



An
Coimisiún
Pleanála

Inspector's Report PL-500150-CK

Development	Outline Permission for construction of a dwelling and vehicular entrance
Location	Haven Hill, Forthill & Bawnavota, Kinsale, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	25/5596
Applicant(s)	Alistair Stuart Robertson
Type of Application	Outline Permission
Planning Authority Decision	Grant Outline Permission with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Declan J. Connolly
Observer(s)	Carol Heaslip & Patrick Plunkett Margaret Bollard Mary Forde Gerard Finn

Date of Site Inspection

8th January 2026

Inspector

Suzanne White

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
4.0 Planning History	7
5.0 Policy Context	8
6.0 EIA Screening	14
7.0 The Appeal	14
8.0 Assessment	18
8.1. Principle of development	19
8.2. Feasibility of connection to water services	19
8.3. Surface water drainage	23
8.4. Construction-related impacts	25
8.5. Compliance with Section 36 of the Planning and Development Act 2000 (as amended)	26
8.6. Impact on the visual amenity of the area	27
8.7. Impact on adjoining residential amenities	28
8.8. Other issues	31
9.0 Appropriate Assessment	31
10.0 Water Framework Directive	32
11.0 Recommendation	33
12.0 Reasons and Considerations	33
13.0 Conditions	33
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	

1.0 Site Location and Description

- 1.1. The application site is located within Forthill and Bawnavota, a suburban area within the settlement boundary of Kinsale Town. The site comprises a greenfield, infill site which is generally rectangular in shape and slopes from its highest point (c.37.80mOD) in the south-eastern corner towards the north-western corner (c.27mOD). It is accessed off a narrow cul de sac, referred to in the application documents as the 'Spur' road, that serves 5no. existing dwellings. This cul de sac connects to the main Haven Hill residential estate road to the east, and this estate road connects to Forthill Road to the south-east, a route that facilitates a connection between the estate and Kinsale town centre, as well as the R600 Cork Road.
- 1.2. The proposed development site is bounded to the north by the cul de sac road, separated by a Leylandii hedge, and to the north-east, south-west and south-east by single-storey dwellings. Boundary treatments comprise hedging and fencing to the north-east and to the south-east comprise, while to the south-west there is a wooden fence. The site is in grass and is overgrown.
- 1.3. The existing single storey semi-detached dwellings to the north-east are located c. 17.4m from the boundary of the proposed development site at a higher level (the FFL of the nearest dwellings (nos. 21 and 22) is 38.2mOD). The existing single storey detached dwelling to the south-east which is accessed via Forthill, is located c. 4m from the boundary of the proposed development site and is also at a higher level (FFL of 37.71mOD), whereas the detached dwelling to the south-west, located c. 7m from the boundary of the proposed development site is at a lower level (FFL of 30.83mOD). Haven Hill residential estate extends further north and east of the proposed development site. From the information on file, part of the estate has been taken in charge by Cork County Council. The site and general area commands extensive views of Kinsale Harbour and Kinsale Town to the west and north-west.
- 1.4. The site area is c. 0.19ha.

2.0 Proposed Development

2.1. The subject application seeks outline planning permission for:

- the construction of a detached dwelling house, c. 120-200m² in area. The FFL of the proposed dwelling is 33.5mOD and the submitted plans indicate a single storey. The proposed dwelling is to be sited towards the north-eastern boundary of the site;
- new vehicular entrance, driveway, and parking space for c. 2no. cars;
- connection to existing Uisce Eirean water supply and wastewater services;
- surface water is to be addressed via soakaway;
- all associated site works.

3.0 Planning Authority Decision

The Planning Authority issued notification of a Grant of outline planning permission, by order dated 30th September 2025, subject to six conditions.

Conditions

Condition 2 limits any dwelling on site to a single storey in height.

Condition 3 requires, at permission consequent stage, the submission of cross and longitudinal section drawings showing details of existing and proposed ground and floor levels relative to those of adjoining houses.

Condition 4 makes provision for development contributions to be sought at permission consequent stage.

Condition 5 requires that the developer enter into a connection agreement with Uisce Eireann prior to commencement.

Condition 6 requires that surface water shall not be permitted to enter the foul sewer.

3.1. Planning Authority Reports

3.1.1. Planning Reports

The main points of the Area Planner's report, dated 07/08/2024 include:

- The site is within the settlement boundary and on lands identified as ‘existing residential / mixed use residential and other uses’.
- Plan Objective ZU 18-9 in Volume 1 of the CDP 2022 makes it clear residential is appropriate within established residential and other use areas.
- The inclusion of the site within an existing residential / mixed residential, and other uses area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.
- The proposed development is materially different from the last refused OP because this planning application now proposes a connection into an existing sewer network rather than on-site sewage treatment system.
- The applicant now claims to have sufficient interest in the lands concerned, by way of written consent of owner to enter site and connect to services etc. the Planning Authority can rely on S.34(13) of the Planning Act that states ‘a person shall not be entitled solely by reason of a permission under this section to carry out any development.’
- Some of the valid concerns raised by 3rd parties, in respect of residential amenity, cannot be assessed until permission consequent stage.
- The plot area/size is large enough to accommodate a house, though not the c.200m² house indicated. The 120sqm single storey dwelling shown on the plans would be of a size, scale and character mirroring the existing house types within Haven Hill.
- The Local Engineer and Estates Engineer have not highlighted any concerns regarding connections into existing services. Much will depend on the exact finished floor level etc relative to invert level of sewer manhole and connection point.
- The requirement for Appropriate Assessment and EIA has been screened out.

3.2. Other Technical Reports

Area Engineer: no comments stated.

