



An
Coimisiún
Pleanála

Inspector's Report ACP-323673-25

Development	Demolition of dwellings, construction of 18 dwelling and associated site works.
Location	Catholic Walk, Rathmore, Kinsale, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	254009
Applicant(s)	Catholic Walk Kinsale Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ronan & Lizette Conneely Caitriona Devlin.
Observer(s)	None.
Date of Site Inspection	1 st December 2025
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site is located within the townland of Rathmore within the development boundary of Kinsale and located approximately 700m to the northeast of Kinsale Town Centre. There is an existing detached dwelling on the site. The area is predominantly residential with one-off dwellings. The site is accessed off Catholic Walk Road.
- 1.2. The topography of the site is steeply sloped from north to south which ranges from 52.5 to 30.7 metres. The garden area and boundaries to the west and south of the subject site are heavily vegetated. The existing dwellings along Barrack Street are located in close proximity to the northeastern boundary due to their small rear garden space.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Demolition of existing dwelling house
 - Construction of 18 no. residential dwelling consisting of 5no. detached units (2 of which have associated domestic garages), 8 no. semi-detached units, 5 no. apartments (in 2no. blocks)
 - All associated site works
 - Site development works include road widening and the provision of a raised table along Catholic Walk and the provision of new footpaths along Catholic Walk and Barrack Street.
 - Access to the site via new vehicle access points from existing Catholic Walk and Barrack Street.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 41 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal can be facilitated in established residential areas under zoning objective ZU 18-9 as per Cork County Development Plan 2022-2028 (CDP) but must be balanced with the character and amenity of the area.
- A Construction Traffic Travel Plan is necessary on this route due to the narrow access roads.
- Density of 21 units per hectare proposed, this is higher than the surrounding area but lower than that set out in the CDP and is considered acceptable due to the topography and character of the area.
- Further information required in relation to the proposed alteration and widening of Catholic Walk. A new frontage will be created for both pedestrian and vehicles and enhance visual amenity by way of replacing unsightly boundary wall and removal of Cypress trees.
- Cladding roof covering shouldn't be used and can be conditioned to alter.
- Further information required in relation to House 13 and impact on low hipped roofed bungalow 15m to southeast in regard to longitudinal section and overshadowing and retaining wall.
- Concerns regarding public open space, it is more a semi-private or communal space between residents, the ground levels are raised by up to 4m and held up by a retaining wall. Details shall be submitted of retaining walls and details for reducing the extent of the proposed building-up of existing ground level for proposed open space and proposed houses ref: 6-13.
- Further information required in relation to gradients, auto track drawings, access ramp to align with DMURS, access steps shall comply with Technical Guidance Document M of the Building Regulations, details of EV charging, tactile paving and shared surfaces, update drainage layouts, confirm capacity of proposed attenuation tank, submit a full geotechnical design, details on areas to be taken in charge, road safety audit, details for end treatments on proposed footpaths on the public road at Catholic Walk and Cork

Street/Barrack Street, details of footpaths/cycle paths within the site and locations of proposed crossing points, details of drainage system on public road, details on proposed retaining walls.

- Further information required in relation to public lighting.

Further information report

- No predicted overshadowing, the proposal is in accordance with BRE standards.
- The retaining walls on the public open space have been reduced or are substantially covered over.
- All issues raised have been resolved in the further information response in relation to design and layout.
- The Planner did not consider the report of the engineers or public lighting as they were not available at the time of writing and recommended a grant subject to conditions.

Senior Executive Planner (SEP) Report

- The report is similar to the Executive Planner and no objection to the broad principle of the development. It is further noted that no report was received from Uisce Eireann, however the Engineer has not identified issues with approach to surface water drainage. It is noted that limited SuDs measures are incorporated but the use of swales and retention pond have been ruled out.

Senior Executive Planner (SEP) Further Information Report

- SEP has addressed the engineering and public lighting further information points, and it is acknowledged that all issues have been resolved. It is noted that the Area Engineer has recommended a special contribution of €6,000 per units to facilitate the necessary implementation of pedestrian connectivity measures & traffic calming measures between the development and the town. The SEP has noted that little detail has been provided on the nature of the works proposed nor has a breakdown of the charge been provided. Therefore, is not considered appropriate to levy the Special Contribution.

