



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500189-CK

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<b>Development</b>	Development of 9 dwellings with a new vehicular and separate pedestrian entrance and all ancillary site development works.
<b>Location</b>	Compass Hill, Dromderrig, Kinsale, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	24/6469
<b>Applicant(s)</b>	Liam Donohoe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary & Larry Egan & Others Frances Lyncy & Others
<b>Observer(s)</b>	Suzy Webster David Egan Jane Tani

**Date of Site Inspection**

30<sup>th</sup> January 2026

**Inspector**

I. McCormack

## 1.0 Site Location and Description

- 1.1.1. The application site is located to the south of Kinsale town. The site is a steeply sloping section along the western site of Compass Hill with elevated views westwards and north-westwards over the outskirts of the town towards the Bandon River.
- 1.1.2. The site has a stated site area of 2.48ha. The site is enclosed by hedgerows to the east, south and west. There is sporadic detached housing along this section of Compass Hill. Expansive new residential development is located to the west and north-west of Compass Hill. There is a narrow lane adjoining the western boundary of the site that separates it from established housing.
- 1.1.3. Compass Hill is a narrow county road, and the general character reflects that of a rural road. Compass Hill is a popular walking route. The site is brownfield site and was previously the subject of a housing development permitted under Planning Register No.08/6846.

## 2.0 Proposed Development

- 2.1.1. In summary, the proposed development will comprise:

Permission for a proposed residential development of 9 no. dwellings and all ancillary site development works. The proposed split-level, three storey development will consist of 4 no. four-bedroom and 5 no. five-bedroom detached houses all with car ports. Access to the site will be via a new vehicular entrance and a separate new pedestrian access point off Compass Hill (L-7251)

- 2.1.2. Development Parameters:

Total Site Area (ha)	2.48 ha (6.13 acres)
Developable Site Area (ha)	1.3 ha (excluding hedgerow root protection zone, steeply sloping ground and existing engineering services)
Density (units per ha)	7 residential units per ha
Usable Public Open Space Provision (m <sup>2</sup> )	Total 4,250m <sup>2</sup> (17%) of which 1,900 m <sup>2</sup> (8%) is provided in southern amenity area, and 9% acting as green buffer from Compass Hill
Number of Units	4 no. 4 bedroom units 5 no. 5 bedroom units
Unit size	265m <sup>2</sup> and 285m <sup>2</sup>
Site Coverage	39.1%
Car Parking Provision	2 spaces per unit)

2.1.3. Inter alia a Planning and Design Statement, Appropriate Assessment Screening Report, Landscape and Visual Impact Assessment, Photomontages and a Civil Engineering Report accompanied the planning application.

2.1.4. A request for further information was issued on 24<sup>th</sup> February 2025. The further information sought additional information on a number of matters including layout and design, in particular with respect to plots 1 & 2, landscaping and material palette. Engineering issues regarding road and footpath width, EV charging, 'confirmation of feasibility' letter to be issued by Uisce Eireann, drainage details and ownership. A response was submitted to the Planning Authority on 15<sup>th</sup> August 2025, the 12<sup>th</sup> September 2025 and unsolicited further information was received on 6<sup>th</sup> October 2025 (in response to a third party submission). I draw the Commission's attention to the fact that the response to the further information was readvertised as 'Significant' further information.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By Order dated 9<sup>th</sup> October 2025, Cork County Council issued notification of a decision to GRANT permission for the proposed development subject to 32 no. conditions.

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

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

###### Planner Report

- The Planner noted development plan provisions, reports received, and objections made. Subsequent to response to request for further information including the lowering of houses 1 and 2 which the Planning Authority (PA) considered achieved an acceptable impact when viewed from the adjoining existing dwelling to north and adjacent dwelling to east on opposite side of Compass Hill near proposed entrance and subject to supplementing the 'lower woodland' buffer the PA were satisfied that the visual and residential amenity impacts were acceptable.
- Regarding foul servicing the PA note that the revised foul sewer layout involves significant impacts on the existing laneway along a length of western boundary. The implications for the delivery of Objective KS-U03 in CDP 2022 which seeks to create public walkway / cycle lane were not considered however the Planner was

satisfied that this can be agreed using planning condition as CCC have not started any preliminary design work.

- The report notes that the Estates Engineer states that the revised layout does not fully comply with Design Manual Urban Roads (DMURS) – but gradients can be adjusted to comply via planning condition. The report notes that the pumping station and surface water infiltration basin shall be excluded from any taking in charge going forward.
- Response to ownership noted. Similarly, Section 5.13 of the Development Management Guidelines noted.
- The Senior Executive Planner concurred with the Planner's recommendation to grant planning permission.

### 3.3. Other Technical Reports

Estates Engineer (9/9/2025) - No objections subject to conditions.

CCC Lighting Engineer (28/8/2025) - No objection subject to conditions.

Engineering Report (Local Engineer) (9/9/2025) - Requirement for a special payment of €105,000 to improve connectivity within the area. Cost set out as follows:

- Removal and relocation of existing stone wall  
€375 X 100m X 1.5h +vat = € 64,000.
- Installation of footpath, entrance, planting and drainage  
€180 X 100 X 2m +vat €40,860
- Total estimate special of €105,000

### 3.4. Prescribed Bodies

Inland Fisheries Ireland (20/1/2025) - UE shall signify there is sufficient capacity to ensure no polluting matter enters waters or contribute to non-compliance with legislative requirements.

Uisce Eireann (3/10/2025) - No objection subjection to conditions.

