



An
Coimisiún
Pleanála

Inspector's Report

ACP-323516-25

EIA Direction

Development	Construction of 169 no houses, a creche childcare facility and associated site works
Question	Whether there is or not a requirement for EIA for the proposed development.
Location	Cappagh, Kinsale, Co. Cork
Planning Authority	Cork County Council
Requester	Kinsale Forest Club c/o Olivia Fitzgerald
Case Type	EIA Direction
Date of Site Inspection	19 th November 2025
Planning Inspector	Donogh O'Donoghue

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning History.....	6
5.0 Legislation and Policy	6
6.0 Request for Determination	10
7.0 Schedule 7A Information	11
8.0 Assessment	11
9.0 Recommendation.....	30
10.0 Reasons and Considerations.....	31

1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended) a request for an Environmental Impact Assessment Screening Determination was made to An Coimisiún Pleanála to determine whether or not a proposed development would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (“EIAR”). The proposed development comprises 169 dwellings consisting of 91 houses and 78 apartments, a creche childcare facility and all associated site works at Cappagh, Kinsale, Co Cork.
- 1.2. The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended). It is not a direct planning application to the Commission. Kinsale Forest Club c/o Olivia Fitzgerald made an application under the provisions of Article 120(3)(b) requesting the Commission to make an Environmental Impact Assessment (EIA) Screening Determination. Cork County Council is of the opinion that the works do not require an EIAR and have initiated the process set out in Part XI of the Act and Part 8 of the Regulations. This view is evidenced in an EIA Screening Report submitted to the Commission by the Council on 3rd November 2025. The requester questions this conclusion and contends the proposed development would be likely to have significant effects on the environment.

2.0 Site Location and Description

- 2.1. The proposed development is located within the settlement boundary of Kinsale Town and comprises an undeveloped greenfield site in a suburban area on the western side of the town. The site is zoned ‘Existing Residential/ Mixed Residential and Other Uses’ under the Cork County Development Plan, 2022-2028.
- 2.2. Adjacent developments include residential estates and Gaelscoil Chionn tSáile along the L7249 to the north, the Sáile Kinsale Sports and Community Centre to the south, and housing developments including Harbour Heights and Radharc an tSáile to the east. The site is bounded to the west by agricultural lands. The site area is 5.7 ha with

a stated developable area of 4.74ha. which includes the creche. It is proposed to access the site via a local housing estate road, named Ballinacubby.

- 2.3. The site of the proposed development is located on a southeast facing hill and slopes from the north-easterly boundary of the site to the south-westerly boundary of the site. The site boundaries are generally mature treelines and hedgerows with scrub encroaching into the site particularly along the western section of the site.

3.0 Proposed Development

3.1. Overview

- 3.1.1. The proposed development consists of 169 dwellings consisting of 91 houses and 78 apartments, a creche childcare facility and will be accessed via an existing local housing estate road, named Ballinacubby. The unit types will comprise 39 no. 2-bedroom dwellings, 40 no. 3-bedroom dwellings, 12 no. 4-bedroom dwellings, 24 no. 2-bedroom Triplex apartments, 27 no. 1-bedroom Duplex apartments and 27 no. 3-bedroom Duplex apartments. Associated infrastructure includes new roads and footpath layouts, entrance junction and road realignment works, public lighting, drainage connections, 243 car parking spaces (including electric car charging requirements), green areas, related ancillary services and all associated site works.
- 3.1.2. The drainage proposal for surface water includes a number of sustainable urban drainage systems (SuDS) measures and connects with the public surface water network. Foul water generated from the proposed development will flow to the existing public foul sewers where it will then travel to the local Uisce Eireann Treatment Plant for treatment.

3.2. The Part 8 Application

- 3.2.1. The Planning Authority has confirmed that the development is intended to be subject to the process set out at Part XI of the Act and Part 8 of the Regulations and that this process had commenced but is now pending determination of the subject matter.

3.3. Documents Supporting the Proposed Development

- 3.3.1. In response to the Commission's request dated 11th September 2025 for the submission of information specified in Schedule 7A of the Planning and Development Regulations, 2001 as amended the applicant submitted the following:

- Cover Letter dated 06/11/2025
- Cork County Council's Response to An Coimisiún Pleanála request.
- Updated Environment Impact Assessment Screening Report carried out by MKO Consultants (to include a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, as requested in the submission from An Coimisiún Pleanála)
- Letter prepared by Altamar Marine and Environmental Consultancy, dated 17th October 2025.

3.3.2. The following documents which form part of the Part 8 application were also submitted to the Commission:

- Ecological Impact Assessment (EclA) prepared by Altamar Marine and Environmental Consultancy.
- Appropriate Assessment Screening report prepared by Altamar Marine and Environmental Consultancy.
- Habitats Directive Appropriate Assessment Screening Determination prepared by Cork County Council.
- Environment Impact Assessment Screening Report which includes the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 of the Planning and Development Regulations 2001, on which the determination is based.
- Cork County Council's EIA Screening Determination
- Archaeological Impact Assessment report.
- Site Specific Flood Risk Assessment report.
- Invasive Alien Plant Species Survey.
- Arboricultural Impact Assessment.
- Planning and Architectural Design Statement by Van Dijk Architects.
- Landscape Design Rationale Plan.

- 'Planning Report (Design Stage Report)' by Hayes Higgins Partnership.
- Associated drainage and engineering reports including Traffic and Transport Assessment, Stage 1/2 Road Safety Audit, Outline Construction and Environmental Management Plan and an Outdoor Lighting Report.
- Confirmation of Feasibility from Uisce Eireann, dated April 2025.
- The plans and particulars of the proposed development.

