 and section 5.3.2 of volume 1 and section 1.5.15 of volume 5.

8.7.2. I have considered the provisions of the Cork County Development Plan referred by the appellant in their appeal and this consideration is included as Appendix 5. Of the provisions referred to within the appeal, I consider that the proposal materially contravenes section 15.12.23.

8.8. Other matters

8.8.1. Trees

8.8.2. The appellants have raised concerns regarding the absence of an Arboricultural Report and the lack of evidence to show that trees can feasibly be retained and that root protection zones can be protected, particularly along the northern boundary. The proposed house is set back from the trees allowing good separation distance to facilitate the retention of trees. The site layout shows the footprint outside of the tree spread apart from minor overlap. Whilst no arboricultural assessment is submitted, I consider that the retention of the trees is feasible.

8.8.3. New planting is proposed however there is no detailed landscaping plan. The appellants have raised safety concerns relating to new tree planting near their property, referring to the risk of windthrow or root destabilisation. Subject to normal

best practice construction and landscaping, I am satisfied that landscaping can be undertaken without impacting on the adjoining property.

8.8.4. Should permission be granted, it is recommended that a condition be attached for the protection of existing trees during construction and for the submission of a landscaping plan for new planting.

8.8.5. Surface water drainage

8.8.6. The appellants have raised concerns regarding the potential for runoff from the proposed development onto their property and increased risk of flooding. In this regard, the applicant has submitted a Civil Engineering Report. It is proposed that storm water drainage will be collected and disposed of via sustainable drainage measures (SUDS) in accordance with the CDP 2022 Advice Note 1 on Storm Water management and CIRIA SUDS Manual C753. Soakaways are designed in accordance with BRE Digest 365. The report of the Area Engineer indicates no objection to the proposals and set out recommended conditions to address surface water drainage. I am satisfied that the surface water drainage proposals are acceptable and that there would not be an unacceptable risk of flooding to third party lands.

8.8.7. Procedural matters

8.8.8. The appellants raise that the planning authorities assessment of the dwellinghouse is marked by procedural inconsistencies. The appellants argue that in the absence of necessary information including key technical reports, namely a Landscape and Visual Impact Assessment, A Cultural Heritage Impact Assessment, Arboricultural Impact Assessment, Demolition Justification Report and Structural Survey, that the planning authority's decision is premature, procedurally deficient and inconsistent with established policy and legislative requirements. In this regard, I note that the validation of a planning application is a matter for the planning authority. The planning authority was satisfied that the application contained the necessary plans and particulars including documentation in accordance with the statutory requirements of the Planning and Development Regulations, 2001 as amended.

8.8.9. Furthermore, I am satisfied that the information provided is satisfactory to allow for the assessment of the development proposal.

8.8.10. Office /store / playroom building

8.8.11. It is proposed to construct a new single storey 90sqm office /store / gym playroom building. Having regard to the size and scale of the building relative to the proposed house and the proposed uses, I consider that the building is ancillary to the dwelling and is acceptable. Should permission be granted, it is recommended that a condition be attached, similar to that of the planning authority, to restrict the use of the building and to prohibit its use as for human habitation or commercial use.

8.8.12. Bats

8.8.13. A bat survey and assessment report was prepared and submitted. No evidence of bats were found in the buildings. Existing trees are to be retained. I am satisfied that there would be no adverse impacts on bats, a protected species under the Wildlife Act and EU Habitats Directive.

8.8.14. On site effluent disposal and access

8.8.15. It is proposed to install a new on site wastewater treatment system in accordance with EPA Code of Practice standards. It is proposed to access the site via the existing access and entrance. There is no material intensification of traffic movements. The proposal are acceptable.

9.0 **AA Screening**

9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act as amended. The Sovereign Islands SPA is located c 3.2km from the site. A screening assessment for Appropriate Assessment is attached in Appendix 3 of this report.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Sovereign Islands SPA or any other European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required.