Estates Engineer: no objection subject to conditions. Only a section of the estate road has been taken in charge, however this does not preclude the site from being considered suitable for development. The applicant proposes that wastewater from the site will be connected to the existing sewer network within the estate. Though this network has not been taken in charge by Uisce Eireann, they have confirmed feasibility of the connection. Based on this, no objection raised to the connection being made to the sewer network as illustrated. No objection to the proposed disposal of surface water on site by means of soakaways, subject to conformance with the BRE digest 365. Uisce Eireann have also confirmed feasibility of the potable water connection.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

Five submissions were received by the Planning Authority in relation to the application, from neighbouring occupiers (nos. 18, 19, 20, 21 and Janabiyah, Haven Hill). The issues raised, which are not covered in the grounds of appeal or observations received, may be summarised as follows:

- Potential impact on embankment adjoining neighbouring property.
- The proposed dwelling of 200sqm is almost double the size of the existing houses in that line/axis.

4.0 Planning History

Application site

ABP 316173-23 (PRR 22/5567): Outline planning permission refused for construction of a dwelling, wastewater treatment plant, new vehicular entrance and all associated site works. The reason for refusal was:

Having regard to the history of the site and the Cork County Development Plan 2022-2028, in particular to Policy Objective WM 11-9 (a) relating to Wastewater Disposal which "Require that development in all settlements connect to public wastewater treatment facilities" and that "In settlements where no public

wastewater system is either available or proposed, new developments will be unable to proceed until adequate wastewater infrastructure is provided.”, and to table 11.3 of the development plan, which indicates that there is a strategic infrastructure deficit in Kinsale’s wastewater whereby “Planned development may require further infrastructure investment not provide for on any existing programme and/or EPA license compliance issues.”, it is considered that the proposed development would contravene this policy objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

94/2281: Outline planning permission refused to construct a dwelling house. It is stated in the planner’s report for the current application that the refusal was on the basis of a lack of services to support the development.

Nearby sites:

21 Haven Hill, Summercove (adjoining to northeast)

24/4782: Permission granted for a) the demolition of the open carport attached to the dwelling house, b) the construction of two extensions to the dwelling house, c) the construction of a terrace to the rear of the house with garden store beneath, d) the modifications to internal layout and plans of the dwelling and modifications to all elevations and roof of the dwelling, e) and all associated site works.

Haven Hill House, Bawnavota (southwest, on opposite side of cul-de-sac)

22/6825: Planning permission granted for partial demolition, alterations, extensions and associated landscaping works to the existing dwelling house.

Cois an Uisce, Forthill, Summercove (adjoining to southeast)

18/6694: Planning permission granted for retention for a) as constructed domestic garage, b) secondary wastewater treatment unit and polishing filter with all necessary ancillary site services.

5.0 Policy Context

5.1. National Policy and Guidance

National Planning Framework – First Revision April 2025

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

5.2. Development Plan

The operative Development Plan is the Cork County Development Plan 2022-2028. The site is located within the Development Boundary of Kinsale and is zoned “Existing R – Existing Residential/Mixed Residential and Other Uses”. The associated Development Plan Objective ZU 18-9 states:

“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. 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.”

Appropriate uses within the Existing R- Existing Residential/Mixed Residential and Other Uses zoning are set out in paragraph 18.3.9 of the Development Plan and include residential development.

Volume 4 (West Cork)

Kinsale is identified as a Main Settlement within the Bandon Kinsale Municipal District. The settlement is located within the Greater Cork Ring Strategic Planning Area and is defined as a “Ring Town” in the Plan. The strategic aims for Kinsale are to provide for additional residential and employment development which reinforces the towns compact form, is responsive to its sensitive scenic, coastal setting and continues to support its special heritage, marine and tourism functions.

Section 1.5.9 provides that the development strategy for Kinsale is to focus new housing development and population growth close to the existing urban footprint of the town to maximize opportunities for walking and cycling within the town and to reinforce its compact urban form. It adds that there is a strong focus on the better utilisation of the existing building stock, prioritisation of brownfield and under-utilised land and identification of regeneration and infill opportunities.

Table 5.1.8: Placemaking and Urban Design Guidance

Existing Residential/Mixed Residential and Other Uses: Scilly and Summercove –

These areas are defined by attractive terraced housing with expansive coastal views. Within the fine grained cores of these villages, demolition of historic buildings which are an integral part of the character of the townscape will be discouraged. Outside the historic core, any replacement dwellings to be of a scale, form and material finish appropriate to its local context. Natural roadside boundaries to be retained or reinstated as these are an intrinsic part of the local character.

KS-GO-01 - Plan for development to enable Kinsale to achieve its target population of 6,338 persons.

KS-GO-02 - Retain the 'green fingers' of land separating the villages of Scilly and Summercove free from development as these are integral to the landscape setting of the town.

KS-GO-04 - The green infrastructure, biodiversity and landscape assets of Kinsale include its coastal habitats, wetlands and woodlands. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity

Volume 1 (Written Statement)

Chapter 2 Core Strategy

Kinsale is identified as a 'Ring' town within the Greater Cork Ring Strategic Planning Area. The Plan outlines that the County Metropolitan Area (CMA) as set out in the

RSES for the Southern Region and the Cork MASP (Metropolitan Area Strategic Plan) Area is the main engine of population and employment growth for the region. Passage West/ Glenbrook / Monkstown is designated as a Metropolitan Town.

Chapter 4 Housing

Section 4.8 of the Development Plan relates to Residential Density.

Objective HOU 4-7 sets out the new density categories in the Plan and Table 4.1 sets out the new tiered density approach recommended to respond to the diverse settlement scales within the County's hierarchy. 'Medium A density' (30-50uph) is generally applicable for future development in the Key Towns (including Kinsale) though 'Medium B density' (20-35 uph) may be applicable in a limited number of sensitive locations.