### 3.5. Third Party Observations

18 no. third party observations were made to the Planning Authority. In brief the

following concerns were noted:

- Construction activity and associated impacts
- Building lines and impact on adjoining properties
- Design including visual impact
- Biodiversity impacts
- Traffic
- Residential amenity
- Light pollution
- Impact on designed tourist loop

Subsequent tot RFI a further 12 no. observations were made. The observations reiterate the principal concerns as raised above.

## 4.0 Planning History

### Site

**ABP 306548-20 /CCC 19/5275** – Permission refused on 14/05/2020 for the construction of 14 dwellinghouses, 5 apartments, and all associated site works for the following reason:

*The proposed development would be located on Compass Hill on the south side of the town of Kinsale on a prominent site when viewed from the approach to the town from Regional Road R606. Compass Hill comprises a prominent natural feature that forms a distinct rural edge to the south of the town where it meets the Bandon River. Having regard to the form and siting of the proposed development, in particular the proposed semi-detached housing, it is considered that the proposed development would represent an inappropriate form of development at this sensitive location, would constitute a highly prominent feature on the landscape with a form of development and with rear garden areas and rear elevations facing west that would be visually obtrusive when viewed on the approaches to the town from the north-west along the R606 and that would adversely affect the significant contribution Compass Hill makes to the setting of the town, The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

**CCC 08/6846** - Permission was granted for a scheme of 12 detached, split level

houses. The layout of that scheme is provided in the Planner's report. It shows 9 houses on that part of the site for the current proposed housing. The general layout appears similar to that currently proposed.

\*It is noted that the proposed three houses in the permitted scheme to the north of the open space are completed.

**CCC 14/04460** - Permission was granted for an extension of time for the development permitted above.

## 5.0 Policy Context

### 5.1. Local

#### 5.1.1. Cork County Development Plan 2022-2028

##### Zoning

The subject site is zoned 'ER' - Existing Residential/Mixed Residential and Other Uses.

The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

##### County Development Plan Objective

##### ZU 18-9: Existing Residential/Mixed Residential and Other Uses \*

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.

\*Note: This is based on Existing Residential/Mixed Residential and Other Uses applying to main towns and to key villages with a population of over 1500 or a population expected to grow over to 1500 in the lifetime of the Plan.

##### Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas

Residential development, residential care, sheltered housing, specialised housing, small scale retail, local centres/ neighbourhood centres, small scale commercial, community facilities, childcare facilities, education facilities, places of worship, civic uses, small scale offices, local medical /healthcare services, marine facilities, sports facilities, recreation and amenity facilities, bed and breakfast/guesthouses/hotels.

## Other Designations

Scenic Route	Does Route Run Through or Adjoin High Value Landscape	Does the Route adjoin a NHA, pNHA, cSAC a SPA or pSPA	Landscape Type(s) Route Runs Through	Overall Landscape Value	Main Features of Land Cover	Description & General Views Being Protected	Structures of Historic or Cultural Importance Visible from Route	Key Characteristics of Land Use	Is There a Sense of Remoteness as you Travel the Route?	Rural Character
S62	Yes	No	Type 7b Rolling Patchwork Farmland & Type 3 Indented Estuarine Coast	Medium - Very High	River valley	R605 & R600 Regional Roads between Kinsale and Ballythomas (Coast Road). Views of the Bandon River, Whitecastle Creek & James Fort	White Castle (remains), protected structure	Tourism & agriculture	No	Not Prevalent

- R606 / designated Scenic Route - recognised for its views and prospects of the adjoining Bandon River.
- Compass Hill is not a designated scenic route.

## Chapter 3 - Settlements and Placemaking

Section 3.5.8 - The findings of the Urban Capacity Study have created a detailed evidence base of urban opportunities including identifying gap sites for infill housing, brownfield opportunity sites and vacant units that can contribute to the compact growth of our towns. These will inform the new policy and zoning regime in the Plan. Cork County Council recognises that urban and brownfield sites are often more challenging to develop due to their proximity to existing development, complex and multiple land ownership, location within a sensitive historic environment and can demand increased costs due to parking provision and construction methods.

Objective PL 3-2: Encouraging Sustainable and Resilient Places

*As part of the Council's commitment to deliver compact growth and resilient places, the Plan supports:*

- b. The development of brownfield, infill and under-utilised lands within the built envelope of the existing settlement network;*
- e. The establishment of a database of brownfield, opportunity and regeneration-sites in order to manage and coordinate active land management priorities across multiple stakeholders on an ongoing basis.*

*f. Supports the re-use and revitalisation of brownfield sites and heritage buildings in both urban and rural.*

## Chapter 4 Housing

### Objective HOU 4-6: Housing Mix

a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.

b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.

Settlement Type	Settlement	High (50 units/ha+)	Medium A (30-50 units/ha)	Medium B (20-35 units/ha)	Medium C (5-20 units/ ha)
Key Towns* and Large Towns (>5,000 population)	Mallow Clonakilty^  Bandon Fermoy Kinsale Youghal Charleville^		Generally applicable for future development	May be applicable in a limited number of sensitive locations.	

### Other Relevant Policies/Objectives

- HE 16-21 Design and Landscaping of New Buildings

a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.

c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.

d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.

- GI 14-9 which seeks to protect the landscape, the built and natural environment by ensuring that developments meet high quality design standards.
- WM 11-9 which requires that development in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available which does not interfere with Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive.