9.2. This determination is based on:

- the small scale and domestic nature of the development,
- the lack of impact mechanisms that could significantly affect a European site,
- distance from and weak indirect connections to the European sites,
- no significant ex-situ impacts on birds.

10.0 Water Framework Directive Screening

- 10.1. I have considered the proposed development in light of the requirements of the Water Framework Directive. A screening assessment for WFD is attached in Appendix 4 of this report.
- 10.2. The site is located within the Bandon-Ilen WFD catchment and the Bandon_SC_060WFD subcatchment. The nearest river is the Knocknabohilly_010 which is c 306m north and c 555m south of the site. The site overlays the Bandon groundwater body. The site is c 350m from Lower Bandon Estuary transitional water body.
- 10.3. The Knocknabohilly_010 has good WFD status and its level of risk is under 'review'. The Bandon groundwater body has 'good' status and is 'not at risk'. The Lower Bandon Estuary transitional waterbody is 'failing to achieve good chemical status and has poor ecological status' and is 'at risk' (agriculture is identified pressure).
- 10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.
- 10.5. The reason for this conclusion is as follows:
- the small scale low intensive nature of the development,
 - the distance to the surface water bodies Knocknabohilly rivers and Lower Bandon Estuary,
 - the low risk status of Bandon groundwater,

- the low risk of potential impacts having regard to the proposed drainage measures.

10.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

It is recommended that permission be refused.

12.0 Reasons and Considerations

1. The Cork County Development Plan (CDP) 2022-2028 sets out objectives to deliver climate change objectives. Objective CA17-1 is to support the national and local climate change objectives as set out in policy documents including the National Planning Framework. Objective CA17-2 is to support the transition to a low carbon and environmentally sustainable economy through the implementation of policies to deliver objectives including reduced energy consumption.

National Policy Objective 67 of the National Planning Framework First Revision 2025 is as follows: *Support the circular and bio economy including in particular through greater efficiency in land and materials management, promoting the sustainable re-use and refurbishment of existing buildings and structures, while conserving cultural and natural heritage, the greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.* Section 15.12.23 of the CDP states that the Council will promote circularity by seeking to avoid demolition and encourage repurposing of existing buildings in the first instance. Furthermore, the Cork County Climate Action Plan 2024-2029 includes objectives to meet national emission targets including objective 4.8.3.1 which promotes the retention and reuse of existing building stock as a first preference.

It is considered that the proposal to demolish the existing buildings and to replace them with the proposed new buildings, in the absence of satisfactory evidence or justification, is contrary to climate change objectives to support the circular economy through greater efficiency in land and materials, to promote the sustainable re use and refurbishment of existing buildings and to deliver reduced energy consumption. The proposed development is therefore contrary to objective CA17-1, CA17-2 and section 15.12.23 of the development plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021.

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.

Aisling Mac Namara
Planning Inspector

23/09/2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	322863
Proposed Development Summary	Permission for the demolition of existing 2 storey house and derelict shed, construction of a new 2 storey single family dwelling, new home office/store/playroom to replace existing derelict shed, new wastewater treatment system and associated site landscaping works
Development Address	Knocknapogaree, Sallyport, Kinsale, Co.Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units Schedule 5, Part 2, 14 works of demolition
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	322863
Proposed Development Summary	Permission for the demolition of existing 2 storey house and derelict shed, construction of a new 2 storey single family dwelling, new home office/store/playroom to replace existing derelict shed, new wastewater treatment system and associated site landscaping works
Development Address	Knocknapogaree, Sallyport, Kinsale, Co.Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	- Proposed residential use is compatible with other uses in area, - Modest size and intensity of development - Localised impact on natural resources - Modest production of waste - No significant risk of pollution or nuisance - No significant risk of accidents / disasters to human health
Location of development (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, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	- Rural area - Local ecology only on site - No built heritage on site - Stream near eastern boundary of site - No designated sites at the site - Localised impacts on landscape (high value scenic coastal landscape, views towards site from Charles Fort national monument / protected structure)
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the following: - nature and scale of the development, - lack of significant environmental sensitivities on the site, - absence of significant in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
x	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Permission for the demolition of existing 2 storey house and derelict shed, construction of a new 2 storey single family dwelling, new home office/store/playroom to replace existing derelict shed, new wastewater treatment system and associated site landscaping works
Brief description of development site characteristics and potential impact mechanisms	Small scale residential development Site contains existing rural house and outbuilding. Stream near northeastern boundary. Trees and natural boundaries.
Screening report	No
Natura Impact Statement	No
Relevant submissions	None
Planning authority	Planning authority AA screening report of Executive Planner concludes that requirement for AA is screened out having regard to scale and nature of the proposal and lack of physical or hydrological connections to European site.