4.0 Planning History

4.1. Under Cork County Council Planning Ref 06/6730 permission was granted to Cluid Housing Association for 157 dwelling units and 21 serviced sites on the subject site. Alteration to the permitted scheme was granted under CCC Planning Ref 07/13174. These permissions were never acted upon and have since expired.

4.2. Other relevant planning history on adjacent sites include:

- CCC Planning Ref 23/6599 – Permission granted for 2 no. all weather "astro" playing pitches (soccer and hockey) at the Saile Centre for Recreation and Amenity located to the south of the proposed site.
- CCC Planning Ref 22/4920 – Permission granted for 9 no. dwellinghouses and all associated site development works on a site immediately north of the proposed site. This development is currently under construction.
- CCC Planning Ref 23/6356 – Permission granted for a replacement dwelling at No 11 Harbour Heights, located immediately east of the proposed site. This development is currently under construction.

5.0 Legislation and Policy

5.1. EIA Directive 2014/52/EU

5.1.1. Annex III of EIA Directive 2014/52/EU (the Directive) groups the criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA which has been transposed into the Planning and Development Regulations, 2001, (as amended) under Schedule 7.

5.2. Planning and Development Act, 2000, as amended

- 5.2.1. Section 179 of the Act relates to local authority own development. Under subsection (b), where a local authority proposes to carry out a development, it shall comply with this section and any regulations under this section.
- 5.2.2. Section 179 (6)(d) of the Act shall not apply to proposed development which is for development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment.

5.3. Planning and Development Regulations, 2001, as amended

- 5.3.1. Under Article 120 (3)(b) of the Planning and Development Regulations, 2001, as amended, “where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, they may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in Article 81(2), apply to the Commission for a screening determination as to whether the development would be likely to have such effects.”
- 5.3.2. Subsection (c) states that an application for screening determination under the above shall state the reasons why the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development falls.
- 5.3.3. Subsection (ca) requires the local authority to submit to the Commission the information specified in Schedule 7A for the purposes of the screening determination. Under subsection (cb) this information shall be accompanied by any other relevant information and assessments on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, and the description of any features of the proposal and measures to avoid or prevent significant adverse effects.
- 5.3.4. Subsection (cc) requires the Commission to carry out an examination of, at least, the nature, size or location of the development and shall make a screening determination.

If the determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required. If there would be likely effects, it shall serve notice on the local authority to prepare an EIAR in respect of the proposed development.

Schedule 5

- 5.3.5. Article 93 of the Planning and Development Regulations 2001 (as amended) references the prescribed classes of development referring to Schedule 5 which reflects Annex I and II of the EIA Directive.

Schedule 7

- 5.3.6. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a project should be subject to environmental impact assessment. These are as follows:

1. The characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristic of potential impacts.

5.4. Cork County Development Plan 2022-2028

- 5.4.1. The relevant statutory plan is the Cork County Development Plan, 2022-2028 with the following policies and objectives considered to be of relevance.

5.4.2. Zoning Objective

The site is zoned 'Existing Residential/ Mixed Residential and Other Uses' in Volume 5 West Cork, Cork County Development Plan 2022.

Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses sets out that 'the scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area....'

5.4.3. **Specific objectives in relation to Housing**

Cork County Core Strategy Statement sets out that the population target of 6,338 for the settlement of Kinsale will require the delivery of 404 units for the plan period.

There is a specific objective to secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas as set out in Objective HOU 4-6 Housing Mix.

Objective HOU 4-7 sets out density categories in the Plan and Table 4.1 sets out a tiered density approach recommended to respond to the diverse settlement scales within the County's hierarchy. Kinsale is identified in the 'Key Towns and Large Towns (>5,000 population)' settlement type where densities of '30-50 units per hectare' are generally applicable and densities of '20-35 units per hectare' may be applicable in a limited number of sensitive locations.

5.4.4. **Natural Heritage Designations**

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- Sovereign Island Special Protection Areas (SPA) (Site Code: 004124)/ Sovereign Islands NHA (000105) is located 6.6 km southeast of the site.
- Old Head of Kinsale SPA (Site Code: 004021) is located 9.4km south of the site.
- Courtmacsherry Estuary Special Area of Conservation (SAC) (Site Code: 004219) is located 10.1km east of the site
- Courtmacsherry Bay SPA (Site Code: 004219) is located 10.3km west of the site.
- Seven Heads SPA (Site Code: 004191) is located 14.4km west of the site.
- James Fort pNHA (001060) is located 1.5km southeast of the site.

6.0 Request for Determination

6.1.1. Kinsale Forest Club c/o Olivia Fitzgerald submitted a request for a determination by the Commission as to whether EIA would be required for the proposed development. The following summarises the content of the submission received:

- Conclusion of the EIA Screening Report referring to the direct negative impacts that the proposed development will have upon the existing habitats, flora and fauna, loss of protected species, loss of surrounding trees and hedgerow which have bat roosting potential and include the presence of nesting birds.
- Proposed compensatory measures for the biodiversity loss are inadequate.
- Surface water pollutants will be directed into the Bandon River or Kinsale Harbour.
- The wastewater treatment facility in Kinsale is insufficient to meet the demand from this development.
- Trees and shrubs to be removed are of high significance and supports birds, bats etc. The western section of site should be retained for wildlife.
- No details in relation to the movement of 20,000m³ of fill from the site.
- The impact on insects including bees, butterflies, moths beetles etc have not been assessed.
- Red squirrels and wood mice observed on site and have not been assessed in EIA screening report.
- Limitations identified in survey work as parts of site were inaccessible to surveys due to brambles. Therefore, it cannot be concluded that there are no badger setts and hedgehog dens within parts of site.
- Surveys not carried out during appropriate period.
- No impact assessment on the river and marine environment carried out.