3.2.2. Other Technical Reports

- Area Engineer: Further information required in relation to Road Safety Audit and details of vehicular movements during the construction phase, details of end treatments on proposed footpaths on the public road, details of footpaths/cycle paths within the development and locations of proposed crossings points, further details required on drainage system on public road & within the site confines with regard gully locations, details on proposed retaining walls. Further information submitted and most issues addressed, however, the RSA does not include an assessment of the approach roads to the site, the set back of the development along Catholic Walk is welcome due to the narrow lane to create 6m width and inclusion of 2m wide footpath. Catholic Walk is a narrow road and recommending a special contribution of €6,000 per unit to accommodate the implementation of both improved pedestrian connectivity measures and traffic calming measures between the development and Kinsale. A Construction Management Plan shall be submitted prior to commencement of the development.
- Estate Engineer: Further information required in relation to confirm gradients, update Auto track drawings, access ramps, access step details, EV charging points, pedestrian crossings, drainage layout drawings updated, confirm capacity of the proposed attenuation tank, geotechnical design on the proposed retaining structures, drawing on areas to be taken in charge. Further information submitted and no objection subject to conditions.
- Public Lighting: Further Information required in relation to lighting along the main road, relocate the column lighting to the opposite side of the road, where they will be situated within the boundary of the proposed site, lighting along the footpaths, lighting in car parking area, all lighting shall be accessible by a hydraulic hoist. Further information submitted no objection subject to conditions.
- Archaeologist: Archaeological Assessment submitted and included archaeological test trenches. No archaeological features were revealed in the trenches excavated and post-medieval finds were detected from the topsoil,

mainly pottery and crockery. No further archaeological requirements and no objections raised.

- Housing: One unit shall be transferred under Part V.

3.2.3. Conditions

- Condition 19: The location, design and construction details of any retaining walls, including between plots, shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.

Reason: In the interests of public safety.

- Condition 20: Notwithstanding any details submitted with the planning application in relation to boundary treatments, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, details of boundary treatments surrounding and within the development shall be submitted and agreed in writing with the Planning Authority. These details shall provide for the following: - (a) the provision of a two-metre-high wall or agreed written alternative between the rear gardens of opposing properties, (except that with regard to those rear gardens addressing shared private space, a pedestrian gateway through the said wall shall also be provided). (b) the provision of a 2 metre high wall in materials consistent with the external finishes of the adjacent/adjoining structures, along boundaries between any public open space, public road, or public footpath and a residential property, (c) details of a suitable boundary treatment along the dividing property line between adjoining dwellings, and (d) proposed treatments for any other boundaries not covered in the above.

Reason: In the interests of residential amenity.

- Condition 39: The recommendations of the Stage 1 Road Safety Audit shall be incorporated into the design of the development. The applicant shall submit to the Planning Authority a Stage III Road Safety Audit on the

completion of the development and shall undertake to rectify any concerns raised therein.

Reason: In the interest of road safety.

3.3. Prescribed Bodies

- Inland Fisheries Ireland: Request that there is sufficient capacity in the public wastewater treatment system.

3.4. Third Party Observations

14 no. third party observations were received. The following concerns was raised:

- Loss of view and amenity.
- Impact to nature, birdlife, landscape environment.
- Loss of privacy, overlooking, overshadowing
- Traffic increase, pedestrian and road safety
- Landscaping
- Design should be flat roof – out of character with area
- History should be protected – mass rock 100m to north
- Retaining wall
- Construction impact
- Water pressure

4.0 Planning History

A detached dwelling on site, approx. 1960's build.

Adjacent sites:

PA Reg: 225608: Permission granted to demolish dwelling and construct a new storey dwelling.

PA Reg: 226302: Permission granted for new 2 storey dwelling

PA Reg: 234419: Permission granted for demolition of rear extension and construction of a new extension and alterations to form an attached “granny flat” including alteration to existing vehicular entrance.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028

Kinsale is defined as a Main Town in the Bandon-Kinsale Municipal District. Kinsale is identified to have a population of 5,281 persons according to the 2016 census.

Kinsale is identified as a “Ring Town” within the Greater Cork Ring Strategic Planning Area in the Cork County Development Plan 2022-2028.

The site is zoned as “Existing Residential/Mixed Residential and Other Uses”. The objective is 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 of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged”.

The site is located within a High Amenity Landscape.

Chapter 2 refers to Core Strategy.

Chapter 3 refers to Settlements and Placemaking.

Chapter 4 refers to Housing

HOU 4-7 Refers to Housing Density on Residentially Zoned Land.

Table 4.1 refers to Settlement Density Location Guide.

Kinsale is identified as Medium A 30-50 units/ha generally applicable for future development. Medium B 20-35 units/ha may be applicable in a limited number of sensitive locations.

5.2. National and Regional Policies

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2023)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- National Planning Framework (NPF) 2040
- Regional Spatial and Economic Strategy for the Southern Region (RSES) 2018.

5.3. Natural Heritage Designations

The subject site is not located within a designated site. The nearest are:

- James Fort pNHA (site code: 001060) is located approximately 1.2km south of the subject site.
- Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site.
- Sovereign Islands NHA (site code: 000105) is located approximately 6km southeast of the subject site.
- Bandon Valley Below Inishannon pNHA (site code: 001515) is located approximately 7.1km northwest of the subject site.
- Garrettstown Marsh pNHA (site code: 001053) is located approximately 7.5km southwest of the subject site.
- Garrylucas Marsh pNHA (site code: 000087) is located approximately 7.7km southwest of the subject site.
- Old Head of Kinsale pNHA (site code: 000100) is located approximately 9.5km southwest of the subject site.

5.4. EIA Screening

- 5.4.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

Two number appeals were received; the first appeal was received from a proposed local resident to southwestern boundary (proposed dwelling permitted under planning reference 226302. The second appeal was received from a property to the southeast along Barrack Street.