Objective HOU 4-8 Building Height and Amenity

Support the provision of increased building height and densities in appropriate locations within the County, subject to the avoidance of undue impacts on the existing residential amenities. In mixed use schemes, proposals will include details of the sequencing of uses to enable the activation of supporting services. New development greater than 4 storeys will be required to address the development management criteria, as set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018).

Chapter 11: Water Management

Table 11.3 of the Plan notes that there is a strategic infrastructural deficit in Kinsale's wastewater and indicates that planned development may require further infrastructure investment not provided for on any existing programme and/or involve EPA license compliance issues.

Policy Objective WM 11-9 Wastewater Disposal

- a) requires that development in all settlements connect to public wastewater treatment facilities. In settlements where no public wastewater system is

either available or proposed, new developments will be unable to proceed until adequate wastewater infrastructure is provided.

Policy Objective WM 11-10 Surface Water, SuDS and Water Sensitive Urban Design

a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.

b) Encourage the application of a Water Sensitive Urban Design approach in the design of new development or other urban interventions. Opportunities to contribute to, protect or re-enforce existing green infrastructure corridors or assets should be maximised.

c) Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution for any development.

d) Provide adequate storm water infrastructure in order to accommodate the planned levels of growth expected for the County.

e) Where surface water from a development is discharging to a waterbody, appropriate pollution control measures (e.g, hydrocarbon interceptors, silt traps) should be implemented.

f) The capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes.

Chapter 14: Green Infrastructure and Recreation

Section 14.8 refers to the Landscape Character Assessment of County Cork. The site is located within an area designated as a High Value Landscape as illustrated in Figure 14.2 of the County Development Plan.

The Plan outlines that *“High sensitivity landscapes are vulnerable landscapes with the ability to accommodate limited development pressure. In this rank landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape’s limitations the character of the landscape may change”*.

GI 14-9: Landscape

- a) Protect the visual and scenic amenities of County Cork’s built and natural environment.
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

Chapter 16: Built and Cultural Heritage

HE 16-2: Protection of Archaeological Sites and Monuments

Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

Cork County Council Residential Estates Design Guide, May 2011

This document provides guidance in relation to estate development, covering topics including urban design at the estate level, technical requirements including separation distances and access and movement.

5.3. Natural Heritage Designations

The site is not located within a designated Natura 2000 site. The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- The Sovereign Islands SPA (Site Code 004124) is located c. 4km to the south-east

The nearest nationally designated sites are:

- James Fort pNHA (001060) is located c. 700m to the west
- Bandon Valley Below Inishannon pNHA (001515) is located c. 9km to the northwest

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received from Declan J. Connolly, occupier of a nearby property to the east of the application site. The grounds of appeal can be summarised as follows:

- The applicant has previously stated, in respect of PRR 22/05567, that the current sewer has reached its capacity, but now intends to pump from holding cell uphill to the main sewer.

- The route and connection point to the mains water has not been clearly identified.
- There is no clearly published drainage plan and no drainage infrastructure to tie into.
- There is no clearly published plan for the removal of surface water.
- Whilst the indenture (copy attached) gives access for services etc, an outline of how, where and the routing of such planned services are not indicated.
- The 'Spur' road is of inadequate bearing strength for construction traffic.
- Although the site is within a residentially zoned area, that does not automatically confer, imply, suggest or guarantee development rights.
- The seeking of outline permission for such a site, solely with the intention of selling is not in keeping with the principles/intent of Section 36 of the Planning and Development Act, 2000.

7.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- In relation to the site access, the applicant notes that there have been issues in the past in relation to ownership and access across the private access. The site is only accessible from the private access, to which the applicant has a contract with the developer to connect to services and to maintain accessibility over the route. The applicant notes that the Appellant only outlines facts in relation to the site access and does not object to any aspect of the access proposals.
- The applicant provides an overview of the planning history of the site and Haven Hill estate. They state that, since the infrastructure was installed on the site in 1994, wastewater loadings per dwelling have reduced to c. 25%, allowing for capacity for today's development. They point to the wastewater loading calculations for residential dwellings set out in EPA guidance, which have reduced since 2009. The current standard, set out in the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.<10), gives a loading of 150lt/PE with 2PE in the first two rooms

and one in every room after that. Prior to 2009, the loading figure used was 180lt/PE, calculated per bedroom. It is stated that this has come about due to the introduction of water metering, new technology, reduction in baths etc.

- The application submitted in 2022 (22/5567) included a pre-connection agreement with Uisce Eireann which related to water supply only. The development at the time assumed that a viable connection was not possible on the site.
- The applicant's agent states that they undertook a survey on site, during which they lifted manholes, measured depths, ascertained routes and concluded that, with the contracts in place, part sewers taken in charge etc, a connection was viable. On this basis, a revised application was made to Uisce Eireann where they concluded that a connection was viable without infrastructure upgrade. They [Uisce Eireann] were invited on 22nd August 2025 to comment on the current application and did not make any submission to the contrary.
- The applicant refers to the comments of the Local Authority's Estates Engineer, which state that they have no objection to the proposed connection of the scheme to the existing sewer network.
- The applicant clarifies that it is not proposed to pump the wastewater and that, based on the current findings and levels on site, a gravity system is viable.
- The applicant states that the reason for a second Confirmation of Feasibility [from Uisce Eireann] is because the second application included wastewater. They note that the point of connection is shown on the Site Services Layout Plan 054-05-25-D-206.
- In relation to the bearing strength of the 'Spur' road, the applicant states that the surface dressing could be reviewed at permission consequent/construction stage, at which time excavation of the road will be required for installation of services. Also, they point to a development currently under construction under PRR 22/6825 to the southwest, which is being supported by the spur road.