7.0 Schedule 7A Information

- 7.1. Schedule 7A of the Regulations relates to the information to be provided for the purposes of screening sub-threshold development for Environmental Impact Assessment. In this regard, the Planning Authority was requested, in accordance with Article 120(3)(ca) of the Regulations, to submit the information set out in Schedule 7A and to make any submission or observations it may have in relation to the matter.
- 7.2. In response to the request, the Planning Authority submitted all documents prepared as part of the Part 8 application including an updated Environmental Impact Assessment Screening Report which includes a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, as requested in the submission from An Coimisiún Pleanála. The Planning Authority's submission also included:
- a letter prepared by Altamar Marine and Environmental Consultancy in response to the requested information, dated 17th October 2025, and
 - the Planning Authority's response to the requested information which includes a response to the submission received from Kinsale Forest Club.

8.0 Assessment

8.1. Introduction

- 8.1.1. Under the provisions of Article 120 (3)(cc) of the Regulations, the Commission is required to provide a screening determination as to whether the proposed development comprising 169 no. residential units and all associated works on a site comprising 5.7 hectares, would be likely to have significant effects on the environment.
- 8.1.2. The following matters are considered relevant in the assessment of whether the proposed development would be likely to have significant effects on the environment:
- Project type/class of development under Schedule 5 of the Regulations,
 - Relevant thresholds under Part 2 of Schedule 5 of the Regulations,
 - Criteria set out in Schedule 7 of the Regulations,
 - Other Relevant Information, and,

- Measures to avoid significant adverse effects on the environment.

An assessment of the proposed development against the above is carried out in the sections that follow.

8.2. Relevant Project Types/Class of Development

8.2.1. I consider that the proposed project involves development that is a class for the purposes of Environmental Impact Assessment, as follows:

- Class 10(b)(i) in the Regulations is the '*Construction of more than 500 dwelling units*'.
- Class 10(b)(iv) in the Regulations is for '*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'.

8.3. Relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended)

8.3.1. The threshold for development in Class 10(b)(i) in the Regulations is the '*Construction of more than 500 dwelling units*'. The proposed development comprises the construction of 169 no. residential units. Therefore, whilst the proposed development is a development type listed in Part 2 of the Fifth Schedule, it is sub-threshold for the purposes of mandatory EIA.

8.3.2. The threshold for development in Class 10(b)(iv) in the Regulations is for '*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'. The proposed development is of a site with an area of 5.7 hectares and is not located in an area that could be considered to be a business district and therefore the higher threshold of 10 hectares in a built-up area is relevant. Therefore, whilst the proposed development is a development type listed in Part 2 of the Fifth Schedule, it is sub-threshold for the purposes of mandatory EIA.

8.3.3. Therefore, whilst the proposed development is a development type listed in Part 2 of the Fifth Schedule, it is sub-threshold, and a mandatory EIA is not required.

8.3.4. An assessment as to whether the sub-threshold project would be subject to EIA having regard to the criteria set out in Schedule 7 of the Regulations, is set out below.

8.4. **Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended)**

8.4.1. The criteria for determining whether a development would or would not be likely to have significant effects on the environment are assessed under the following headings:

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and characteristics of potential impacts.

Each of these criteria is assessed below.

8.4.2. **Characteristics of the Proposed Development**

8.4.2.1. **Size & Design**

The proposal for the development of 169 residential units is below the 500-unit threshold that would require an EIAR as set out in the Regulations. The proposed development site is 5.7 hectares which is below the 10-hectare threshold for urban development in built up areas that require mandatory EIAR.

The construction will be confined to the footprint of the site except for the works associated with the connections required to existing services and utilities all of which are adjacent to the site.

The planning authority's submission sets out that with a density of 36.9 units per hectare based on a net developable area of 4.57ha for the residential development (excluding the creche), the proposal would align with national, regional and development plan policies regarding compact growth, would support the core strategy of the Cork County Development Plan, 2022 to deliver housing units over the lifetime of the plan within Kinsale and would be appropriate for this site, given the design strategy proposed.

In regard to the design and layout of the proposal, the development comprises a mix of two-storey dwellings, three storey duplex units and three storey apartment buildings. A number of site sections (Drawing no. 2304-PA-005/006/007) have been prepared

which depict the sloping nature of the site and shows the variation in the design and height of the buildings proposed. Whilst the two storey dwellings are consistent with the existing development in this suburban location, the three storey triplex units are landmark buildings in key locations within the site, and book end the multi-unit buildings.

The Planning Authority's EIAR Screening Determination refers to impacts on landscape being low having regard to the design of the proposal, the retention of existing boundaries and trees and proximity to existing residential areas, which would assist in integrating the proposed scheme into the surrounding area. Any probable visual impact that could arise would be temporary and would be confined largely to the construction period.

Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of the Fifth Schedule of the Regulations as well as the absence of any impact on highly sensitive landscapes or protected views, I do not consider that significant effects on the environment will arise as a result of size or design of the proposed development.