The concerns raised are:

- Substantial difference in finished floor levels: The difference is 5.6m between the proposed site on the south-western side and houses A1 and C1-C2. Public open space is a raised platform and over 3m above the existing ground level. The play area should consider a revised site layout suitable for site topography and conditions.
- Overlooking: House Types A1 and C1-C2 along with the significant elevation difference means they will completely overlook the appellant's property (on southwestern side) resulting in significant loss of privacy. The proposed balconies at first floor level will overlook the existing dwellings and private rear amenity space. There are a significant number of windows of significant size at first floor level on both houses which will overlook private space. Not all windows will be frosted glazing further contributing to a loss of privacy.
- Boundary treatments: No boundary treatments submitted in order to protect the privacy of the appellant, creating a boundary of trees and hedges is

unacceptable as this will take 10-15 years to establish and likely cause significant nuisance for the appellant to deal with the debris that would arise from such a boundary treatment. An appropriate wall and fence are required. The proposed concrete post and panel fence lacks quality required for public open spaces and for street frontages. Request a revised boundary treatment proposal which provides more suitable boundary treatment that addresses the topography of the site and its openness to the street. Request the applicant to provide a landscape planting in strict accordance with any approved scheme and within a defined timeline prior to occupation. No protective boundary measures in place to prevent vehicles from oversailing the road and this is a safety concern.

- **Retaining Walls:** The proposed development should show the required retaining walls on the south-western side of their development between relevant houses (House A1, C1-C2) and the red line boundary. This may require houses A1, C1-C2 to be moved further east to provide adequate construction space for the proposed retaining wall and to prevent settlement of the existing boundary. It was expected that provision of a full concrete retaining wall solution providing foundation support and preventing future ground settlement, was conditioned with any planning grant, as the appellant's retaining wall is not yet constructed. Retaining structures concerns raised by 3rd party and local authority have not been addressed. CCC Estate Engineer required further information in relation to structural design of retaining wall, and a full geotechnical design, this was not adequately addressed by the applicant.
- **Proximity to boundary:** Request a revised layout that reduces the size of Houses A1 and C1-C2, relocates house C1-C2 eastwards to be alongside Houses B1-B2 with any footpaths as far from the boundary as is feasible. Also request the play area is repositioned within the development such that it is no longer directly adjacent to the boundary of the appellant's property.
- **Drainage:** How will rainwater and storm surge be addressed given the increase in ground levels.

6.2. Applicant Response

The applicant has made the following comments:

- Site levels and topography: Due to the topography of the site, a level platform is required which enabled the creation of a central, overlooked, and genuinely usable open space for informal recreation and “kick-about” activities. The steepest portion of the site will be planted and landscaped; this area will not be accessible for play but instead function as a visual and environmental buffer. The finished floor levels of units 6-14 have been carefully designed to respond to the sloping nature of the site. The raised levels are not arbitrary but are necessary to achieve a consistent building platform, safe access arrangements, and functional living accommodation within this part of the development. Lowering the units to match the natural ground levels at the southern boundary would create significant design and engineering challenges (including difficulties to comply with the building regulations/Part M), including impractical gradients for access roads and footpaths, compromised internal layout, and unusable private amenity spaces. The layout employs a split-level arrangement, combined with flat roof profiles and substantial setbacks from the southern boundary to minimise the visual impact of these dwellings. In relation to the proposed dwelling on the southwestern side, the purported discrepancy in building levels arises from the use of different benchmarks between the two planning applications.
- The drainage and infrastructure reports submitted with the application comprehensively address surface water and stormwater management. The design incorporates SuDs measures that are appropriate to urban context, ensuring that runoff is managed in a controlled and sustainable manner.
- The retaining wall strategy has been clearly outlined. At the compliance and construction stage it will be subject to detailed geotechnical design and certification by a suitably qualified engineer. The Planner acknowledges that retaining walls are integral in this design. Retaining structures will be designed, certified and implemented in line with engineering best practice, while also being integrated into the landscape strategy so that they contribute positively to the visual and residential amenity of the scheme.

- **Overlooking and Residential amenity:** The separation distance between the proposed dwellings and the existing houses along with the southern boundary (over 22m to the boundary) are more than sufficient to safeguard privacy and amenity, and this is further illustrated in the additional drawing. In addition, due to the difference in levels, the proposed units will predominantly have a view of the roofline of the appellant property and will not have any opportunity to overlook into rear windows or private garden areas. The design orientation ensures that the outlook from the upper-floor terraces and windows faces toward the harbour and internal open spaces rather than towards adjoining properties. An updated section submitted showing the separation distance of more than 30m. The proposed obscured glazing, balcony screening panels and a layered boundary planting, will be provided to ensure an appropriate and sensitive interface with adjoining properties while maintaining a high standard of residential amenity for both existing and future occupants. Additional cross sections and daylight and sunlight assessment were submitted, and all daylight/sunlight analysis is in accordance with BRE standards.