7.3. Planning Authority Response

The response received states that it is the opinion of the Planning Authority that all the relevant issues have been covered in the technical reports already forwarded to the Bord as part of the appeal documentation, and has no further comment to make in this matter.

7.4. **Observations**

7.5. Four observations were received (from Carol Heaslip & Patrick Plunkett, Margaret Bollard, Mary Forde and Gerard Finn - occupiers of adjoining and nearby residential properties. The issues raised by observers, which are not covered in the grounds of appeal, may be summarised as follows:

- The proposed foul water pipe gravity system is a very border line case given the site levels and a pumping system may/will be required.
- The site functions as a small green space that contributes to the character of the estate and provides habitat for flora and fauna. Its loss would reduce the quality of the local environment for existing residents. Its importance to ecology/biodiversity should be considered.
- Potential for artefacts on the site, given the proximity to Charles Fort.
- Impact on visual amenity of surrounding residential properties
- The siting and proximity of the proposed dwelling would significantly undermine neighbouring residential amenity due to overlooking, an overbearing built form, overshadowing, additional traffic and impact on the quiet enjoyment of neighbouring properties.
- Traffic and safety concerns arising from the proximity of the proposed access to a junction on a narrow estate road that lacks footpaths or public lighting. Additional vehicular movements would increase risks for pedestrians and drivers. The 'Spur' road must remain open during construction. Concerns raised at its capacity to carry heavy vehicles.
- The proposal represents haphazard, piecemeal backland infill which was never contemplated in the original layout and would negatively affect the character of Haven Hill.

- The Haven Hill estate services (roads, footpaths, wastewater, surfacewater drainage) are inadequate to cater for any additional dwellings. Concerns raised at reduced natural soakage capacity and increased runoff arising from the development, which could cause flooding.
- The boundary of the 'Spur' road extends 1m from the kerb, meaning the trees lining the entrance are not within the site boundary. The proposed entrance would involve felling some of these trees. There is an existing entrance at the northern end.
- 'Section 6.0 Storm Water Drainage Design' report from 2022 by Geodata has been included but is outdated and the testing therein appears to be non-compliant with BRE 365 section 3.2.3.
- Construction impacts: mud, debris etc spilling downhill, construction traffic, inadequacy of estate roads.
- The proposed development would result in the devaluation of neighbouring property, due to loss of views and impacts on residential amenity.

7.6. Further Responses

None.

8.0 Assessment

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

- Principle of development
- Feasibility of connection to water services
- Surface water drainage
- Construction-related impacts

- Compliance with Section 36 of the Planning and Development Act 2000 (as amended)
- Impact on the visual amenity of the area
- Impact on adjoining residential amenities
- Other issues

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. Outline planning permission is sought for the construction of a new detached dwelling house on an undeveloped plot within the Haven Hill estate, in the settlement of Kinsale.
- 8.1.2. The site is zoned "Existing R – Existing Residential/Mixed Residential and Other Uses". The zoning objective supports new residential development and increased densities on lands with this zoning, provided that it respects the pattern and grain of existing urban development and subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.
- 8.1.3. Having regard to the zoning objective, I consider that the development of an additional housing unit on the subject site is permissible in principle under this zoning, subject to accordance with other relevant objectives of the Development Plan.

8.2. Feasibility of connection to water services

- 8.2.1. The primary issue raised by the 3rd party appellant is the feasibility of a connection to the public wastewater system from the proposed development. In this regard, the appellant states that the current sewer has reached capacity, that the proposed development would involve pumping wastewater from the site to the main sewer and

that the route and connection point to the mains water has not been clearly identified.

- 8.2.2. The observations received in relation to the appeal also raise doubt as to whether the proposed foul water pipe gravity system is feasible, without the need for pumping.
- 8.2.3. The Planner's Report raises no issues in this regard, noting that: the proposed development is materially different from the last refused outline application because this planning application now proposes a connection into an existing sewer network rather than on-site sewage treatment system; that the applicant now claims to have sufficient interest in the lands concerned, by way of written consent of owner to enter site and connect to services etc; and that the Local Engineer and Estates Engineer have not highlighted any concerns regarding connections into existing services.
- 8.2.4. The Local Authority's Estates Engineer raised no objection to the proposed development, noting in their report on the planning application that Uisce Eireann have confirmed feasibility of the connection. The Area Engineer also submitted a report on the application, deferring to the expertise of the Estates Engineer in this case.
- 8.2.5. I note that the Planning Authority referred the application to Uisce Eireann by letter dated 22nd August 2025, but no response was received.
- 8.2.6. As part of their application submission, the applicant included a Confirmation of Feasibility letter from Uisce Eireann. This letter is dated 3rd April 2025 and states that, based upon the details provided, a wastewater connection is feasible without infrastructure upgrade by Uisce Eireann and that a water connection is feasible subject to upgrades, which would be carried out by Uisce Eireann and included in the connection fee payable by the applicant. The letter further states that "as the network capacity changes constantly, this review is only valid at the time of its completion".
- 8.2.7. The previous application (PRR 22/5567) for a dwelling on this site was refused by An Bord Pleanála for one reason, relating to the proposed method of wastewater disposal, which then consisted of a private wastewater treatment plant. The reason for refusal noted that the proposal would contravene Policy Objective WM 11-9(a) of the *Development Plan 2022-2028, relating to Wastewater Disposal*, which "Require

that development in all settlements connect to public wastewater treatment facilities' and that 'In settlements where no public wastewater system is either available or proposed, new developments will be unable to proceed until adequate wastewater infrastructure is provided.', and to table 11.3 of the development plan, which indicates that there is a strategic infrastructure deficit in Kinsale's wastewater whereby "Planned development may require further infrastructure investment not provide for on any existing programme and/or EPA license compliance issues."