Step 2. Identification of relevant European sites within zone of influence using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Sovereign Islands SPA	Cormorant (Phalacrocorax carbo) [A017]	c 3.2 km	No direct connections. Possible indirect connections (use of site by mobile species)	yes
Old Head of Kinsale SPA	Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199]	c 9.2 km	No direct connections. No possible indirect connections due to distance	no

Courtmacsherry Estuary SAC	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	C12.8km	No direct connections No possible indirect connections due to distance	no
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¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Sovereign Islands SPA Cormorant (Phalacrocorax carbo) [A017]	No direct connections. Indirect ecological connections.	Due to distance, construction related impacts from noise and dust are not likely. No hydrological connections between the site and the SPA. Cormorant diet is fish. Therefore any removal of vegetation will not impact on the species. The Cormorant nest at the island. Therefore no impact on breeding.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on Sovereign Islands SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Sovereign Islands SPA or any other European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required.

This determination is based on:

- the small scale and domestic nature of the development
- the lack of impact mechanisms that could significantly affect a European site,
- distance from and weak indirect connections to the European sites,
- no significant ex-situ impacts on birds.

Appendix 4: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING						
Step 1: Nature of the Project, the Site and Locality						
An Bord Pleanála ref. no.	322863	Townland, address	Knocknapogaree, Sallyport, Kinsale			
Description of project		Dwelling				
Brief site description, relevant to WFD Screening,		Rural site Contains existing house and outbuildings Stream along northeastern boundary links to Knocknabohilly river (north)				
Proposed surface water details		SUDS, raised rain planters, rain gardens, soakpits				
Proposed water supply source & available capacity		well				
Proposed wastewater treatment system & available capacity, other issues		Existing septic tank replaced with new onsite wastewater treatment system to EPA CoP standards				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Water body name(s) (code)	Distance to (m)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	KNOCKNABOHILLY_010	c 306m north	Good	review	None	Drainage via stream
River	KNOCKNABOHILLY_010	c 555m south	Good	review	none	none
Groundwater	Bandon	underground	good	Not at risk	none	Drainage to ground
Transitional	Lower Bandon Estuary	c 354m	Failing to achieve good chemical status, poor ecological status	At risk	agricultural	none

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination* * to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
	Drainage to ground	Bandon	underground	pollution	Standard best construction	No	Screened out
	Drainage via stream to Knocknabohilly (north)	KNOCKNABOHILLY_010	Run off	Pollution and sedimentation	Standard best construction	No	Screened out
OPERATIONAL PHASE							
	Drainage to ground	Bandon	underground	pollution	WWTS to EPA CoP standards, soakpit, SUDS	No	Screened out
	Drainage via stream to Knocknabohilly (north)	KNOCKNABOHILLY_010	Run off	Pollution and sedimentation	Soakpit, SUDS	No	Screened out
DECOMMISSIONING PHASE							
	N/A						

**Appendix 5 Consideration of Potential Material Contravention of Cork County
Development Plan 2022-2028 (of provisions referred to in third party appeal submission)**