In regard to the appellant's property to the southwest, the upper floor windows facing the property will be obscured/frosted glazing, ensuring that no overlooking can occur. At the ground-floor level, the orientation of the proposed dwellings faces onto the landscaped boundary and solid boundary wall, providing full visual screening. Unit A1 is set back 16m from the appellant's property with only potential overlooking being onto the appellant's utility room. There are no opportunities for views towards the appellant property, and the design fully safeguards privacy along this boundary. The proposed balconies are designed with solid side panelling to the west, eliminating any potential for direct views from these spaces into the appellant's site. The proposed houses C1-C2 (houses 14-15) are designed with flat-roof profiles, stepped floor levels and generous setbacks of 3.37m and 5.53m from the shared boundary. A 2m high post and panel boundary fence and retained vegetation supplemented with new planting, these measures ensure no potential for overbearing impact.

- Boundary treatment: it is acknowledged that some existing hedgerows and trees will be removed to accommodate level changes and construction access, this will be replaced with a 2m high post and panel fence and dense new boundary planting. A solid wall as suggested by the appellant would create a visual harsh and impermeable boundary, contrasting with softer, more natural treatment would be preferable. The applicant will work with the appellants to ensure the final boundary and landscaping details meet the highest standards. Landscaping condition will be fully complied with.
- The internal access road has been designed in accordance with DMURS standards. The turning head is defined by a kerbed edge, level change and boundary fence, ensuring that vehicles cannot over sail or encroach beyond the designated carriageway. In addition, the proposed boundary retaining structure provides a permanent physical barrier that secures the edge of the site.

6.3. Planning Authority Response

The Planning Authority have made the following comments:

- A geotechnical design has been considered for the retaining wall structures at further information stage. This was accepted and covered by planning condition no. 19.
- The quality of boundary treatment on Barrack Street as highlighted and depicted on photomontage showing concrete post and panel fence is not finished or settled. All boundary treatments are covered by planning condition no. 20 which requires submission of details to be agreed in writing.
- The PA holds a bond etc. to ensure planting, finishing of estate, requires a landscaping plan and phasing plan – all matters covered by planning conditions no. 4 (phasing) and 12 (bond) and 13 (landscaping).
- The residential amenity on surrounding amenities was considered. It is noted that it exceeds 16m separation guidelines in SPPR 1 – Compact Settlement Guidelines – which is appropriate and balanced given the levels differential local conditions and low-density character in surrounds.

- The PA welcome the Commission to draft revised planning conditions to emphasise or further improve on the schedule of Planning Conditions to address 3rd party concerns, especially in respect of:
 - Emphasising geotechnical assessment into structural design of retaining walls;
 - Landscaping and planting-up with specified species, as per details lodged exactly in terms of size specification.

6.4. **Observations**

- None

6.5. **Further Responses**

Appellant made further comments on the 1st party response. The concerns raised are:

- Appellant has liaised with the applicant, and it was thought that an agreement was made by way of additional planting (evergreen tree screen planting of 3no. additional trees to the 3no. already proposed) would be provided along the boundary to afford visual screening. The landscaping drawing submitted with the appeal is not what was agreed. Request the Commission to apply a specific condition to state that additional evergreen tree screening shall be provided along the boundary in the interest of residential amenity.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Overlooking & finished floor levels
- Boundary Treatment & Proximity to boundary

- Retaining walls
- Drainage
- Water Framework Directive
- Appropriate Assessment

7.2. **Overlooking & Finished floor levels**

- 7.3. The subject site is currently a brownfield site and there are an existing habitable detached dwelling and domestic garage on site. The site is located within the urban area of Kinsale town and is zoned as “Existing Residential/Mixed Residential and Other Uses”. The site is bound by existing dwellings to the northeast, northwest, southeast and southwest. The subject site is elevated with a steep topography, the southwest is the lowest point at 31m ground level to 52m ground level at the northeastern corner.
- 7.4. The grounds of appeal state there is substantial difference in finished floor level in particular between the proposed dwelling (plan reg: 226302) on the adjacent site on the south-western side, the difference is 5.6m with houses A1 and C1-C2. Public open space is a raised platform and over 3m above the existing ground level. The concerns raised also relate to overlooking from house types A1 and C1-C2 along with the significant elevation difference means they will completely overlook the appellant’s property (on southwestern side) resulting in significant loss of privacy. There are a significant number of windows of significant size at first floor level on both houses providing overlooking opportunities. Not all windows will be frosted glazing further contributing to a loss of privacy. There will also be an impact from the first floor living accommodation with projecting balconies from units no: 6-14 upon the residential amenity of the surrounding properties.
- 7.5. The applicant has outlined that the separation distance between the proposed dwellings and the existing houses along with the southern boundary are over 22m and more than sufficient to safeguard privacy and amenity. In addition, due to the difference in levels, the proposed units will predominantly have a view of the roofline of the appellant property and will not have any opportunity to overlook into rear windows or private garden areas. The design orientation ensures that the outlook