- 8.2.8. In this case, the development proposes to connect to the public wastewater system and is therefore in accordance with Policy Objective WM 11-9(a). With regard to the feasibility of connection, I note that Uisce Eireann has confirmed that a connection to the public wastewater system is feasible and their decision took account of existing capacity. I also note that no objection has been raised by the Local Authority's Estates Engineer. If the Commission were minded to grant permission for the proposed development, a condition could be attached requiring that, prior to the commencement of development, the developer must enter into a Connection Agreement with Uisce Eireann for the provision of service connections to the public water and wastewater systems. Consequently, I do not consider that the capacity of local water supply and wastewater infrastructure would constitute a valid reason for refusal.
- 8.2.9. The applicant submitted, as part of their application, a site specific Engineering Report on Existing Drains and a Proposed Site Services Layout Plan. The Engineering Report outlines the planning history of the site and provides a description of the existing wastewater infrastructure based on Uisce Eireann plans and surveys of existing manholes by the applicant's agent. I note that the water infrastructure network plans included in the Engineering Report correspond to those attached to the Uisce Eireann Confirmation of Feasibility letter dated 3rd April 2025.
- 8.2.10. The survey identifies an invert level of 32.330m for the foul pipe below the manhole located to the side of No.22 Haven Hill. The proposed dwelling floor level is 33.500m. The Engineering Report indicates that a gravity drain is feasible from the dwelling to the manhole at No.22, based on a pipe length of 50m at a 1:60 gradient. The proposed design for the connection is detailed on the Proposed Site Services Layout Plan. The Engineering Report also identifies that a connection to a second manhole (not surveyed), which is located at a lower ground level to the south of the

site would also be feasible, but has not been proposed due to the potential need to remove 1-2 existing trees. Based on the details submitted by the applicant, the Confirmation of Feasibility letter from Uisce Eireann and the report of the Local Authority's Estates Engineer, I have no reason to doubt that the proposed connection to the Uisce Eireann wastewater network is feasible. Consequently, I do not consider that a reason for refusal on this issue could be sustained.

- 8.2.11. In terms of a connection to the public water supply infrastructure, the 3rd party appellant states that the route and connection point to the mains water has not been clearly identified. The Proposed Site Services Layout Plan submitted with the application shows the route of the proposed new water supply pipe to be installed in the 'Spur' road, connecting the application site to the existing Uisce Eireann water supply infrastructure located to the northeast, between Nos. 21 & 22 Haven Hill. This proposal is consistent with the necessary infrastructure upgrade described by Uisce Eireann in the Confirmation of Feasibility letter. I am satisfied that the route and connection point to the mains water infrastructure has been clearly set out in the documents submitted as part of the application.
- 8.2.12. The proposed service connections would be installed within the 'Spur' road, which is outside the applicant's ownership. In this regard, the applicant submitted, as part of the application, a copy of a contract with the owner providing a right of access and encasement to the site and surrounds. The grounds of appeal do not raise the issue of landowner consent. In the event of a grant of permission, I note that the Commission can rely on Section 34(13) of the Planning and Development Act 2000 (as amended), which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.
- 8.2.13. Overall therefore, I consider that the proposed development, which proposes to connect to the public wastewater system, is in accordance with Policy Objective WM 11-9(a) of the Development Plan and has overcome the reason for refusal of ABP 316173-23 (PRR 22/5567). In addition, based on the details submitted with the application and having regard to the Uisce Eireann Confirmation of Feasibility letter and the technical report received from the Local Authority's Estates Engineer, I consider that connections to the public water supply and wastewater network are feasible. The proposed development is therefore acceptable in this regard.

8.3. Surface water drainage

- 8.3.1. The 3rd party grounds of appeal stated there is no clearly published drainage plan and no drainage infrastructure to tie into and that there is no clearly published plan for the removal of surface water.
- 8.3.2. Observations received in relation to this appeal stated that existing services, including surface water drainage, within the Haven Hill estate are inadequate, raised concern at reduced natural soakage capacity and increased runoff arising from the development, which could cause flooding, and observed that the Section 6.0 Storm Water Drainage Design report from 2022 by Geodata, submitted with the application, is outdated and the testing therein appears to be non-compliant with BRE 365 section 3.2.3.
- 8.3.3. The Planner's Report does not comment on this element of the scheme. The report of the Estates Engineer states that investigation works have been carried out by an independent contractor, including CCTV of storm water and foul sewers and as built drawings have been produced in association with consideration of the measures required to bring the estate to the required level to be taken in charge by the local authority. They further comment that, for the proposed development, surface water is to be disposed of on site by means of soakaways and raised no objection to same, subject to conformance with the recommendations set out in BRE digest 365.
- 8.3.4. The applicant does not respond to the issues raised in respect of surface water drainage in their response to the grounds of appeal.
- 8.3.5. The applicant submitted, as part of the application, a stormwater drainage design report and site layout plan indicating the provision of a soakaway to show how surface water run off could be disposed of on site. While the design and layout may change at permission consequent stage, the documentation submitted seeks to show that disposal of surface water run off on site is feasible.
- 8.3.6. As noted in the observations received, the applicant has resubmitted the stormwater drainage design report previously submitted with PRR 22/5567. The report utilises rainfall data for the Kinsale area and is informed by survey data from 1no. trial pit excavated on site which indicates that the site is suitable for infiltration. The

calculations used in the report are based on the greatest levels of runoff that could reasonably arise from the proposed detailed dwelling design i.e. maximum roof area, hardstanding and grass area. The report calculates that 2no. soakaways with a dimension of 1.2m wide x 3m long x 1.2m deep would be adequate to drain the site. The proposed site layout plan has amended the design to take account of the revised entrance and hardstanding shown in the current application and shows 1no. larger soakaway of 12sqm in area.