8.4.2.2. Potential for Cumulative Impacts with other Existing and/or Approved Projects

There are a number of permitted developments within the vicinity of the proposed development, the details of which have been provided in Table 3.1 of the EIA Screening Report. Cork Coco Planning ref 22/4920 for the construction of 9 dwellings on a site to the north of the proposed development is currently under construction. In addition, permission has recently been granted under Cork Coco Planning ref 23/6599 to the Sáile Kinsale Sports and Community Centre to develop two all-weather pitches and associated works to the south of the proposed site. Overall, the majority of granted or pending planning applications in the immediate vicinity of the proposed site relate to developments that are minor in scale. The Planning Authority's EIAR Screening Determination notes that the proposal would be located in proximity to the planned Kinsale Active Travel Scheme.

The proposed development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects on any Natura 2000 sites. There are no projects which can act in combination with the development which can give rise to significant effect to Natura 2000 sites.

Where there is overlap between the construction periods of the proposed development with other developments in the area, potential for effects could arise from noise, dust, visual impact and traffic. The effects would be of a temporary nature and short-term given:

- the nature of works associated with the residential development,
- the expected duration of the works (24 months),
- the location of lands to be developed (outside the town centre),
- the location and separation to the other existing and/or approved projects,
- the varying likelihood of temporal overlap of construction works between projects,
- the implementation of standard and best practice construction and operation measures.

Overall, I do not consider that there is potential for significant cumulative effects to occur on the environment.

8.4.2.3. Nature of any Demolition Works

There are no buildings or structures on site for which demolition is proposed. The EIA Screening Report sets out the proposal has been designed to work with both the slope of the existing site and to maximise reuse of existing soil material on site. The proposal is accompanied by an Outline Construction and Environmental Management Plan which sets out the site management strategy for materials arising from such excavation.

8.4.2.4. Use of Natural Resources

The proposed development will be expected to adopt standard construction measures. A development of this nature will inevitably use natural resources and materials during construction. The natural resources such as aggregates and aggregate products will be used for the purposes they were produced for. It is not anticipated that large quantities of rare or unusual materials will be utilised on such a development.

The Planning Authority's EIAR Screening Determination set out that the proposal has been designed to work with both the slope of the existing site and to maximise reuse of existing soil material on site. Whilst the site itself is greenfield in nature, the loss of

that natural resource requires consideration. The highest percentage of habitat loss as detailed in Figure 26 of the Ecological Impact Assessment (EclA) is for dry meadow and grassy verges (GS2) which comprise the majority of the site and scrub (WS1) located in the western section and around the southern edges of the site. The removal of these habitats will result in a loss of species of low biodiversity importance. In addition, the proposed development involves the removal of 52m of hedgerow. Mitigation in terms of landscaping and planting include the planting of 300m of native hedgerow, 54 open space trees, 14 orchard trees and 106 street/avenue trees. In addition, as well as wildflower meadows, a sensitive lighting strategy and additional bird nesting resources have been proposed to compensate for the loss of habitats. No Annex I habitats or Annex II plant species associated with any nearby European Sites were recorded on the site or are expected to be significantly affected by the proposed development, as concluded in the Appropriate Assessment Screening Report.

In relation to water consumption, the use of water during the construction phase will be temporary to service site offices, welfare facilities and certain construction activities. This will not result in a high volume of water usage. The completed development, during its operational phase will provide a standard water supply to each residence. Residential dwellings do not have a high-water demand and the Part 8 documentation includes a Confirmation of Feasibility letter from Uisce Eireann setting out that a water connection is feasible without infrastructure upgrade.

8.4.2.5. Production of Waste

The proposal is accompanied by an Outline Construction & Environmental Management Plan (CEMP) where its key objective is to ensure compliance with all environmental legislation and approvals, including minimising pollution and waste generation and minimising environmental impacts.

The production of waste during the construction phase including the management of this waste material will be set out in a detailed construction stage waste management plan in strict compliance with all applicable legislation. The Outline CEMP also states that where waste is generated, every effort will be made to recycle. The EIA Screening Report sets out that it is expected that the construction phase will generate a small quantity of soil and stone and excavated soil will be used for landscaping wherever

possible, and any excess soil will be removed from the site by an appropriate licensed contractor for appropriate disposal.

During the operational phase the waste produced by the proposed development will be confined to the residential waste stream and will be consistent with any residential development of this scale.

I do not consider that the production and management of waste materials or by-products attributable to the construction and occupation of the proposed development will result in significant environmental effects.

8.4.2.6. Pollution and Nuisances

The initial site set up, mobilisation and earthworks phase has the potential to result in pollution and nuisance in terms water, air, noise, and waste. The Outline CEMP sets out that the measures within the plan will be carried out with respect to the mitigation measures noted in Table 5 of the Ecological Impact Assessment as prepared by Altamar Ltd.

In relation to potential for impact on water, the proposed development site does not contain any watercourses, however the Outline CEMP provides a number of measures that will be implemented to prevent the transportation of any pollutants entering the wider environment. This includes the suspension of excavation works if high intensity local rainfall events are forecast and excavations being open for minimal periods to avoid acting as a conduit for surface water flows. The Outline CEMP also sets out proposals for the management of refuelling and other potentially harmful chemicals including the storage of hazardous material within a suitably designed bunded area. The EIA Screening report details that the Outline CEMP, EclA and Planning Report (Design Stage Report) and other relevant documents accompanying the application, set out proposals for the management of surface waters which include site management measures which will be put in place to avoid release of potential pollutants into nearby surface water networks or groundwaters at the site during the construction phase.