from the upper-floor terraces and windows faces toward the harbour and internal open spaces rather than towards adjoining properties. The proposed obscured glazing, balcony screening panels and a layered boundary planting, will be provided to ensure an appropriate and sensitive interface with adjoining properties while maintaining a high standard of residential amenity for both existing and future occupants. In regard to the appellant's property to the southwest, the upper floor windows facing the property will be obscured/frosted glazing, ensuring that no overlooking can occur. At the ground-floor level, the orientation of the proposed dwellings faces onto the landscaped boundary and solid boundary wall, providing full visual screening. Unit A1 is set back 16m from the appellant's property with only potential overlooking being onto the appellant's utility room. There are no opportunities for views towards the appellant property, and the design fully safeguards privacy along this boundary. The proposed balconies are designed with solid side panelling to the west, eliminating any potential for direct views from these spaces into the appellant's site. A 2m high post and panel boundary fence and retained vegetation supplemented with new planting, these measures ensure no potential for overbearing impact. A full Daylight, Sunlight and Shadow Assessment was carried out and confirmed full compliance with BRE (2022) guidance.

- 7.6. I have reviewed the revised site section from the appellant's property along the southwestern boundary through the site to the northeastern boundary adjacent to the existing dwellings on Barrack's Green submitted with the application. The appellant's property is located 9.8 metres from the gable of the proposed C1-C2, house no. 14-15. The appellant's property is set forward of the proposed house no. 14-15. Due to the topography the appellant's property which is set at a lower finished floor level at 42.65m compared to the proposed house no. 14-15 at 47m. The ridge height of the proposed house no. 14-15 is approximately 2 metres (50.48m) above the appellant's property (48.4m). I have carried out a site visit, and I note significant vegetation is located between the site boundaries. In regard to overlooking, I have reviewed the house type and floor plans for both the proposed house no. 14-15 and the appellant's proposed dwelling on the southwestern boundary. House no. 14-15 is split into 2 no. 2 bedroom apartments with one on each floor. The lower ground floor is located at 44m due to the topography of the site, this is approximately 1.5 metres above the ground floor level of the appellant's property, there are 2 bedrooms

located along the southwestern elevation, however, I considered as these are located on the lower ground floor and due to the proposed and existing landscaping along with the proposed boundary treatment, I do not consider that the proposed ground floor apartment will overlook the appellant's property. In regard to the first-floor apartment, four of the five windows on the southwestern elevation are bathroom windows and walk in closet, one window will serve a bedroom, but this window is narrow (0.5m) and will be frosted similar to the other four windows. A balcony is proposed on the 1st floor, and this may overlook the appellant's garden, however, privacy brise-soleil system is proposed in order to prevent any overlooking into the appellant's garden. I have reviewed the appellant's property and I note the proposed bedrooms are located on the lower ground floor and kitchen, living area and dining area is proposed on the first floor, no side windows other than utility window is proposed on the upper floor side elevation and due to the location of the appellant's property which is set forward of the proposed house 14 & 15, there will be no direct overlooking for side elevation windows. In regard to overlooking onto private rear garden amenity space, due to the topography, the existing and proposed landscaping, the boundary treatment and the proposed privacy measures at the proposed balcony, I do not consider that houses 14 & 15 will negatively impact the residential amenity or private open space of the appellant's property.

- 7.7. In regard to the balconies proposed for houses 6 to 13 (house type B1, B2 and B3) on the rear elevation at first floor level which serve the living/dining and kitchen area. The proposed houses 6-13 are located between 26.3 metres and 28 metres to the nearest existing dwellings along Barrack Street to the southeast of the subject site. In my opinion, due to the significant separation distance which is in excess of the 22 metre separation distance required under the CDP and in excess of the 16 metre separation distance as stated under the Compact Settlement Guidelines, I do not consider that the proposed development will negatively impact the residential amenity of the adjacent existing dwellings and will not negatively overlook the rear garden amenity spaces of the existing dwellings. In addition, due to the topography of the site, views from the proposed balconies' will be directly towards Kinsale harbour rather than down below the ground level towards the rear gardens of the existing dwellings.

- 7.8. In addition, the applicant has carried out a Sunlight, Daylight and Shadow Assessment, the assessment concluded that; 100% of tested windows for skylight – VSC (Vertical Sky Component) comply with the VSC requirements for habitable rooms; for sunlight APSH (Annual Probable Sunlight Hours) & WPSH (Winter Probable Sunlight Hours) show 100% compliance for windows tested for compliance with annual APSH and 100% compliance with the winter WPSH requirements for sunlight or overall requirement; sunlight on the ground SOG (Sunlight on the Ground) (shadow) showed 100% of tested neighbouring amenity spaces pass the 2-hour test requirements for the 21st March. Overall, the potential impact of the proposed development on neighbours complies with the requirements of “Site Layout Planning for daylight and sunlight a guide practice” (BR209-2022).
- 7.9. Having regard to the topography, the results of the Sunlight, Daylight and Shadow Assessment and the separation distance of the proposed development from the existing dwelling along the southeastern boundary and proposed dwelling along the southwestern boundary in addition to the proposed screening measures along with the proposed landscaping and boundary treatment, I consider the proposed development will not negatively overlook or impact the residential amenity of the adjacent properties.
- 7.10. **Boundary Treatment & Proximity to boundary**
- 7.11. The subject site is located within an urban area and is surrounded by existing dwellings. The site is steep and rises from the southwestern corner to the northeastern corner with a difference in levels of over 20 metres. The boundaries currently consist of mature vegetation.
- 7.12. The grounds of appeal state that no boundary treatments have been submitted in order to protect the privacy of the appellant, creating a boundary of trees and hedges is unacceptable as this will take 10-15 years to establish. An appropriate wall and fence are required. The proposed concrete post and panel fence lacks quality required for public open spaces and for street frontages. No protective boundary measures in place to prevent vehicles from oversailing the road and this is a safety concern. The play area should be repositioned within the development such that it is no longer directly adjacent to the boundary of the appellant’s property. The proposed development should show the required retaining walls on the south-western side of