- 8.3.7. I note the issue raised by an Observer to the appeal that the infiltration testing carried out by the applicant appears to be non-compliant with BRE 365 section 3.2.3. Section 3.2.3 of BRE 365 (2016) recommends that a trial pit is excavated to the same depth as anticipated in the full-size soakaway. For a run-off area of more than 100sqm, as modelled in the present case, the overall depth of excavation should be typically 1.5m to 2.5m. The depth of the trial pit excavated in this case is stated to be 1.5m in the Storm Drainage Design Report, which is in line with BRE 365. The final soakaway design will depend on the detailed design for the dwelling and external areas, to be determined at permission consequent stage, if outline permission is granted.
- 8.3.8. Policy Objective WM 11-10 requires that all new developments incorporate sustainable drainage systems, limit the extent of hard surfacing and impermeable paving, encourage the application of a Water Sensitive Urban Design approach in the design of new development and optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity.
- 8.3.9. In addition to the soakaway, the proposed site services layout plan also indicates the provision of a water butt, green roof and planter box. The detailed design of the soakaway(s) and any other sustainable drainage measures would be subject to consideration at permission consequent stage. Having regard to the details submitted with this application, I am satisfied that sufficient evidence has been put forward to demonstrate that surface water run off could be disposed of on site, utilising sustainable drainage measures, in accordance with Policy Objective WM 11-10. I note also that no objection was raised by the Local Authority's Estates Engineer in relation to the surface water drainage design, subject to a condition requiring compliance with BRE 365. This requirement can be secured by condition.

8.4. Construction-related impacts

- 8.4.1. The 3rd party grounds of appeal raise concern that the 'Spur' road is of inadequate bearing strength for construction traffic. In addition, submissions received from Observers to this appeal raise further construction-related concerns, including the risk of debris spilling downhill and construction traffic blocking access on the 'Spur' road.
- 8.4.2. The Local Authority Reports do not comment on these issues.
- 8.4.3. The Applicant's response to the grounds of appeal states, in relation to the bearing strength of the 'Spur' road, is that the surface dressing could be reviewed at permission consequent/construction stage, at which time excavation of the road will be required for installation of services. Also, they point to a development currently under construction under PRR 22/6825 to the southwest, which is being supported by the 'Spur' road. Work was ongoing in relation to the development permitted under PRR 22/6825 on the date of my site visit. That development relates to the demolition of 22sqm of existing floorspace and the construction of 144sqm new floorspace and I would consider it significant in the context of the cul-de-sac. I observed, during my site visit, that the surface treatment of the 'Spur' road consists of tarmac and was in good condition. This is a private road and I consider that the issue of its maintenance during, and repair after, construction on the application site would be a matter for the developer and landowner.
- 8.4.4. I acknowledge the concerns raised by the observers in relation to the potential for the construction process to result in debris on the road and blocking of access on the 'Spur' road. I am mindful that the proposed development is relatively modest, comprising of one dwelling, and that the site is not overly constrained in terms of its size or proximity to other properties. I therefore consider that the potential impacts arising from the construction can be mitigated by a requirement for the proposed development to be carried out in accordance with a construction management plan and for the hours of construction to be restricted. These matters can be controlled by condition, in the event of a grant of permission.

8.5. **Compliance with Section 36 of the Planning and Development Act 2000 (as amended)**

8.5.1. The 3rd party grounds of appeal raise as an issue, the seeking of outline permission by the applicant for the site, solely with the intention of selling same, as not being in keeping with the principles/intent of Section 36 of the Planning and Development Act, 2000. The Appellant's submission to the Planning Authority on the application expands on this point. From review of both, my understanding of the Appellant's concern, is that the Applicant may sell the site with outline planning permission without going through the permission consequent process and that any buyer of the site may submit a full planning application(s), which would be impactful for residents.

8.5.2. Section 36 of the Planning and Development Act 2000 (as amended), states:

Outline permission.

36.—(1) *An application under **section 34** may be made to a planning authority in accordance with the permission regulations for outline permission for the development of land.*

*(2) Where outline permission is granted under **section 34**, that permission shall not operate to authorise the carrying out of any development to which the outline permission relates until a subsequent permission has been granted under that section.*

(3) (a) Where outline permission has been granted by a planning authority, any subsequent application for permission must be made not later than 3 years beginning on the date of the grant of outline permission, or such longer period, not exceeding 5 years, as may be specified by the planning authority.

(b) The outline permission shall cease to have effect at the end of the period referred to in paragraph (a) unless the subsequent application for permission is made within that period.

(c) Sections 40, 41 and 42 shall not apply to the grant of an outline permission.

(4) Where an application for permission is made to a planning authority consequent on the grant of outline permission, the planning authority shall not refuse to grant permission on the basis of any matter which had been decided in

the grant of outline permission, provided that the authority is satisfied that the proposed development is within the terms of the outline permission.

*(5) No appeal may be brought to the Board under **section 37** against a decision of a planning authority to grant permission consequent on the grant of outline permission in respect of any aspect of the proposed development which was decided in the grant of outline permission.*

*(6) In this section, “outline permission” means permission granted in principle under **section 34** for the development of land subject to a subsequent detailed application for permission under that section.*

- 8.5.3. I note that there is no requirement under Section 36 for an applicant who secures outline planning permission to proceed to submit an application for permission consequent. The legislation allows for a different applicant to apply for permission consequent or, indeed, to submit a new outline or full planning application. I do not therefore consider that there is any merit in this ground of appeal.