Cork County Development Plan 2022-2028		Consideration	Contravention	Material contravention
Volume 1 Main Policy Material				
Chapter 1 Introduction, Vision and Context				
1.5	Strategic Context			
1.5.7	The NPF recognises that the physical form of urban development in Ireland is one of the greatest national development challenges. The NPF has a very clear focus on achieving what is called brownfield/infill development, which translates into encouraging more people, jobs and activity generally within our existing built up areas. The NPF sets out that securing compact and sustainable growth requires a focus on the liveability of urban places, continuous regeneration of existing built up areas, tackling of legacies such as concentrations of disadvantage in certain areas, and linking regeneration and redevelopment initiatives to climate action.	This section refers to the National Planning Framework, part of the strategic policy context within which the plan is framed. The provision is general and does not have precise relevance to the development proposal. The provision relates to the urban area and is not relevant to the proposed development which is within the rural area.	No	No
1.5.8	To support the delivery of this compact growth agenda the NPF targets the delivery of at least 30% of all new homes within the existing built-up footprint in the Main Towns and Key Villages of County Cork (NPO 3c).	This provision is aspirational and does not have precise relevance to the development proposal. The provision relates to the urban area and is not relevant to the proposed development which is within the rural area.	No	No
1.5.15	A key component of the RSES is to strengthen the settlement structure of the Region and to capitalise on the individual and collective strengths of the three cities, the metropolitan areas, and the strong network of towns, villages and rural communities.	This provision refers to the regional planning context within which the plan is framed. It is general and does not have a precise relevance to the proposed development.	No	No
1.5.27	National Government policy has increasingly recognised the key strategic challenge of climate change. The Government has published the 'Climate Action Plan 2021', the 'National Adaption Framework' (2018), and the Climate Action and Low Carbon Development Act 2015, all of which combine to comprise a strong legislative and policy framework for climate action. At a local level, the Council has adopted the 'Cork County Council Climate Adaptation Strategy 2019-2024, and furthermore, is a signatory of the Climate Action Charter that commits local Government to drive forward meaningful climate action in their communities.	This provision refers to the legislative and policy framework for climate action. It does not have a precise relevance to the proposed development	No	No
1.8	Development Plan Quality of Life Principles			