their development between relevant houses (House A1, C1-C2) and the red line boundary. It was expected that provision of a full concrete retaining wall solution providing foundation support and preventing future ground settlement should be constructed as the appellant's retaining wall is not yet constructed.

- 7.13. The applicant has acknowledged that some existing hedgerows and trees will be removed to accommodate level changes and construction access, this will be replaced with a 2m high post and panel fence and dense new boundary planting. The play area adjacent to the appellant is designed for passive recreation rather than active recreation and is positioned to benefit from good natural surveillance and sunlight, the boundary will be fully screened by a 2m high fence and dense boundary planting. The internal access road has been designed in accordance with DMURS standards. The turning head is defined by a kerbed edge, level change and boundary fence, ensuring that vehicles cannot over sail or encroach beyond the designated carriageway. In addition, the proposed boundary retaining structure provides a permanent physical barrier that secures the edge of the site. The applicant will work with the appellants to ensure the final boundary and landscaping details meet the highest standards. Landscaping condition will be fully complied with.
- 7.14. The Planning Authority have responded and state a geotechnical design has been considered for the retaining wall structures at the further information stage. This was accepted and covered by planning condition no. 19. The quality of boundary treatment on Barrack Street as highlighted and depicted on photomontage showing concrete post and panel fence is not finished or settled. All boundary treatments are covered by planning condition no. 20 which requires submission of details to be agreed in writing.
- 7.15. I have reviewed the landscaping plan which outlines that the majority of the existing hedgerows and vegetation will be retained and protected. The boundaries will be further enhanced with proposed street trees with clear stem to 1.5m high. In addition, all development of dwellings, roads, open space area etc is set back from the edge of the boundary. I note the appellant to the southeastern corner submitted a further response to the appeal and stated that additional trees were agreed with the applicant. I consider that in the event of a grant of permission; a condition can be applied and request a final landscaping plan to be agreed and submitted to the Planning Authority. I further note the applicant proposes a concrete post and panel

fence around the site boundary, no details have been provided in relation to the details of the post and panel fence, however, I note the Planning Authority had attached condition 20 which outlines that all boundary treatments should be agreed prior to commencement. I consider an appropriate condition can be applied and further boundary treatment can be agreed. It is in my opinion, that the landscaping and boundary treatment proposed is appropriate and considers the topography of the subject site.

- 7.16. In relation to the proposed retaining walls, I note no retaining walls are proposed around the site boundary. The retaining walls are generally internal relating to the front and rear of the proposed dwellings. A retaining wall of 1.5m tobermore or similar approved wall system is proposed to the southeast boundary inside the existing trees and vegetation. A full geotechnical design of the proposed retaining structures has been carried out. The retaining wall will be designed in accordance with: IS EN 1991-1-1: Eurocode 1 Actions on Structures. General Actions, IS EN 1997-1: Eurocode 7 Geotechnical Design General Rules and IS EN 1992-1-1 Eurocode 2 Design of Structures General Rules and Rules for Buildings. The design of each retaining wall will be signed off by a suitable qualified engineering. I note the appellant has requested a retaining wall along the southwestern boundary and I further note that this is not proposed by the applicant. In the event of a grant of permission, the applicant shall agree with the Planning Authority suitable measures for any potential construction issues that may arise as a result of the location of the proposed dwellings along the southwestern boundary and that any further details required for all retaining walls shall be agreed with the Planning Authority prior to commencement.
- 7.17. Having regard to the submitted landscaping plan, the proposed retaining walls and details submitted it is my opinion that the proposed landscaping and boundary treatments are appropriate to the subject site. Furthermore, I consider that any further details can be agreed with the Planning Authority prior to commencement.
- 7.18. **Drainage**
- 7.19. The subject site is a brownfield site, and the applicant proposes to demolish the existing dwelling on site. The proposed development will connect to public sewer, public water and public drain.