8.6. Impact on the visual amenity of the area

- 8.6.1. The observations received in relation to the appeal raise a number of issues relating to the impact of the development on the visual amenity of the area. The observations received refer to the proposal as haphazard, piecemeal, backland infill development and raise concern at the loss of the existing green space.
- 8.6.2. The Planner’s Report notes that the plot area/size is large enough to accommodate a house and notes the single storey dwelling of c. 120sqm indicated in the plans would be of a size, scale and character mirroring existing house types within Haven Hill. I note that the plans are annotated to indicate a 200sqm dwelling, however the footprint of the building, scaled from the plans, is c.120sqm.
- 8.6.3. The application form and plans submitted to the Planning Authority indicate a single storey dwelling with a floor area of c. 120-200sqm, a new vehicular access from the ‘Spur’ road and associated works including connection to services. The submitted plans show the dwelling positioned within the northeastern portion of the site though set off the boundaries.

- 8.6.4. The site at present is an undeveloped, sloping, infill site within an established residential estate in a suburban area. The roughly rectangular site adjoins the ‘Spur’ Road on its northwestern side and, consequently, I consider it to constitute an urban infill site, not a backland site. Moreover, having regard to the existing pattern of development in the area, consisting of detached and semi-detached dwellings accessed from the Spur road and other estate roads, I consider that the development of this site for a residential dwelling would be consistent with the existing pattern of development locally. As noted in Section 8.1 above, the site is zoned “Existing R – Existing Residential/Mixed Residential and Other Uses” and the principle of new residential development on the site is acceptable, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.
- 8.6.5. I note that the immediate local area is characterised by single storey detached dwellings and, in this regard, the outline design is consistent with this character. Matters of detailed design including the form and appearance of the dwelling and landscaping and boundary treatment of the site are reserved to the permission consequent stage.
- 8.6.6. The site is located in an area designated as a ‘High Value Landscape’ in the Development Plan. The site, which is overgrown at present, does not contribute to the visual amenity of the area, in my view. In terms of wider views of the development, I note that any dwelling on the site would be viewed in the context of the existing surrounding dwellings. Subject to consideration of the detailed design, I consider that a dwelling could be accommodated on the site without causing any detrimental impact on the visual amenity of the area. Consequently, I consider that there would be no conflict with Policy Objective GI14-9 of the Development Plan, which seeks to protect the visual and scenic amenities of County Cork’s built and natural environment and to ensure that new development meets high standards of siting and design.

8.7. Impact on adjoining residential amenities

- 8.7.1. The observations received in relation to the appeal raise a number of issues relating to the impact of the development on adjoining residential amenity, including

overlooking, overbearance, overshadowing, additional traffic and devaluation of neighbouring property due to loss of views and impacts on residential amenity.

8.7.2. The site layout plan submitted shows the proposed dwelling set off the boundaries with adjacent dwellings. The separation distances indicated are:

- 26.7m to the dwelling to the northeast (No.21 Haven Hill)
- 32.4m to the dwelling to the southeast (Cois an Uisce, Forthill)
- 22.7m to the dwelling to the southwest

8.7.3. The proposed dwelling would be located within a higher part of the site, with a finished floor level of 33.50m. The submitted site section drawing indicates that the dwelling to the southeast has a FFL of 37.71m, the dwelling to the northeast has a FFL of 38.20m and that the dwelling to the southwest has a FFL of 30.83m. The proposed FFL of the subject dwelling would therefore sit comfortably within the site, relative to these properties.

8.7.4. I note the Council's Residential Estate Design Guidance (2011), which provides guidance on the design of new housing areas and is referenced at Section 16.3.33 in the Development Plan 2022-2028. Whilst Objective GI14-6 of the Development Plan requires that Public Open Space within residential developments is provided in accordance with the standards contained in this Guidance document and with the "Guidelines on Sustainable Residential Development in Urban Areas", there is no equivalent requirement relating to separation distances set out in the Development Plan. In any case, the proposed development would achieve the separation distances required by the Council's Residential Estate Design Guidance (2011). In addition, the depth of the rear garden of the proposed dwelling would exceed the minimum rear garden depth of 11m required by the Guidance. Having regard also to SPPR1 of the Compact Settlement Guidelines 2024, the proposed development would meet and exceed the minimum separation distance of 16 metres required between opposing windows serving habitable rooms at the rear or side of houses/apartments.

8.7.5. Having regard to the single storey height of the proposed dwelling as indicated in the plans, the separation distances maintained to existing houses and to the proposed FFL relative to neighbouring dwellings, I do not consider that the proposed

development would give rise to material impacts on the residential amenity of adjoining occupiers in terms of overlooking, overbearance or overshadowing.

- 8.7.6. With regard to increased traffic, there are five existing dwellings served by the 'Spur' road. The proposed development would deliver one additional residential dwelling to the cul-de-sac. The proposed dwelling access onto the 'Spur' road would be located closer to the junction with the estate road than the existing dwellings and, therefore, traffic associated with the dwelling would utilise a limited extent of the road. Having regard to the modest nature of the proposal, constituting one additional dwelling, the nature of the 'Spur' road being a cul-de-sac with a limited number of dwellings and traffic and to the position of the application site on the road, I consider that the proposed development would have limited impact on the amount of traffic on the 'Spur' Road.
- 8.7.7. With regard to the position of the entrance, I note that this is positioned so as to maximise sightline visibility, thereby reducing the potential for conflict with other road users. I accept that the installation of the entrance would require the removal of the existing hedge. I consider that this would be acceptable as part of bringing the site into residential use, subject to an acceptable replacement boundary treatment being secured. This could be secured by condition.
- 8.7.8. With regard to the concerns raised by observers in respect of the impact on views from their properties, I note that there is not an absolute right to the retention of an existing private view. As discussed above, I consider that the proposed development would be in keeping with the pattern of development locally and would not appear out of place in the context. Given the single storey form and lower FFL of the proposed house relative to those to the east, I consider that the impact on outlook from these properties would be limited and reasonable in the context, having regard to the pattern of development locally and subject to the detailed design to be considered at permission consequent stage.
- 8.7.9. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.8. Other issues