The construction phase of the proposed development has the potential to generate nuisance associated with noise and dust. The Outline CEMP has provided standard preventative mitigation measures with a requirement to further develop such measures

in a Construction Management Plan and a Construction & Environmental Management Plan to be prepared for the site prior to the start of any construction works.

Having regard to the scale of the proposed development along with design and mitigation measures proposed, I do not consider that there is potential for significant environmental effects as a result of pollution or nuisances.

8.4.2.7. Risk of Major Accidents and/or Disasters including those caused by Climate Change

The site is located on a southeast facing hill and the Planning Authority's EIAR Screening Determination sets out that the proposal has been designed to work with both the slope of the existing site. Ground investigation survey has been completed by Ground Investigations Ireland and provide recommendations on foundation strength and level, pavement construction recommendations, excavation methodology and depth, and soakaway design. A Road Safety Audit Stage 1 Report has been completed and provides recommendations on safe road design and signage. The Outline CEMP proposes that in accordance with normal construction practice the entire site boundary will be fenced off to prevent unauthorised access.

Having regard to the characteristics of the proposed development, including its location, it is considered unlikely that there is a risk of major accidents and/or disasters including those caused by climate change.

8.4.2.8. Risk to Human Health

The main potential for risk to human health is during the construction phase. The Environmental Management section in the Outline CEMP sets out an outline of the project personnel and their anticipated environmental responsibilities with an emphasis on roles and responsibilities and environmental awareness and training. The Outline CEMP also points out that the project tender documentation will require the main contractor to prepare and submit a detailed construction stage traffic management plan. The purpose of this plan is to minimise the impact construction traffic has on the surrounding road infrastructure.

Potential risks to human health arising from water contamination, air pollution, noise etc, are considered to be unlikely and not of a magnitude to generate a requirement

for environmental impact assessment. The EIA Screening report sets out that potential risk to human health during the construction phase both to site operatives and the general public will be assessed and controlled within the Health and Safety Plan which will be prepared prior to the commencement of construction works.

8.4.3. Location of the Proposed Development

8.4.3.1. Existing and Approved Land Use

The site of the proposed development is a greenfield site which has not been previously developed. The site is zoned 'Existing Residential/ Mixed Residential and Other Uses' in the Cork County Development Plan, 2022-2028.

There are no apparent characteristics or elements of the proposed use, design or layout of the scheme that are likely to cause significant effects on the environment. The site is located in an area which has been the subject of some development in recent times with residential development being the prevalent land use. The surrounding landuse is primarily residential to the north and east with the Sáile Kinsale Sports and Community Centre to the south and Commoge Marsh further south and agricultural land to the west. The addition of this development is not considered to have a significant impact on the environmental sensitivities of the area.

8.4.3.2. Relative abundance, availability, quality and regenerative capacity of natural resources

It is acknowledged that the proposed development will result in loss of habitat on the site with dry meadows and grassy verges habitat, scrub habitat, and 52m of hedgerows being lost. The EclA references that the overall development of the site is likely to have direct negative impacts upon the existing habitats, however the removal of these habitats will result in a loss of species of low biodiversity importance. No protected or rare plant species were noted onsite. The EclA sets out that the development has been set back from perimeter to retain the majority of the treelines and hedgerow on site.

The EIA Screening report sets out that other than soil and subsoil the only other natural resource which require consideration in the area is groundwater. The proposed works have the potential for pollution to impact groundwater through accidental hydrocarbon contamination by fuel spillages or oil leaks during the construction phase. The

underlying ground waterbody is the Bandon (WFD Code IE_SW_G_086) and according to the Water Framework Directive is 'not at risk'. Potential for groundwater contamination would be unlikely to occur given the implementation of best practice and mitigation measures set out in the Outline CEMP, the Planning Report (Design Stage Report) and other supporting documents. The potential for impact during the operational phase is much reduced and in addition all storm water drainage generated from the proposed units and hardstanding areas will be collected in attenuation tanks equipped with an oil interceptor before discharging to outflow.

Whilst the proposed development will result in habitat loss, I am satisfied that the proposals to compensate for habitat loss and measures to protect groundwater will ensure no significant effects on these resources.

8.4.3.3. The absorption capacity of the existing natural environment

The site of the proposed development is a greenfield site which historically has had very minimal alteration. The natural environment at the site is examined under the following headings:

Wetlands and Watercourses

There are no wetlands or watercourses on the site. The closest water course is the River Bandon at a distance of 360m to the proposed site and Commoge Marsh is located approximately 400m to the southeast of the proposed site (see Figure 22 in the EclA). Commoge Marsh is a moderate size "estuarine", artificial lagoon and has no statutory protection and is not a SAC, SPA, NHA or pNHA. The EclA sets out that surface water from the site does not drain to the marsh and no significant effects on Commoge Marsh are foreseen. Given the setback of the site from the River Bandon and the intervening landuses, there is no likely potential for impact on this watercourse as a result of construction works or the future occupation of the completed development.

Coastal Zones

The Proposed Development site is located in a coastal zone and is 360m from the River Bandon. The River Bandon flows into the ocean approximately 6.1km downstream of Kinsale. The EclA sets out that standard measures will be taken to prevent contaminated surface water run-off and dust entering into the surface water

drainage network. The new drainage network will comply with SuDS and Cork County Councils requirements.

Mountain and Forest Areas

The site of the proposed development is not located in a mountain or forest area.

Nature Reserves and Parks

The site is not located within or within immediate proximity of a nature reserve or park.