Green Infrastructure -

Objective GI 14-2: Green Infrastructure Objectives for Main Towns and Settlements

a) Ensure that all main towns have an adequate level of quality green and recreational infrastructure (active and passive) taking account of existing deficits, planned population growth as well as the need to serve their surrounding hinterlands. To ensure where possible that this green and blue infrastructure maximises its multifunctional capacity (ecosystem services).

b) Promote the corridor concept, in particular using rivers and streams as one of the natural foundations for multi-functional green and blue infrastructure corridors.

c) Seek to create new and improved connections (physical/ecological corridors) between open spaces/ green infrastructure and other important destinations as part of the enhancement of the overall network.

d) Where other statutory plans/masterplans are being prepared it will be a requirement that they include detailed and integrated green and blue infrastructure proposals with a particular focus on nature based solutions to significant infrastructure and climate change challenges.

- Section 15.9.3 -The Council will encourage the reuse of brownfield land where possible in preference to developing green field sites in order to reduce the loss of the county's more agriculturally productive soils. The protection of our natural assets as part of the County's Green Infrastructure resources will also assist in maintaining soil permeability levels which are important for drainage functions and ecosystem habitats.

- Section 15.12.23 - Construction and Demolition Waste (C&D).
- Regard was also had for Section 18.3 of the plan which deals with ‘Existing Residential/Mixed Residential and Other Uses’, the zoning which pertains to the lands in question.

Volume 5 of the CDP relates to West Cork

Section 1.5 relates to Kinsale.

General Objective include:

County Development Plan Objectives General Objectives for Kinsale	
Objective No.	
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-03	Implement the recommendations contained in the Kinsale Transportation Study including the Northern Relief Road as a short-medium term measure and progress design options to deliver the Western Relief Road to improve movement within and around 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 <b>Volume One Main Policy Material</b> and <b>Volume Two Heritage and Amenity</b> .
KS-GO-05	Protect the heritage assets of the town including the Battlefield Sites, maritime heritage and its attractive townscape features including its roofscape, urban morphology, fenestration details, slate-hung facades and street furniture.
KS-GO-06	Support the preparation of a Historic Landscape Characterisation Study of the siege and battlefield zone of archaeological potential associated with the Battle of Kinsale 1601 to avoid further deterioration of the battlefield landscape and to develop the area as a cultural tourism attraction.
KS-GO-07	Support the enhancement of walking and cycling facilities in the town.

Utilities and Infrastructure -

Objective KS-U-03 - Pedestrian walkway and cycle links through residential neighbourhood connecting to the town on the north and the foreshore on the south.

## 5.2. National

### 5.2.1. Climate Action Plan, 2025

- The approved Climate Action Plan 2025 is the third statutory update to the plan since the Climate Action and Low Carbon Development (Amendment) Act 2021. This plan builds upon the 2024 plan and outlines how Ireland will accelerate climate action to meet its goals of reducing greenhouse gas emissions by 51% by 2030

and achieving climate neutrality by 2050.

- The Plan acknowledges investment in emissions reduction is growing as the urgent need to act is increasingly being recognised and as the benefits of the transition to a low carbon society become clearer.

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

The proposed development is not located within or immediately adjacent to any European Site.

### 5.4. **Environmental Impact Assessment (EIA) Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 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 – Third Party**

6.1.1. A Third Party appeal has been lodged only against the decision of Cork County Council decision to grant planning permission for the proposed development.

- In the first instance the validity of the application is queried, and it is set out that that owner's consent is absent on the public file (redacted) and the FI non-compliance should have triggered re-advertisement. It is set out that the only consent exhibited is from Mr. Twomey and not from the registered owner (Compass Coastal Developments Ltd.). Article 22 (g)(i) was therefore not complied with rendering the application invalid.
- It is also argued that the application redline is misleading and includes the wayleaves to numbers 1-3 Ard Aliann, without consent and would hinder access to the service providers.

The grounds of appeal as summarised as follows:

Ground 1 - Visual/Scenic – Adverse effects on Scenic Route S62/ KS-U-03 walk/cycle

way by reason of skyline/ridgeline, massing and inadequate and unverified LVIA.

Ground 2 – Open Space/Pocket Park – The scheme does not include the consolidated pocket park proposed under 08/6846 and this conflicts with Objective GI 14-2 and Section 28 Guidelines with reference to Urban Design Manual; 2009 and Compact Settlement Guidelines 2024 - Policy & Objective 5.1 – 10-15% open space provision.

Ground 3 – Design /Typology & Mix – It is set out that the development consists of ribbon mono-typology contrary to the character/grain and housing mix objectives.

Ground 4 – Access/Easement/Utilities- It is set out that the removal of the rear service lane and Winters Hill maintenance entrance does not provide practicable maintenance access for no's 1-3.

Ground 5 - Procedural Defects/Compliance – The structural 10m landscape wedge not delivered as per the RFI request and the boundary treatment for house no. 8 and no. 9 not resolved. Concern that these matters cannot be adequately addressed by way of condition.

Ground 6 - Stability and Construction Risk – Concerns raised about the reduced ground levels, heavy excavation, proximity of retaining walls of existing homes and the lack of independent geotechnical/hydrological design and monitoring.

Ground 7 – Traffic/Pedestrian & Lighting – There is no safe pedestrian strategy on Compass Hill loop, the lighting is limited to the junction, and the construction traffic impacts have not been mitigated. Reference in the appeal documentation to DMURS compliance.

Ground 8 - Ecology/Biodiversity – Concerns raised that inadequate surveys/mitigations for a high value landscape submitted and that the development would cause corridor fragmentation.