- 7.20. The grounds of appeal query how will rainwater and storm surge be addressed given the increase in ground levels.
- 7.21. The applicant has outlined that the drainage and infrastructure reports submitted with the application comprehensively address surface water and stormwater management. The design incorporates SuDs measures that are appropriate to urban context, ensuring that runoff is managed in a controlled and sustainable manner.
- 7.22. The Area Engineer of CCC requested as part of further information an updated site plan indicating how surface water is being managed on public road network being cognisant of raised table and footpath. The proposed drainage system both within the site and along the public road frontage have been prepared by DOSA Consulting Engineers. The proposal includes the locations of all road gullies, connections to the main drainage network, and surface water management measures. Gully locations have been carefully designed to ensure efficient collection of runoffs and to prevent surface water ponding, in accordance with standard drainage design practices and local authority requirements.
- 7.23. I have reviewed the Infrastructure Report submitted by the applicant as part of the planning application. The treated and attenuated stormwater runoff will be discharged to the existing storm water sewer at Barracks Street to the south, site design will be so that a gravity network is achieved. A Stormwater Management Plan will be applied to surface water discharges into adjacent network. The maximum permitted surface water outflow from the new development is to be restricted to that of the existing Greenfield site by the usage of attenuation storage. The attenuation tanks will be designed for a 100-year storm event. The surface water drainage network for the proposed development was modelled using the Micro drainage software application. The proposed surface water drains have been designed in accordance with the Greater Dublin Strategic Drainage Study (GDSDS), the Department of the Environment's Recommendations for Site Development Works for Housing Areas, the Department of the Environment's Building Regulations "Technical Guidance Document Part H Drainage and Wastewater Disposal and BS EN 752:2008 Drain and Sewer Systems Outside Buildings.
- 7.24. SuDs measures such as permeable paving (infiltrating to the substrata) in private driveways/areas, filter drains, tree pits, whilst having a reducing effect of the

attenuation volumes required have been ignored from the stormwater network and attenuation design. The use of same are added benefits to the overall system.

7.25. Having regard to the details submitted in the Infrastructure Report, the SuDs measures put forward by the applicant and taking into account the Area Engineer of CCC comments, I consider the proposed measures are sufficient to adequately address any surface or storm water arising from the subject site.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed site is not located within a designated site, Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site.

The proposed development comprises of permission for 18no. residential units and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development within an existing urban residential setting.
- Distance to the nearest European site, Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site.
- The lack of pathways to the SPA.
- Connection to public water, public sewer and public drain.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

9.1. The subject site is located in the urban area of Kinsale, Co. Cork. Lower Bandon Estuary is located approximately 450 metres south of the subject site. The proposed development comprises of permission for 18no. residential units with connections to public wastewater and water and surface water. No water deterioration concerns were raised in the planning appeal.

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 & 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 project, 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. The reason for this conclusion is as follows.

- Scale and size of the proposed development within an urban zoned land
- Distance to the nearest waterbody at 450 metres south of the subject site.
- Connection to public water and public wastewater.

Taking into account WFD screening report 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 (rivers, lakes, groundwaters, transitional and coastal) 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.

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the nature, scale, layout, design and location of the proposed development on lands zoned as “Existing Residential/Mixed Residential and Other Uses” as per Cork County Development Plan 2022-2028, it is considered that the proposed development subject to compliance with the conditions as set out below, would comply with the policies and objectives of the Cork County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. Therefore, the proposed development would not negatively impact the residential amenities of the adjacent properties and would be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of January 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

4. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
(c) The determination of the planning authority as required in (b) shall be

subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

5. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

6. The location, design and construction details of any retaining walls, including between plots, shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.

Reason: In the interests of public safety.

7. Notwithstanding any details submitted with the planning application in relation to boundary treatments, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, details of boundary treatments surrounding and within the development shall be submitted and agreed in writing with the Planning Authority. These details shall provide for the following: - (a) the provision of a two metre high wall or agreed written alternative between the rear gardens of opposing properties, (except that with regard to those rear gardens addressing shared private space, a pedestrian gateway through the said wall shall also be provided). (b) the provision of a 2 metre high wall in materials consistent with the external finishes of the adjacent/adjoining structures, along boundaries between any public open space, public road, or public footpath and a residential property, (c) details of a suitable boundary treatment along the dividing property line between adjoining dwellings, and (d) proposed treatments for any other boundaries not covered in the above.

Reason: In the interests of residential amenity.

8. The landscaping scheme shown on drawing number 202412/SLD/P01, as submitted to the planning authority on the 25th day of July 2025 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- Additional landscaping to the southeast

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the

commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan drawing no. 202412/SLD/P01. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. The applicant shall revise the location of the lighting columns along Barrack Street. These columns shall be relocated to the back of the proposed new footpath along the curtilage of the site, within the red line boundary on the proposed estate side.

Reason: To ensure that design requirements are met in the interest of orderly development.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

13. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car

parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: To protect the amenities of the area and in the interests of road safety.

17. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

18. The developer shall submit as required by the Planning Authority, accurate record drawings to scale 1/500 of roads, footpaths, foul and storm sewers including depths and locations of manholes, and locations of house services, watermains including locations of valves, hydrants and other fittings, public lighting and open space areas.

Reason: To facilitate future maintenance of the roads and services.

19. Prior to development commencing, detailed proposals for traffic calming measures for the internal estate roads in accordance with Section 4 of the Council's "Making Places: A design guide for residential estate development" shall be submitted to the Planning Department for agreement.