Nationally Designated Sites and European Sites

The only NHA within 15km of the site is the Sovereign Islands NHA (6.6km) and the nearest pNHA is James Fort (1.7km). The nearest European sites are Courtmacsherry Estuary SAC (Site Code: 004219), Sovereign Islands SPA (Site Code: 004124), Old Head of Kinsale SPA (Site Code: 004021), Courtmacsherry Bay SPA (Site Code: 004219) and Seven Heads SPA (Site Code: 004191). The Appropriate Assessment Screening Report concluded that the proposed development does not pose a risk of significant effects on any European sites.

Environmental Quality Standards

The proposed development as with any construction project is expected to comply with the relevant Statutory Legislation including the Local Government (Water Pollution) Acts, 1977 and 1990. The appointed contractor will be required to co-operate in full and thereby ensure no significant effects.

Densely Populated Areas

The proposed development would generate a small increase in population. The numbers in terms of workforce during the construction of the project can be considered positive in terms economic benefit and job creation. Any potential impacts from noise, traffic etc on neighbouring sensitive receptors during the construction phase will be short term and slight and will be further mitigated by the measures outlined in the Outline CEMP. Overall, it is considered that any effects on the existing population in the area will not be significant.

Landscapes of Historical, Cultural or Archaeological Significance

The site is not within an Architectural Conservation Area and there are no protected structure or NIAH structures on the site. An Archaeological Impact Assessment was

completed by Archer Heritage Planning to screen for potential impacts on archaeology and heritage. The associated desk study found one feature listed in the national sites and monuments record on site, a burnt mound, which has since been fully excavated. No further monuments were recorded within the site. In addition, a geophysical survey and test trenching was undertaken by Archer Heritage Planning and found no evidence of buried artefacts and no clear traces of strategic locations of campsites or entrenchments associated with the 1601 military landscape or other archaeological sites or features were identified. The likelihood of encountering in-situ unrecorded monuments during the construction phase is low. Therefore, architectural or archaeological sites will not be affected by the construction and operation phases of the proposed development.

In conclusion, the information set out within the application documents has indicated that the proposed development site and its separation from the various National and European designated sites indicates that there is no likelihood of significant effects on these designated sites. The proposed development has been screened out for Appropriate Assessment. I have considered the submission from the requester and the information provided by the local authority in consideration of the potential impact on the landscape from both the development and the cumulative impact of proposals within the wider area and I am satisfied that while there will be a notable change in the character of the area, it is an appropriate visual impact given that the evolving urban character.

8.4.4. Types and Characteristics of the Potential Impact - Nature, magnitude and extent of impact

8.4.4.1. Population & Human Health

The potential for impacts arising as a result of any pollution and nuisance during the construction phase are considered within the EIA Screening Report. The Outline CEMP, Planning Report (Design Stage Report) and EclA sets out commitments for the implementation of various control measures including standard and best practice construction measures. It is considered unlikely that significant effects would arise on population and human health. It is acknowledged that there will be a temporary impact on the residential and community receptors in the area in proximity to the proposed development, but these will be short term. The operational phase of the project will

generally result in positive impacts associated with the provision of housing and recreational areas associated with the site.

8.4.4.2. Biodiversity

I note the contents of the letter dated 17th October 2025 from the appointed Ecologist, Altamar who carried out the EclA. In it they respond to the points raised in the requester submission.

The EclA prepared for the proposed development concluded no habitats of European conservation importance or protected/ rare plant species were identified to be present within the site. No insects of significance were recorded on the site. While bat foraging was noted on site (primarily in proximity to the western treeline), no evidence of bat roosts were identified on site and no bats were noted emerging from the trees on site. The EclA concludes that while the development is likely to displace bats from foraging in the centre of the site during construction, foraging along treelines and hedgerows would be expected to continue once mitigation in relation to lighting is put in place.

The EclA confirms that three bird species including Linnets were identified to be breeding within the site during the site surveys. Linnets are amber-listed birds of conservation concern in Ireland (BoCCI), and the only species of conservation concern confirmed breeding on site. The local authority's submission set out that while the meadow/grassland area, scrub and small areas of hedgerow (52 linear metres) will be removed (pre-mitigation assessment for birds), the majority of perimeter treelines and hedgerows will be retained, and impacts are identified to be of low/ local impact. Extensive mitigation measures are proposed as part of the proposal including the planting of 300 linear meters of native hedgerow, in addition 54 open space trees, 14 orchard trees, 106 street/avenue trees and 20 no. bird boxes to supplement any loss of nesting and foraging resources, in addition to measures outlined in Table 5 of the Ecological Impact Assessment report.

The EclA notes that the field survey was carried out in May to August 2023. This is within the period for full species assessments of the floral cover in addition to breeding bird and bat surveys. The survey is outside the period for mammal surveys. In addition, a camera trap was placed on site to monitor mammal activity. Red squirrel was not observed on site. No evidence of any potential badger activity was noted on site or in the

camera trap. The letter from the appointed Ecologist Altemar dated 17th Oct 2025 confirms that all treelines and hedgerows on site were accessible and these would be the primary areas where badgers, if present would be found. The EclA concludes that as the site is primarily grassland with hedgerows/treelines and scrub and all areas were accessible no limitations are foreseen in relation to the surveys.

The Appropriate Assessment Screening Report found that there is no possibility of any significant effects on any European Sites.