Ground 9 - Planning History-Precedent – reference to ABP refusal 306548-20 and that the concerns raised have not been overcome in this scheme.

Ground 10 - Excessive Excavation, Over-Engineering and Construction and Demolition (C&D) Waste. Extensive cut and fill proposed, and work may obstruct the 6m UE/ESB corridor. The lack of enforcement of C&D Waste Plan raised. The works would be contrary to Section 28 guidelines including Compact Settlement Guidelines reinforcing resource efficiently and minimising cut and fill and the CDP as regards

fragmentation corridors and low impact construction.

Ground 11 - Material Description & Wayleave – It is set out that the red line wrongly includes the rear service lane to Nos 1-3. This misrepresentation has already enabled obstruction/encroachment on drainage /utility wayleaves.

## 6.2. **First Party Response to the Ground of Appeal**

6.2.1. Response from HW Planning (November 2025). The response seeks to address the key points raised in the third-party appeals and can be summarised as follows:

### *Validity of Application*

- In response the first party set out that matters regarding ownership were addressed in response to the RFI. The submission is accompanied by a letter for Hegarty Horgan Solicitors setting out that there is no yellow lines in respect of easements registered to the folio and that the adjoining sites 1,2 and 3 have no title to the land outside their boundary walls. Land registry and Deeds of Transfer were also included.
- It is further set out that the rear lane services are a matter for Uisce Eireann who have raised not concerns regarding wayleaves.
- It is further set out that ACP will not adjudicate on legal argument under section 34 (13) of the Planning Act.
- It is further set out that the FI was readvertised as ‘Significant Further Information’ on 12<sup>th</sup> September 2025 and a new site notice erected.

### *Adverse Visual Effects*

- It is set out that site layout and split level design are a direct response to the sloping topography and unlike the previously permitted layout the revised scheme is set back from Compass Hill minimising potential visual impacts. Structural landscape wedges have been provided to break up the visual footprint of the development and the tree canopy along Compass Hill will be enhance with new cluster planting of native oak trees.
- Regarding the photomontages and LVIA it is set out that photomontage process was carried out by a suitably qualified engineer and the process was based on

empirical models and in full accordance with the UK landscape Institute Guidelines.

### *Open Space*

- It is set out that the public open space fully accords with the CDP requirements and the Compact Settlement Guidelines including the provision of 'exceptional circumstances' owing to the steepness of the topography of the site.
- Regarding the landscaping screen wedges of 10m, the applicant sets out that that RFI response provides for revisions to the house layouts increasing the green buffers between the houses from 4.5m to 7m allowing an additional layer of tree planting so that all buffers are 3 layers wide and as such will provide a high degree of biodiversity..
- There will be no fragmentation of an ecological corridor, it is set out that the landscaping has been designed to blend the linear garden lawn areas and act as nodes along the green corridor.

### *Design Mix and Typology*

- It is considered that the housing mix is in line with the ZU 18-9 objective.

### *Ground Stability*

- It is set out that houses have been designed to sit into the slope working with the site contours and minimising engineering intervention.

### *Pedestrian Strategy, Public Lighting and Construction Traffic*

- The vehicular entrance was located to the northeast of the site in order to retain the high quality hedgerow along the southeastern frontage. A footpath is provided internally within the site.
- In compliance with the Council request and DMURS, the proposed access ramp off Compass Hill is 5.5m in width and the 5.5m wide section of road will be served by a separate 1.8m wide footpath from the southern site of the proposed entrance to the junction. A 4.8m wide shared carriageway will serve the 9 no. proposed dwellings. It is set out that this is DMURS compliant owing to the low speeds and low volume of traffic and to encourage traffic calming and shared use by all road users.

- Public lighting has been design and incorporated as per CCC's Public Lighting Manual.
- Regarding construction traffic management the first party refer to the suite of conditions attached in the recommendation by CCC namely no. 9m 10 and 11.

### 6.3. Planning Authority Response

6.3.1. In a response dated 25<sup>th</sup> November 2025 the PA set out the following:

#### 1. *'Visual/Skyline/Scenic View*

*The Planning Authority refute the misleading and factually incorrect observation that the proposed linear row of houses reads as skyline / ridgeline development. The proposed development arguably offers less conspicuous more sympathetic visual impacts than the appellants homes. At the very least the impacts are equivalent.*

#### 2. *Loss of Previously Permitted Pocket Park*

*There is no requirement in the County Development Plan 2022 that requires the provision of open space as previously permitted in an expired Permission under Planning Register No.08/6864. There is quality open space (4250 m2) designed as amenity feature that will be available to the appellants and other members of the public. It is clearly shown on the Landscape Masterplan (10.8.25) and compliments the Compass Hill loop walk by providing a pleasant resting point / view against the backdrop of proposed Orchard.*

#### 3. *Ribbon Development*

*The proposed scheme is not ribbon development. It is a careful site-specific response to the steep topography of an underused brownfield legacy site. The layout retains vast majority of the existing frontage / character on Compass Hill.*

#### 4. *Safeguarding of access / Utility Maintenance*

*The proposed development, and decision makes satisfactory arrangements for service access to existing dwellings. The PA have no objections to the Bord revising, altering or attaching planning conditions as suggested by appellants to verify same.*

#### 5. Procedural & Validity Defects

*The Planning Authority is satisfied having regard to Section 34(14) of the Planning Acts that the application is valid. The various 1st and 3rd party submissions show the veracity of various allegations, entitlements, and opinion re: ownerships etc. The Development Management guidelines are explicit that planning applications are not forums for resolving or adjudicating over ownership disputes between various parties.*