Reason: In the interests of public safety.

20. Prior to any development commencing, revised traffic calming proposals shall be submitted for the written agreement of the Planning Authority making provision for Tabletops and the precise location, specification and make-up of these shall be clearly shown on a revised site plan and shall be designed to integrate with the proposed frontage and prioritised to cater for pedestrian movements. Once agreed, the proposed traffic calming measures on the street (Regional Road) shall be constructed entirely at the applicant's expense and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

21. The recommendations of the Stage 1 Road Safety Audit shall be incorporated into the design of the development. The Applicant shall submit to the Planning Authority a Stage III Road Safety Audit on the completion of the development and shall undertake to rectify any concerns raised therein.

Reason: In the interests of road safety.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

23. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

Reason: To ensure the timely provision of infrastructural works for the development.

24. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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

the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Jennifer McQuaid
Planning Inspector

18th December 2025

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	ACP-323673-25
Proposed Development Summary	Demolition of dwelling, construction of 18 dwelling and associated site works.
Development Address	Catholic Walk, Rathmore, 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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.</p> <p>The proposal consists of 18 no. residential units on a site size of 1.1 hectares.</p>

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix A: Form 2 - EIA Preliminary Examination

Case Reference	ACP-323673-25
Proposed Development Summary	Demolition of dwelling and construction of 18 no. dwelling and associated site works.
Development Address	Catholic Walk, Rathmore, Kinsale, Co. Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The proposed development consists of planning permission for 18 no. dwellings and all associated site works.</p> <p>The development consists of typical construction and related activities and site works. The proposed works do not result in the production of significant waste, emissions or pollutants.</p> <p>Surface water will be discharged to a public drain.</p> <p>Wastewater will be discharged to public sewer.</p> <p>Public water mains are available.</p>
<p>Location of development</p> <p>(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).</p>	<p>The proposed site is located in an urban area of Kinsale; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> • James Fort pNHA (site code: 001060) is located approximately 1.2km south of the subject site. • Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site. • Sovereign Islands NHA (site code: 000105) is located approximately 6km southeast of the subject site. • Bandon Valley Below Inishannon pNHA (site code: 001515) is located approximately 7.1km northwest of the subject site. • Garrettstown Marsh pNHA (site code: 001053) is located approximately 7.5km southwest of the subject site. • Garrylucas Marsh pNHA (site code: 000087) is located approximately 7.7km southwest of the subject site. • Old Head of Kinsale pNHA (site code: 000100) is located approximately 9.5km southwest of the subject site. <p>My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European site.</p>

	The subject site is not located within a flood risk area.
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).	The site size measures 1.1ha. The size of the development is not exceptional in the context of an urban environment. The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.
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.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix B: 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.	ACP-323673-25	Townland, address	Catholic Walk, Rathmore, Kinsale, Cork.
Description of project		Permission for demolition of dwelling, construction of 18 residential dwellings and associated site works.	
Brief site description, relevant to WFD Screening,		<p>The site is located within the urban area of Kinsale, Co. Cork; the site is a brownfield site of an existing detached dwelling on zoned lands for residential purposes. The proposed development will be connected to public water, public wastewater and public surface water.</p> <p>There are no water features on site or adjacent the subject site.</p> <p>The site is not in a flood risk area.</p>	
Proposed surface water details		Surface water will be disposed via public surface water.	

Proposed water supply source & available capacity.	Public mains are available.
Proposed wastewater treatment system & available capacity, other issues	Public wastewater connection is available.
Others?	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	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)
Groundwater	The site is on the	Bandon site code:	Groundwater status is described as	Groundwater is described as Not At Risk.	None identified.	Potential surface water run-off.

River	groundwater.	IE_SW_G_086 Poorly productive bedrock	Good (period for GW 2019-2024)			
	The site boundary is located 600m north from the Lower Bandon Estuary	Lower Bandon Estuary Code IE_SW_080_0100	Estuary status is described as Poor (period for GW 2019-2024)	Estuary is described as At Risk.	Agricultural pressures.	Potential surface water run-off.
<p>Step 4: 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.</p> <p style="text-align: center;">CONSTRUCTION PHASE</p>						

No.	Component	Water body 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.
1.	Surface	Lower Bandon Estuary Code IE_SW_080_0100	The site boundary is located 600m north from the Lower Bandon Estuary. No notable drains or pathways to the river.	Spillages	Standard Construction practice	No due to separation distance	Screened Out
2.	Ground	Bandon site code: IE_SW_G_086	Pathways exist through drainage underground	Spillages	Standard Construction practice	No	Screened Out

OPERATIONAL PHASE							
3.	Surface	Lower Bandon Estuary Code IE_SW_080_0100	The site boundary is located 600m north from the Lower Bandon Estuary. No notable drains or pathways to the river.	Spillages	SuD features	No	Screened Out
4.	Ground	Bandon site code: IE_SW_G_086	Pathways exist through drainage underground & seepage.	Spillages/seepage	SuD Features and connection to public water and wastewater	No	Screened Out
DECOMMISSIONING PHASE							
5.	N/A						