8.4.4.3. Land, Soil, Water, Air and Climate

It is considered unlikely that significant effects would arise on land and soil during construction or operational phases. Excavated soil will be reused where possible. The EIA Screening Report sets out that it is expected that the construction phase will generate a small quantity of soil and stone and excavated soil will be used for landscaping wherever possible, and any excess soil will be removed from the site by an appropriate licensed contractor for appropriate disposal.

As with any interaction of this nature on land, there is potential for negative impacts during the construction phase as a result of excavation works. Soils, surface waters and groundwaters have the potential to be impacted by the proposed construction works through run-off of silt laden surface water or pollution events associated with hydrocarbon spillages. The EIA Screening Report sets out that appropriate mitigation/measures have been proposed to block pathways to the sensitive receptors and are set out in the Outline CEMP and other accompanying technical reports.

The underlying ground waterbody is Bandon (WFD Code IE_SW_G_086) and according to the Water Framework Directive is not at risk. Appropriate measures for the management of fuel, oils and chemicals during the construction phase and in particular during the excavation works will be implemented. There are no proposals for groundwater abstraction or any other direct interaction with the groundwater body.

The location of and proximity to the nearest watercourse has been discussed in Section 8.4.3 above along with the intervening land uses that exists between the site and the watercourse. The probability of impacts on water during the operational phase is unlikely due to the design proposals for wastewater and surface water management along with the recognised SuDS measures which are intended to retain pre-

development existing run-off systems and where possible enhance them. The Part 8 documentation includes a Confirmation of Feasibility letter dated 2nd April 2025 from Uisce Eireann setting out that a wastewater connection is feasible without infrastructure upgrade. Therefore, it is considered unlikely that significant effects would arise on water during construction or operational phases.

It is expected that during the construction phase, plant and equipment which are run on fossil fuels and are known emitters of greenhouse gases will be used. It is not anticipated that this will result in significant effects to climate due to the scale of the development and the short-term duration of the works.

For the operational phase, the Architectural Design Statement and technical drawings for the Part 8 show the utilisation of natural light, potential for electric vehicle charging points and all residential dwellings will be of building energy rating A2 and will have heat pumps installed as well as solar PV panels on south facing roofs. There is no proposal for the use of fossil fuels within the project design. It is not anticipated that such a development will result in significant effects on climate.

8.4.4.4. Material Assets, Cultural Heritage and the Landscape

The proposed development will connect to existing services and utilities which are immediately accessible to the site. The works associated with access and connection to such services may result in disruption for other local users, but this will be short term and not result in a significant effect. The EIA Screening Report sets out that a Ground Investigation Report was completed by Ground Investigations Ireland and recorded whenever its trial pits came near existing services. This data, as well as data available online, will be used to identify underlying existing services and decrease the potential to come into contact with underground services. During the operational phase, the proposed development will utilise material assets such as services and utilities already mentioned as well as existing public facilities and services. Whilst the proposed development will generate a small increase in the demand for such services in the area, the demand from the proposed development will not result in significant effects on the environment.

An Archaeological Impact Assessment was completed for this site. The associated desk study found one feature listed in the national sites and monuments record on

site, a burnt mound, which has since been fully excavated. No further monuments were recorded within the site. The closest national monument to the site is the bee-boles of a 19th Century house, approximately 160m south of the proposed site. The closest national inventory of architectural heritage (NIAH) site is located approximately 240m to the northeast and is listed as Cappagh House. Based on test trenching and geophysical surveys for the proposed development and a number of previous excavations at the proposed site and in the vicinity of the site, there is no likelihood of significant effects on archaeological sites from the construction or operation of the proposed development.

In regard to potential landscape impacts, the construction phase will result in a degree of change on the visual environment, however, this will be moderate and short-term. I note that the town of Kinsale as well as the southern and southwestern coastline of County Cork is designated as a High Value landscape under the Cork County Development Plan. The plan sets out that within High Value landscapes considerable care is needed to successfully locate large scale developments without them becoming unduly obtrusive. The proposed site is surrounded by residential developments and the design of the proposed scheme against the natural slope of the hill integrates the residential development into the landscape. The proposed development is generally of a similar nature and scale to the surrounding residential developments. The Architectural Design Statement submitted with the Part 8 sets out that when viewed from Compass quay the development maintains community cohesion and develops the site in such a way as to enhance the local area. Overall, the design has been developed in accordance with national and local policy and good practice guidance. Considering also that there are no features of specific visual sensitivity on the site or its surrounding area, significant effects on landscape or visual amenity are not anticipated.

8.4.4.5. Traffic and Transport

The construction phase of the project is expected to bring increased traffic flows associated mainly with delivery of materials and workers accessing the site. Whilst this may result in some localised disruption to road users, it will be short term and will not result in significant effects. The Outline CEMP sets the requirement for a detailed construction stage traffic management plan to be in place prior to construction

commencing. During the operational phase, the proposed development has provision for car parking spaces, the number of which is circa 1.5 spaces per unit which in itself should encourage a move away from private car use to shared car use and active travel. The Architectural Design Statement outlines how the proposed development will increase pedestrian and cycling connectivity with adjacent neighbourhoods and the provision of a clear street hierarchy will encourages walking and cycling within the development and adjacent neighbourhoods.

8.4.4.6. Noise

The noise impacts associated with the construction phase of the proposed development will be akin to that of any standard construction project. Whilst a standalone assessment of noise impacts has not been prepared, the Outline CEMP sets out that noise and vibration monitoring will be carried to ensure compliance, the details of which shall be agreed in the CEMP prepared prior to the commencement of construction. As with any construction project the potential for nuisance associated with noise emanating from the active construction site will exist, however it will be short-term. The operational phase of what will be a standard residential development and would not be expected to generate noise to level that is not consistent with the current background noise levels.