#### 6. Geotechnical

*The planning conditions attached cover this matter in respect of retaining wall specification make-up adequately.*

#### 7. Traffic, Pedestrian Safety & Public Lighting

*The proposed scheme has no material negative impact on the safety of walking environment along Compass Hill (shared). There is appropriate safe pedestrian connectivity / infrastructure between the site and town centre.*

#### 8. Ecology, Green-Blue Infrastructure

*The proposed development provides for creation of planted wildlife / ecological corridor running parallel with the western boundary. There is clear delineation and separation between private amenity space – and this planted landscape buffer labelled woodland buffer on Landscape Masterplan Drawing (10.8.25). Proposed planning condition no.7 further enhances this by requesting the lower linear native woodland shall be strengthened to include substitution or reduction of wild meadow for enhanced native woodland up to OS Datum contour circa 36m.*

#### 9. Planning History ABP Precedent

*The proposed development is completely different to last scheme refused Permission. It is carefully designed to respond to the refusal reasons of then ABP under Planning Register No.19/5275 & 04.306548).*

#### 10. Excessive Excavation

*The proposed scheme responds to the existing topography in a satisfactory manner. Again, this is legacy site, with expired permission, and a brownfield site with potential inside the development boundary in the County Development Plan*

2022. Much of the excavation is worked into the house designs and rear terraced gardens.

#### 11. Interference & Misdescription

*The Planning Authority is satisfied having regard to Section 34(14) of the Planning Acts that the application is valid.'*

#### 6.4. Observations

3 no. observations were received. In summary, the following concerns were raised:

- Impact on Copass Hill walking route.
- Alter the visual character of the area and erode the integrity of the landscape.
- Construction traffic.
- Design and layout.
- Entrance location.
- Ecology.
- The applicant was a previous objector.
- Loss of Community Benefits.

### 7.0 Assessment

#### 7.1. Introduction

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Design Strategy
- Other Matters

#### 7.2. Principle of Development

*Proposed Development*

7.2.1. Permission is sought for the development of 9 no. dwellings and all ancillary site development works. The site is a steeply sloping site along the western side of Compass Hill with elevated views westwards and north-westwards over the outskirts of Kinsale town towards the Bandon River. The proposed development will consist of 4 no. four-bedroom and 5 no. five-bedroom split-level, three storey detached houses all with car ports. Access to the site will be via a new vehicular entrance and a separate new pedestrian access point off Compass Hill (L-7251). An internal access road will provide individual access to the proposed houses. The houses are aligned southeast to northwest.

#### *Validity of Application*

7.2.2. A primary concern raised by the third parties is the validity of the planning application. It is the appellant's contention that the owner's consent is absent on the public file (redacted). It is set out that the only consent exhibited is not from the registered owner (Compass Coastal Developments Ltd.) and Article 22 (g)(i) was therefore not complied with rendering the application invalid. It is also argued that the application redline is misleading and includes the wayleaves to numbers 1-3 Ard Aliann, without consent and the boundary will conflict with service providers.

7.2.3. In the first instance as the Commission is aware the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.

7.2.4. However, I note that matters regarding ownership were addressed in the applicants response to the RFI and in response to this appeal which has been accompanied by a letter from Hegarty Horgan Solicitors including copy of Land Registry (text only) relating to the transfer of lands form Compass Coastal Holdings Limited to Liam Donohoe (and others) and Deed of Transfer (inclusive of map) which sets out that there is no yellow lines (wayleaves) in respect of easements registered to the folio and that the adjoining sites 1,2 and 3 (1-3 Ard Áliann) have no title to the land outside their boundary walls. I am satisfied, based in the documentation on file that the applicant has demonstrated sufficient legal intertest. Furthermore, I have satisfied that the Deed

of Transfer does not identify any wayleave to the rear of 1-3 Ard Áliann. The consent of 1-3 Ard Aliann is therefore not required.

- 7.2.5. In the context of service access and agreements, I agree with the applicant that services arrangements via the rear of the sites are matter for the service providers. In this regard the Uisce Eireann report dated 3/10/2025 raised no concerns as regards wayleaves. Similarly, the CCC Estates Engineer report raised no objections but notes that the pumping station and surface water infiltration basin shall be excluded from any taking-in- charge going forward. Based on the documentation of file, I am satisfied that there are no identified obstacles to the delivery of services. However, in the interest of clarity, I recommend a suitable condition be attached to any grant of planning permission clearly setting out the design specifications for all services to include relevant plans and cross section drawings and identify any required buffers and wayleaves in consultation with the relevant providers. No development shall commence until written confirmation from the relevant provider that the proposed layout is acceptable and the PA is satisfied that the development will not compromise access and maintenance to services including access to existing and proposed manholes.
- 7.2.6. The appellants also argue that the removal of the rear service lane and Winters Hill maintenance entrance does not provide practicable maintenance access for rear of 1-3 Ard Áliann. In this regard, I am of the opinion, that the maintenance of individual properties is a matter for the individual owners and as such cannot rely on third party access arrangements unless a formal agreement is in place. Such an agreement is not a matter for the Commission and the current rear access arrangements appears to be a default of the previous site development works rather than a designed access arrangement.
- 7.2.7. In conclusion, I agree with the PA that having regard to Section 34(14) of the Planning Acts that the application is valid.

#### *Zoning*

- 7.2.8. The Commission will note that the subject site is zoned 'ER' - *Existing Residential/Mixed Residential and Other Uses* in the Cork County Development Plan 2022-2028 (CCDP). The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their

amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

- 7.2.9. Residential is a permissible use within this zoning. I am satisfied that the principle of the proposed residential development is consistent with the zoning objectives for the site.