1.8.1	The Development Plan vision and main aims for the County will be underpinned by the core quality of life principles of, sustainability, climate action, social inclusion, placemaking, and resilience. A brief description of these areas is set out as follows: Sustainability – the concept of sustainable development can be defined as “development which meets the needs of today without compromising the ability of future generations to meet their own needs”. Sustainable development is one of the major challenges facing society. How and where we live, work and take recreation makes demands on the earth’s resources. This Plan adopts the principle of sustainability by promoting and encouraging the integration of economic, environmental, social and cultural issues into policies and objectives to ensure the needs of urban and rural communities are met. Any reference to development in this plan should be considered to refer to sustainable development. Sustainability is also considered to involve compliance with European Environmental Directives. Climate Action – We now have a much clearer understanding of how climate change in Ireland will unfold over the next Plan period and it is clear that human activity is influencing climate change, and that this in turn will lead to a range of current and future impacts. The climate change impacts include rising sea levels, more intense rainfall events and flooding. Adaptation to the adverse effects of climate change is vital in order to reduce the impacts of climate change that are happening now and increase resilience to future impacts. It is recognised that the Plan has a key role in supporting the delivery of meaningful action on climate change through the implementation of the NPF compact growth agenda at the local level; the integration of land-use and transportation; and in the sustainable management of our environmental resources including biodiversity. Climate action is thus an important Development Plan Principle and this is reflected by the introduction of a new stand-alone Chapter 17 Climate Action in addition to other climate action related Policy Objectives which permeate throughout the Plan. Biodiversity - This plan includes objectives to enhance and protect biodiversity which are set out in the Green Infrastructure and Biodiversity and Environment Chapters as well as site specific objectives which aim to support community led initiatives to protect biodiversity including the development of community led Biodiversity Action Plans and Pollinator Plans. Social Inclusion – Social inclusion affects the wellbeing of individuals, families, social groups and communities. Creating a more socially inclusive society by alleviating social exclusion, poverty and deprivation is a major challenge. Steps towards achieving a more socially inclusive society include the provision of good quality affordable housing, community infrastructure and improving access to information and resources. Placemaking – Good design adds quality to the places we live, work and enjoy. Ensuring high quality design adds value to our towns, villages and countryside and improves our quality of life. This plan promotes high quality design by encouraging its integration into every aspect of the plan. Resilience – Resilience is a principle that also underpins	This provision sets out the core quality of life principles including sustainability and climate action, which underpin the development plan. The provision is general and aspirational and does not have precise relevance to the development proposal.	No	No
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	the Plan and is described as 'the ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions'. (United Nations Office for Disaster Risk Reduction (UNISDR), 2009). It is built into the strategic policies and recommendations of each of the cross-cutting themes: sustainable development, climate change, social inclusion and placemaking.			
Chapter 4 Housing				
4.10	Building Height and Mix			
4.10.8	All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks or in instances of challenging topography (steep level difference), a greater separation distance may be required having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant will submit a daylight availability analysis for the proposed development.	The provision refers to the 'built up area' and separation distances between apartment blocks. The proposal is not within the built up area and is not for apartment blocks. All residential developments shall provide for acceptable separation distances to avoid excessive overlooking, overbearing and overshadowing. I am satisfied that the proposal provides acceptable separation distances and does not result in overlooking, overbearing or overshadowing impacts and does not compromise residential amenity and open space.	No	No
Chapter 5 Rural				
5.2 National and Regional Policy				
5.2.9	This vision is integral to the policies in this chapter for rural Cork and to the overall Plan. The need to promote a strong network of towns and villages which supports access to and delivery of local services, to maximise the opportunities through digital connectivity, to promote employment opportunities, to sustain rural populations enabling people to live in their rural areas and to assist people in the creation of resilient rural communities. Our Rural Future complements other Government policies such as Project Ireland 2040, the National Economic Recovery Plan, the Climate Action Plan and National Broadband Plan. Furthermore, the policy framework recognises the need to update the Rural Housing Guidelines for planning authorities to address rural housing in a broader rural development and settlement context.	This provision relates to the policy context for the policies of this chapter. This provision is general and does not have precise relevance to the development proposal.	No	No
5.3 Rural Housing Guidelines				

5.3.2	The Sustainable Rural Housing, Guidelines for Planning Authorities published in 2005, indicate that people who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urbanbased pressures; anyone wishing to build a house in rural areas suffering persistent and substantial population decline will be accommodated; and, the development of the rural environs of major urban areas, needs to be carefully managed in order to assure their orderly development and successful functioning into the future. In addition, new development was to be sited and designed to integrate well with surroundings, protect water quality, have safe access, and conserve sensitive habitats, built and natural heritage, landscape etc.	This provision is general. It provides a general description of the Guidelines. It sets the background context for rural housing policy of the plan. It does not have precise relevance to the development proposal.	No	No
5.11 Replacement of Rural Dwellings				
5.11.1	The Planning Authority will consider proposals for the replacement or refurbishment of an existing habitable dwelling, on a case-by-case basis having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning and sustainable development considerations, including the scale and design of the structure. See also Chapter 16 Built and Cultural Heritage for policies in relation to the protection of vernacular heritage. The definition of what constitutes a house will be as described in planning legislation.	The proposal involves the replacement of an existing habitable dwelling with a new house. This can be considered in principle. The proposal is in accordance with the objective. The dwelling is not of vernacular significance and Chapter 16 is not relevant.	No	No
5.11.2	In the interests of clarity, the provisions of Objective RP 5-2 (i.e. the 'Rural Generated Housing Need' requirement) and Objective RP 5-25 (i.e. Occupancy Clause) will not apply to the replacement of habitable dwellings.	The proposal is for the replacement of a habitable dwelling. Objective RP5-2 does not apply.	No	No
RP5-29	Replacement Rural Dwellings In circumstances involving the replacement of an existing habitable dwelling, the Planning Authority will consider proposals for the replacement or refurbishment of such a house, having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation.	The proposal involves the replacement of an existing habitable dwelling with a new house. This can be considered in principle. The proposal is in accordance with the objective.	No	No
5.12 Renovation or Replacement of an Uninhabitable or Ruinous Dwellings				
RP 5-30	Redevelopment or replacement of an Uninhabitable or Ruinous dwelling Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria: • The original walls of the dwelling structure must be substantially intact. • The structure must have previously been in use as a dwelling. • The development is of an appropriate scale and design	The development is not for the replacement or redevelopment of an uninhabitable or ruined dwelling. This objective is not relevant to the proposed development.	No	No