8.4.4.7. Major Accidents or Disasters

As discussed in Section 8.4.2 above, it is considered that the proposed development does not present significant risks to human health or risk of major accidents or disasters including those related to climate change. Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant effects will arise.

8.4.4.8. Interaction between the factors

There is potential for interactions between the various environmental factors, notably between water and biodiversity and between land, soils and geology assets and biodiversity. Noting the nature, scale and location of the proposed development, along with the various mitigation measures proposed for the compensation of lost habitat and for the protection of a natural resource, and the intensity or significance of the

predicted impacts within each respective environmental factor being at the very least, not significant, I consider it unlikely that significant effects will arise from the interaction between the factors.

8.4.4.9. Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

8.4.4.10. Probability, intensity and complexity of impacts

Having regard to the scale of the development, 169 dwellings, a creche, all associated site works, and the nature of the proposed development and noting the measures outlined in the documentation supporting the proposal, it is considered that the nature of the environmental impacts during the construction and operation phase are not particularly complex or intense. The effects from the predicted impacts within each respective environmental factor is, at the very least, not significant.

8.4.4.11. Expected onset, duration, frequency and reversibility of the impact

Having regard to the nature of the proposed development, the scale of the construction works, it is expected that the construction phase impacts will be short term and temporary, estimated at being 24 months. The operational impacts will be on-going, long term and only reversible if in the unlikely event that the proposed development is removed, and the site is reinstated to its pre-development state.

8.4.4.12. Cumulation of Impact

The consideration of cumulative impacts with other plans and projects is set out in Section 8.4.2 above. The range of other environmental factors including pollution, nuisance, waste and biodiversity, all excluded significant effects, therefore I consider it unlikely that the proposed development will result in significant effects as a result of any cumulative impacts.

8.4.4.13. Possibility of effectively reducing Impact

I am satisfied that the implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts. The probability of impacts during

the operational phase is significantly reduced owing to the completion of the construction works and the design proposals for wastewater and surface water management as well as the landscaping proposals and the project design.

8.4.5. Other Relevant Information

Article 120(3)(cb)(i) of the Regulations provides that where a local authority is submitting Schedule 7A Information to the Commission it shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, how the results of other relevant assessments of effects on the environment carried out pursuant to European Union Legislation (other than the EIA Directive), have been taken into account.

The EIA Screening Report provides a dedicated assessment of the proposed development against the various EU Directives relevant to the proposed development. The Directives examined and considered within the wider application are as follows:

- Directive 92/43/EEC, Habitats Directive
- Directives 2009/147/EC Birds and Habitats
- Directive 2000/60/EC, Water Framework Directive
- Directive 2001/42/EC, SEA Directive
- Directive 2002/49/EC, Environmental Noise
- Directive 2008/50/EC, Ambient Air Quality and Cleaner Air for Europe Directive
- Directive 2007/60/EC, Floods Directive
- Directive 2010/75/EU Industrial Emissions Directive
- Directive 2012/18/EU Seveso-III Directive
- Directive 2010/31/EU, Directive on the Energy Performance of Buildings
- Directive 2008/98/EC, EU Waste Framework Directive
- Directive 2008/56/EC, Marine Strategy Framework Directive
- Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites

The applicants EIA Screening Report, Ecological Impact Assessment, Appropriate Assessment Screening Report and Outline CEMP under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development. The EIA Screening Report outlined that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

8.4.6. Measures to Avoid Significant Adverse Effects on the Environment

Article 120(3)(cb)(ii) of the Regulations provides that where a local authority is submitting Schedule 7A information to the Commission it may describe the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

The Outline CEMP, EcIA and Planning Report (Design Stage Report) outline standard best practice and mitigation measures which will be implemented during construction of the proposed development. The various measures provided relate to the construction methodologies, control and suppression of dust, noise management, measures for the control of silt laden water and the management of fuels and any potentially harmful chemicals. The documents describe a range of measures developed to avoid, reduce or mitigate potential impacts so that they do not result in significant effects. The mitigation measures as they are presented are relatively standard practice for most developments of this nature and scale and are well established in terms of being implementable and effective and will contribute positively towards the development in terms of minimising any effects that may arise during the construction phase of the project.

9.0 Recommendation

Having regard to the above assessment, it is considered that the proposed development is unlikely to have significant effects on the environment, and accordingly, an Environmental Impact Assessment is not required.

It is therefore recommended that Cork County Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

10.0 Reasons and Considerations

Having regard to the following:

- a) The provisions of Section 179 of the Planning and Development Act, 2000, as amended and Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended),
- b) Annex III of the EU EIA Directive 2014/52/EU,
- c) The nature and scale of the proposed development which is significantly under the threshold in respect of Class 10 (b)(i) (Infrastructure – Dwelling Units) and (Class 10 (b)(iv) (Infrastructure – Urban Development) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended),
- d) The location of the site on lands that are zoned ‘Existing Residential/Mixed Residential and Other Uses’ in the Cork County Development Plan 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- e) The scale of the proposed development,
- f) The pattern of residential development in the vicinity,
- g) The submission made as part of the request for a determination,
- h) The submission made by the local authority, and
- i) The report and recommendation of the Planning Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and accordingly, that the preparation and submission of an Environmental Impact Assessment Report is therefore, not required.

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.

Donogh O' Donoghue

Planning Inspector

26th November 2025