*Planning History /Precedent*

- 7.2.10. In addition to the above the Commission will note that the site is a brownfield site and was previously the subject of a housing development permitted under CCC Planning Register No.08/6846 for 12 no. split level dwelling houses. Only three of the originally permitted dwelling houses under CCC 08/6846 have been completed. The PA in their assessment set out that the situation on the ground, takes on appearance of naturalising, previously developed brownfield land. I would agree.

- 7.2.11. The appellants point out that they would prefer the completion of the scheme that mirrors CCC 08/6464. Furthermore, the Commission will note that one of the grounds of appeal refer to the previous ABP refusal APB 306548-20 and that the concerns raised have not been overcome in this scheme.

- 7.2.12. I draw the Commission's attention to the submission from the PA which notes that they have tried unsuccessfully to recover and facilitate completion of the unfinished estate. The Commission will note that CCC 08/6846 has now expired and as regards APB 306548-20, it is of relevance that since the last planning application was made the 2022 CDP came into effect and the land-use zoning objectives on the site have completely changed. Previously the site had two zoning provisions - the northern part of the site was zoned 'Open Space, Sports, Recreation and Amenity' and the southern part of the site proposed for housing is zoned 'Residential'. The PA sets out that the application ABP 306548-20 strived unsuccessfully to achieve the requirements of the zoning objectives, set density targets and housing mix as required under the Local Area Plan at the time and the Bord concluded the development (for a higher density development on a reduced area of zoned land) would constitute visually obtrusive

development. The revised zoning provided for under the 2022 CDP removes some of the restrictions to the development of the site.

- 7.2.13. In any case the current application is materially different from the previous applications made on the site and will be assessed on its own merit on the basis of the application as presented. In this regard, the CDP 2022 encourages reuse of brownfield land as integral part of delivering sustainable growth within the settlement boundary of towns (including Section 3.5.8 Delivering Compact Growth within the Built Envelope, Objective PL 3-2: Encouraging Sustainable and Resilient Places). In addition, Section 15.9.3 states that the 'Council will encourage the reuse of brownfield land where possible in preference to developing green field sites in order to reduce the loss of the county's more agriculturally productive soils.' The site is now entirely zoned 'ER' and I am satisfied that there is support for increased densities to optimise the development of lands within the built envelope of a settlement – with the caveat this is subject to compliance with appropriate design/amenity standards.
- 7.2.14. I do not consider the site to represent ribbon development on the basis of the land use zoning assigned to the site and I agree with the PA that the proposed scheme is a careful site-specific response to the steep topography of an underused brownfield legacy site.
- 7.2.15. In conclusion, these lands are on brownfield, unfinished, abandoned residential land, and the CDP 2022 has clear objectives consistent with national guidelines to maximise best use of lands for residential use in towns where facilities and services are located.

### 7.3. Design Strategy

- 7.3.1. The appeal raises a number of concerns as regards the design and layout of the scheme. There is an overlap in some of the grounds of appeal. For clarity, I propose deal with the concerns raised under the following sub-headings.

#### *Visual Impact /Scenic View*

- 7.3.2. The appellants contend that the development will have adverse effects on Scenic Route S62/ KS-U-03 walk/cycle way by reason of skyline/ridgeline, massing and inadequate and unverified LVIA. In response the PA *'refute the misleading and factually incorrect observation that the proposed linear row of houses reads as skyline / ridgeline development and set out that the proposed development arguably offers*

*less conspicuous more sympathetic visual impacts than the appellants homes. At the very least the impacts are equivalent.'*

- 7.3.3. While I note the CCDP 2022-2028 Objective GI 14-12 seeks to protect the character of views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects as identified in the Plan and while the S62 described in the CCDP 2022-2028, Table 2.5.1 Scenic Routes as 'All Roads between Kinsale and Ballythomas (Coast Road )Views of the Bandon River, Whitecastle Creek and James Fort.' the regional road R606 coming into Kinsale is c.500m from site and the R600 to the south east of the site is c. 800m from the site and Compass Hill is not identified as part of the designated scenic route. Therefore, I do not consider the development will have a negative impact on the designated scenic view.
- 7.3.4. Regarding concerns raised about the skyline. I note the amendments made to house 1 and 2 in response to the Request Further Information (RFI) and combined with the narrow design plan and tired design approach which serve to reduce the massing of the houses, in my opinion, and the fact that the ridge line of the houses are below the backdrop of the elevated landscape, I agree with the PA that the development does not define the skyline/ridgeline. I am satisfied that the proposed development will not represent an unacceptable visual impact when combined with the established pattern of development. I refer the Commission to view 3 and view 4 of the photomontages submitted as part of the RFI response. I am further satisfied that the photomontages submitted adequately allow the impact of the development to be determined.

#### *Open Space/Pocket Park/Green Infrastructure*

- 7.3.5. The appellants argue that the scheme does not include the consolidated pocket park proposed under CCC08/6846 and this conflicts with Objective GI 14-2 and Section 28 Guidelines with reference to Urban Design Manual; 2009 and Compact Settlement Guidelines 2024 - Policy & Objective 5.1 – 10-15% open space provision.
- 7.3.6. The Commission will note that Objective GI 14-2 relates to wider Green Infrastructure Objectives for 'Main Towns and Settlements' and not individual sites. There is no specific objective in the CCDP 2022-2028 to provide a consolidate pocket park on the site. However, a public amenity space at c. 4250sqm is proposed along the eastern boundary of the site, 1900sqm of which is located in the southeastern corner, this is

the most level part of the site, and the space incorporates two activity lawns set within a parkland and meadow setting. A direct pedestrian access to this section of the site is proposed off Compass Hill. Combined with the extended green buffer along the remainder of the eastern boundary this publicly accessible amenity spaces represents 17% of the site area.