	(including materials used), relative to the structure being replaced and the location and character of the site. • Existing mature landscape features are retained and enhanced, as appropriate. • No damage shall be caused to sites used by protected wildlife. • Proposals must be acceptable in terms of public health and traffic safety.			
Chapter 8 Economic Development				
8.8 The Circular Economy				
8.8.1	Cork County Council recognises that the transition to a circular economy, based on long-life products that can be renewed, reused, repaired, upgraded and refurbished to preserve precious natural resources, protect habitats and reduce pollution, will provide an essential contribution to Cork County developing a sustainable, low carbon and competitive economy. See Chapter 13 Energy and Telecommunications	This is a general aspirational provision. It does not have precise relevance to the proposal.	No	No
Chapter 13 Energy and Telecommunications				
13.2 Strategic Policy and Legislation				
13.2.5	The Climate Action and Low Carbon Development (Amendment) Bill 2021, outlines a key commitment set out in the Programme for Government, how Ireland will reduce its greenhouse gas emissions by 7% per annum for the next 10 years (51 % overall), and achieve a 'climate resilient and climate neutral economy' by 2050. As part of the Bill, local authorities must prepare individual Climate Action Plans and the National Climate Action Plan must be reviewed yearly.	This is a general provision that describes the climate action legislation. It does not have precise relevance to the proposal.	No	No
Chapter 14 Green Infrastructure and Recreation				
14.8 Landscape Character Assessment of County Cork				
14.8.9	Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.	The site is within a high value landscape. Having regard to the nature, size and scale of the proposal which is for a single 5 bed dwelling with ancillary playroom/office/store building, it is considered that the development is not a large scale development and therefore visual impact assessment is not required. It is also noted, the wording 'should generally be supported by an assessment including a visual impact assessment' allows for flexibility in the manner in which an evaluation of visibility and prominence can be undertaken, so in any case, visual impact assessment may not always be required for the assessment of a large scale development.	No	No