- 8.8.1. I note the comments set out in observations received that the site provides habitat for flora and fauna and that its importance to ecology/biodiversity should be considered. In this regard, I note that the lands are not zoned or designated for nature conservation purposes and no details of its ecological value have been submitted. From my site observations, the site comprises grassland and hedging. In the absence of any evidence to the contrary, I consider that the site is suitable for residential development. I note that the Planning Authority raised no concerns on this issue.
- 8.8.2. A further point raised by observers to the appeal is the proximity of the site to Charles Fort and the consequent potential for artefacts on the site. Having consulted the Historic Environment Viewer, I note that the nearest monuments recorded are:
- CO125-007---- : Bastioned fort (Charles Fort): FORTHILL c. 270m to the southwest
 - CO125-008002- : Burial ground : FORTHILL c. 310m to the south
 - CO125-008001- : Burial ground : FORTHILL c. 315m to the south
 - CO112-038001- : Graveyard : ARDBRACK c. 420m to the northwest
 - CO112-040---- : Fulacht fia : BAWNAVOTA, c. 540m to the northeast
- 8.8.3. There are no recorded monuments within the Haven Hill estate. Although there are no monuments recorded in close proximity to the site, given its undeveloped nature and the presence of recorded monuments in the wider area to the west, north and south, taking a precautionary approach, I consider that it would be appropriate to attach a condition requiring that, should any archaeological material be discovered during construction of the development, that the developer is required to notify the Planning Authority.

9.0 Appropriate Assessment

- 9.1. I have considered the proposed dwelling and site works at Haven Hill, Kinsale, Co. Cork in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located c. 4km from the nearest European Site.

- 9.3. The proposed development comprises the construction of an infill dwelling within an existing residential estate. See Section 2 of the Inspector's Report for a more detailed description.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. 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 European Site. The reason for this conclusion is as follows:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
 - The location of the site within an existing serviced residential estate.
 - The qualifying interests and Sovereign Islands SPA (Site Code 004124)
 - Taking into account the screening determination of the Planning Authority
- 9.6. I conclude that on the basis of objective information, 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located within an existing residential estate, c.112m east and c.440m north of the Knocknabohilly_010 watercourse (review) and c.160m east of Lower Bandon Estuary IE_SW_080_0100 (at risk). The underlying groundwater body is Bandon, IE_SW_G_086 (not at risk), which is categorised as poorly performing bedrock.
- 10.2. The proposed development comprises an infill dwelling within an existing serviced residential estate, which has partly been taken in charge by Cork County Council.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposed dwelling at Haven Hill and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek

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.

10.5. The reason for this conclusion is as follows:

- the small scale and nature of the development;
- the distance from the nearest water bodies and lack of hydrological connections.

10.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (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.

11.0 Recommendation

11.1. I recommend that planning permission is granted.

12.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028 as they apply to Kinsale, to the undeveloped, infill nature of the application site, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be seriously injurious to existing residential amenities, will not result in a traffic hazard, will not result in a significant visual impact on the surrounding area and will not be prejudicial to public health. It is considered that the proposed development is in the interests of the proper planning and sustainable development of the area.

13.0 Conditions

- | | |
|----|--|
| 1. | This outline permission relates solely to the principle of a detached single |
|----|--|

	<p>storey dwelling on this site.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The Plans and particulars to be lodged by way of a separate application for permission consequent on this grant of outline permission shall include:</p> <p>(i) a comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,</p> <p>(ii) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveway and surface water drainage features,</p> <p>(iii) the finished ground floor level of the house by reference to existing site levels, the road level at the proposed entrance and the finished floor levels of adjoining houses,</p> <p>(iv) details of external finishes,</p> <p>(v) a detailed landscaping and tree planting plan for the entire site,</p> <p>(vi) details of the proposed boundary treatments, including where the retention of existing boundary treatments is proposed,</p> <p>(vi) proposals to protect the privacy and amenity of existing adjacent properties, including during the construction phase, and</p> <p>(vii) design proposals which have regard to the design and character of the built environment in the vicinity.</p> <p>Reason: In the interest of clarity and to enable the application for permission consequent to be fully assessed.</p>
3	<p>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 wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>

5.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
6.	<p>If, during the course of site works any archaeological material is discovered, the County Archaeologist/Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
7.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Suzanne White

3rd February 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500150-CK		
Proposed Development Summary	Outline Permission for construction of a dwelling and vehicular entrance		
Development Address	Haven Hill, Forthill & Bawnavota, Kinsale, Co.Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
			No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.	
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: Suzanne White **Date:** 3rd February 2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-500150-CK
Proposed Development Summary	Outline Permission for construction of a dwelling and vehicular entrance
Development Address	Haven Hill, Forthill & Bawnavota, 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 c.0.1843ha site comprises a vacant plot within an existing residential estate, Haven Hill. The site is serviced and the estate roads are in place.</p> <p>The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</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 site is not located within any protected areas.</p> <p>The following protected sites are located in proximity to the site:</p> <ul style="list-style-type: none"> • The Sovereign Islands SPA (Site Code 004124) is located c. 4km to the south-east <p>The development would be located within an existing residential estate and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
Types and characteristics of potential impacts	The development would generally be consistent with the scale of surrounding developments and would

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	not be exceptional in the context of the existing rural environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
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: Suzanne White **Date:** 3rd February 2026