- 7.3.7. I am satisfied that the proposed public open space at 17% is in compliance with the Compact Settlement Guidelines Policy & Objective 5.1 which requires a minimum of 10% open space provision and which includes provision to 'set aside (in part or whole) the public open space' where there are site constraints, such as site topography in the case of this appeal site. I note the PA raised no concerns in this regard.
- 7.3.8. Regarding concerns that the 10m landscaping screen wedges as suggested by the Council in the RFI have not been complied with, the applicant in response to the appeal states that the RFI response provides for an alternative proposal in the form of revisions to the house layouts increasing the green buffers between the houses from 4.5m to 7m allowing an additional layer of tree planting so that all buffers are 3 layers wide and as such will provide a high degree of biodiversity and screening. I would agree.
- 7.3.9. Regarding the concerns raised about fragmentation of ecological corridors, I note that the landscaping has been designed to blend the linear garden lawn areas to act as nodes along the green corridor. This will provide for continuation and linkage of green corridors. Along the western boundary, it is proposed to retain a 4m wide band of existing woodland scrub to ensure habitat continuity and this area will be enhanced rather than fragmented with the remaining woodland corridor being planted with new native trees. The existing hawthorn hedge along the eastern site boundary will be retained in its entirety.
- 7.3.10. This is reinforced by condition no. 7 of the CCC recommendation which provides that the proposed lower woodland buffer should be strengthened to reflect a '*lower linear native woodland to include substitution or reduction of wild meadow for enhanced native woodland up to OS Datum contour circa 36m.*' In the context of sloping nature of the site and the tiered design approach. I am satisfied that the landscaping strategy is acceptable and consistent with planting for biodiversity and takes cognisance of the

All-Ireland Pollinator Plans 2015-2020 and will assist in addressing the objectives of the National Biodiversity Action Plan (NBPA) 2023-2030.

#### *Design /Typology & Mix*

7.3.11. Concerns were raised that the development consists of ribbon mono-typology contrary to the character/grain and housing mix objectives. The proposed development is located on zoned land, and I agree with the PA that the proposed scheme is not ribbon development. The Commission will note the very significant constraints that apply to this site in the form of the steeply sloping nature of the land on its western side. The potential to develop housing for much of this site is extremely limited and it is particularly challenging in this western section. The scheme reflects the existing pattern of development along Compass Hill, and the design reflects a site-specific response to the steep topography of an underused brownfield legacy site whilst retaining much of the existing frontage / character on Compass Hill.

7.3.12. The matter of housing mix is discussed in section 5.3 of the Planning and Design Statement accompanying the application. While I acknowledge the CDP supports a housing mix with a scheme, I agree with the applicant that site and form of development does not support the provision of a wide mix of housing mixes (as evident also by the planning history on the site). I further note section 5.3 of the Planning and Design Statement establishes the lack of 4 and 5 bedroom homes in Kinsale as per Census Data 2022 when compared to the wider Cork County. Therefore, I am satisfied that on balance the development is acceptable in accordance with Objective HOU 4-6: Housing Mix and *'the requirement to secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups....'*

7.3.13. In summary, in the context of the proposed site, the proposed design, typology and mix are acceptable, in my opinion.

#### *Access and Movement*

##### Objective KS-U03

7.3.14. Concerns were also raised about the ability to implement Objective KS-U-03 - Pedestrian walkway and cycle links through residential neighbourhood connecting to the town on the north and the foreshore on the south in particular the route which is

identified running along the length of the western/northwestern site boundary. In this regard the PA acknowledge that the revised foul sewer layout involves significant impacts on the existing laneway along a length of western boundary including the removal of existing retaining boundary, loss of trees, significant new retaining structures to provide a gravity sewer, pumping station and returning rising main, all running parallel with Plan Objective KS-U-03 in CDP 2022.

- 7.3.15. The PA further acknowledges that there is no cognisance of the implications in submitted proposals. However, the PA assessment determined and I would agree that the proposed works will not necessarily hinder delivery of this Plan Objective KS-U-03 in so far as the assessment states that CCC have not started any preliminary design work and as such the matter of design, impacts on Plan Objective KS-U-03, can be agreed by way of condition. The proposed development will likely aid and potentially expedite the delivery of objective KS-U-03, in my opinion and contrary to the observation received could potentially result in a community gain for the area. In the event the Commission is minded to grant planning permission, I am satisfied that this matter can be addressed by way of condition.

#### Traffic and Pedestrian Safety

- 7.3.16. Regarding the proposed access, safeguarding the rural character was a key design consideration. The vehicular entrance is located to the northeast of the site in order to retain the high quality hedgerow along the southeastern frontage. A footpath is provided internally within the site. Rather than proposing a 5.5m roadway and 2.2m footpath along the site frontage, as noted above an off-road footpath is proposed through the shared amenity area within the site and along the shared surface.
- 7.3.17. While I note the concerns raised that there is no safe pedestrian strategy on Compass Hill loop and that the lighting is limited to the junction. As set out by the PA the proposed scheme has no material negative impact on the safety of walking environment along Compass Hill. The site will be subject to a lighting scheme in accordance with the requirements of CCC, any footpath connection and lighting outside of the site is not a matter for the applicant.
- 7.3.18. Some concerns were raised about compliance with DMURS including road and footpath widths. In this regard the CCC Estates Engineer states that the revised layout does not fully comply with Design Manual Urban Roads (DMURS) – but gradients can

be adjusted to comply via planning condition. I note condition no. 7 of the CCC notification requires the applicant to submit revised drawings demonstrating that the entrance road can be constructed in accordance with the maximum gradient recommendation as set out in DMURS. In the event the Commission is minded to grant permission I recommend this condition be included in any schedule of conditions.