14.8.10	The key role of the Draft Landscape Strategy of Cork County is to assist in the achievement of sustainable development, by promoting an approach to landscape planning and management, which links objectives and recommendations for landscape character to existing planning policies. To recognise that the landscapes are dynamic and continuously evolving, the objectives do not attempt to prevent new uses or changes but to manage the change ensuring that the past remains visible for future generations.	This is a general provision. It does not have precise relevance to the proposal.	No	No
GI 14-9	Landscape a) Protect the visual and scenic amenities of County Cork's built and natural environment. b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle 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 historic walls or other distinctive boundary treatments	a) Having regard to the siting, design, the retention of trees and to its location within an existing cluster of buildings and vegetation, it is considered that the proposal allows for the protection of the visual and scenic amenities of the environment, b) The location and design of the house reflects the topography and natural features of the site. Trees and boundaries are retained. The development protects the environment and natural heritage of the site. The existing house is not of vernacular or historic importance and its demolition does not compromise built heritage. View from Charles Fort and Scenic route 61 are not significantly compromised. The development can be absorbed into the landscape. c) It is considered that the development is good quality overall siting, design and finishes which reflects the rural landscape and rural vernacular. d) Having regard to the topography of the lands, which rise in a southerly direction, to the ridge level of the proposed house below the adjoining to the south, to its location within a cluster of houses and vegetation, I do not consider that the proposed house would be significantly obtrusive so as to detrimentally impact on the skyline. e) The proposal allows for the retention of trees and boundaries. The proposal is in accordance with the objective.	No	No
GI 14-10	Draft Landscape Strategy Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.	The site is within a High Value Landscape. The proposal incorporates a higher development standard (design is well considered, contemporary form with features and finishes reflective of traditional rural design, existing vegetation retained, planting proposed). The visual and environmental impact of the development on the landscape is minimised (layout and building lines reflect the adjoining buildings, nestled within cluster of buildings and vegetation, floor levels take account of site contours). The development can be integrated into this high value landscape without adversely impacting its special character or its distinctiveness. The proposal is in accordance with the objective.	No	No
14.9 Landscape Views and Prospects				

GI 14-14	Development on Scenic Routes a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area. b) Encourage appropriate landscaping and screen planting of developments along scenic routes (See Chapter 16 Built and Cultural Heritage).	Having regard to the layout and design of the development and its location within a cluster of buildings and vegetation including the retention of existing trees and boundaries, and mitigation measures such as proposed additional planting to provide additional screening, the proposal will not adversely obstruct or degrade views from scenic route 61 of the harbour, Kinsale and wooded areas, will not degrade views of the coastal landscape from Charles Fort a vulnerable landscape feature and will not significantly alter the appearance or character of the landscape or surrounding area. Additional landscaping is proposed. The proposal is in accordance with the objective.	No	No
15.5	Managing Local Authority Developments and Projects			
15.5.1	Cork County Council is a significant developer within the county and is responsible for delivering new housing and infrastructure projects, sustainable transport networks and projects to improve the public realm of towns and villages. The Council also supports tourism, recreational and amenity projects including the development of new greenways and blueways, many of which are located within areas of high biodiversity value. As a developer, Cork County Council has a responsibility to ensure that new development it progresses is carried out in a manner which is sustainable and does not harm our natural resources.	This is a general provision relating to local authority developments. It does not have precise relevance to the proposal.	No	No
15.12	Waste			
Construction and Demolition Waste (C&D)				
15.12.23	A significant amount of waste generated in Cork County is as a result of construction activity. The Council recognises the inherent sustainability of retention and refurbishment, compared with the whole life energy costs and waste impacts that would result from demolition and replacement. The reuse of existing structures preserves the embodied energy expended in the original construction, minimises waste and reduces the use of new materials. The Council will, therefore, promote circularity by seeking to avoid demolition and encourage re-purposing of existing buildings in the first instance. Since the last Development Plan there has been a shift in line with regional and national policy with regard to how C&D waste is treated. The most recent figures from the Southern Region Waste Management Plan indicate that 95% of C&D waste is being re-used or recycled.	It is considered that the development contravenes this objective. Refusal recommended.	yes	yes
16.3	Architectural Heritage			

HE 16-14	Record of Protected Structures a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011). b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow. c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures. d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures. e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures. f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting. g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures. h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons. i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.	Having regard to : - the distance of the development site to any surrounding protected structures, - the distance from the protected structures at Charles Fort and the lack of a significant adverse impact on the character of the surrounding landscape and the lack of an adverse impact on views from Charles Fort of the coastal landscape, it is considered that the development proposal would not adversely impact on the character or setting of Charles Fort or any other protected structure. The development proposal does not contravene the objective.	No	No
Chapter 17 Climate Action				
17.3 Statutory Planning Context				
17.3.1	The Planning and Development Act 2000 (as amended), under Section 10(2)(n) Climate Action, sets out provisions for climate change. This section of the Act relates to mandatory objectives for the 'promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to (i) reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resources, (ii) reduce anthropogenic greenhouse gas emissions, and (iii) address the necessity of adaptation to climate change; in particular, having regard to location, layout and design of new development.	This is a general provision that describes the climate action legislation. It does not have precise relevance to the proposal.	No	No
17.4 Policy Context				

17.4.9	The Climate Action and Low Carbon Development (Amendment) Act 2021 requires us, in law, to pursue and achieve no later than 2050, the transition to a climate resilient, biodiversity-rich, environmentally-sustainable and climate neutral economy. The Act requires local authorities to prepare individual Climate Action Plans to include both mitigation and adaptation measures, and for these to be updated every five years. It provides for annual reviews of the National Climate Action Plan and the development of a national long term climate action strategy every five years.	This is a general provision that describes the climate action legislation. It does not have precise relevance to the proposal.	No	No
17.4.1 1	These outcomes are supported by National Planning Objective 54 – an objective to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.	This is a general provision. It does not have precise relevance to the proposal.	No	No
17.4.1 2	In alignment with the National Planning Framework this County Development Plan must deliver compact, connected, sustainable growth that must meet our needs for power, heat, travel, land use and other resources in a greatly more efficient and sustainable way	This is a general provision that describes the CDP alignment with the NPF. It does not have precise relevance to the proposal.	No	No
17.6 Cork County Council Climate Action Commitments				
17.6.7	Spatial planning has a pivotal role in enabling and delivering positive climate action measures. The Council's commitment to climate action is a core consideration permeating this plan which shapes the plan as an important climate action tool. It will ensure that all development considers climate change mitigation and adaptation, and that the location of development will seek to promote climate action and maximise climate action opportunities, particularly through the integration of transport and land uses. This is reflected in the Core Strategy which facilitates sustainable transport and sustainable patterns of growth in urban and rural areas, well balanced throughout the county reflecting the need to reduce energy consumption and greenhouse gas emissions, reduce use of non-renewable resources while taking account of the need to plan for the effects of climate change.	This is a general aspirational provision. It does not have precise relevance to the proposal.	No	No
17.6.8	Climate change considerations permeate all chapters of this plan and the formulation of policies, in relation to Settlement Patterns, Transport and Mobility, Energy, Placemaking, Economy, Biodiversity and Green Infrastructure, have been informed and influenced by climate change mitigation and adaptation requirements. In addition, climate change is a key consideration of the Environmental Reports accompanying this plan.	This is a general descriptive provision. It does not have precise relevance to the proposal.	No	No
Volume 5 (West Cork)				
1.5.3	It is an objective of the Plan to protect and enhance the natural and built heritage assets of the medieval coastal settlement and to facilitate the development of Kinsale as one of the County's principal tourist attractions. Future development is focussed on consolidation of the town and limited expansion in order to respect the town's architectural heritage and unique battlefield landscape which contribute to the town's scenic and coastal setting	This is a general provision that relates to the settlement and future development of the town. It does not have precise relevance to the proposal.	No	No

1.5.15	Scilly and Summercove developed as separate nodes and exhibit a more rural character more modestly-scaled buildings, narrow streets and attractive stone boundaries. Guidance is provided to protect the key elements of character and aid new development to contribute positively to the areas built form.	This relates to development within the development boundary of Kinsale. The site is outside of the settlement boundary. The objective is not relevant.	No	No
KS-GO-04	The green infrastructure, biodiversity and landscape assets of Kinsale include its coastal habitats, wetlands and woodlands. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity	This applies to development within development boundary of Kinsale. The site is outside of the settlement boundary. The objective is not relevant.	No	No