7.3.19. Regarding road and footpath widths, the proposed access ramp off Compass Hill is 5.5m in width and this 5.5m wide section of road will be served by a separate 1.8m wide footpath from the southern site of the proposed entrance to the junction. A 4.8m wide shared carriageway will serve the 9 no. proposed dwellings. I am satisfied that the road and footpath widths are in accordance with DMURS (2019) owing to the low speeds and low volume of traffic and to encourage traffic calming and shared use by all road users.

7.3.20. With respect to traffic concerns, I do not consider the provision of 9 no. houses will generate significant traffic so as to result in a traffic hazard and the provision of a single access point off the public road will ensure all vehicular movements onto Compass Hill are concentrated at this location only. Regarding construction traffic management, I am satisfied that these can be addressed by way of condition and will be for a limited time only.

7.3.21. Regarding concerns raised in the observations that the entrance location will have a negative impact on the immediately adjoining property as the road is narrow at this location. I note the entrance serving the adjoining site is at the other end of the site further north and removed from the proposed entrance and therefore unlikely to cause traffic conflicts.

#### *Construction Impacts*

7.3.22. Concerns raised about the reduced ground levels, heavy excavation, proximity of retaining walls to existing homes and the lack of independent geotechnical/hydrological design and monitoring.

7.3.23. The Commission will note that the site has already been the subject of excavation works and that this site is a legacy site, with expired permission, and a brownfield site located on zoned lands inside the development boundary of Kinsale as set out in the County Development Plan 2022. In addition, the houses have been designed to sit into the slope working with the site contours reducing the need to and minimising

engineering intervention and reduce excavation works. Subject to condition relating construction management, I am satisfied that the development is acceptable.

7.3.24. In conclusion, I am satisfied that the design and layout of the development is acceptable and reflects a site specific tiered design approach to address the topography of the site. Subject to compliance with the attached schedule of conditions including the enhanced landscape screening, I consider the proposed development will adequately assimilate into the landscape at this location on zoned land and would not represent a traffic hazard.

#### **7.4. Other Matters**

7.4.1. The fact that the applicant may have been a previous objector to development is not a relevant consideration.

7.4.2. Some concerns were raised about the absence of adequate surveys/mitigations for a high value landscape. The Commission will note that the AA Screening Report included an assessment of on-site habitat including the invasive species survey (none recorded) and a Bird Survey. In addition, a comprehensive landscaping strategy has been proposed for site as addressed in section 7.3 of this report.

### **8.0 Water Framework Directive (WFD) Screening**

8.1.1. Please refer to Appendix 3 of this report. The Lower Bandon Estuary IE\_SW\_080\_0100 (at risk) is located c.360m southeast of the site and the groundwater body is Bandon IE\_SW\_G\_086 (good water body status).

8.1.2. A review of the Uisce Éireann capacity register on 8/1/2026 noted that there is sufficient capacity within the WWTP serving the Kinsale agglomeration and subject to a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann. The proposed storm sewer collection system consists of a 100mm diameter pipe collection network around each house discharging to a 225mm diameter uPVC sewer downstream..

8.1.3. I have assessed the proposed development 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.

The reason for this conclusion is as follows:

- The small-scale nature of the development, and
- lack of hydrological connections.

8.1.4. 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.

## **9.0 Appropriate Assessment**

9.1.1. I refer the Board to Appendix 2 Screening Determination.

### *Screening Determination Conclusion*

9.1.2. I am satisfied the potential for significant effects, as a result of the proposed development the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

9.1.3. I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites can be excluded having regard to the following:

- There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.
- During the construction stage best practice standards, environmental guidelines and mitigation measures will be adhered to in order to avoid impacts on surface water.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to

have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.

- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul and surface waters will discharge to the existing foul and surface water network and will travel to Kinsale WWTP for treatment prior to discharge to the River Bandon and Kinsale Harbour. Kinsale WWTP is required to operate under EPA licence and meet environmental standards and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Kinsale WWTP and thus would not impact on the overall water quality within the River Bandon and Kinsale Harbour.
- There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

9.2. It is evident from the information before the Commission that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

9.3. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if

they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

## **10.0 Recommendation**

Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would not detract from the character and setting of the area, would not seriously injure the residential amenities of the area or of property in the vicinity nor would it represent a traffic safety issue. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Reasons and Considerations**

Having read the appeal and submissions on file, had due regard to the provisions of the Cork County Development Plan 2022-2028, site inspection carried out and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

## **12.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20<sup>th</sup> December 2024 as amended by the further plans and particulars submitted on 15h August 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. (a) The design of the proposed dwellings and the external materials and roof finishes (Green Roofs) shall be in strict accordance with the strategy outlined in

Kiosk Architects report received 15 August 2025

(b) The finished floor level(s) of proposed structure(s) shall be in accordance with the details lodged with the Planning Authority on 15<sup>th</sup> August 2025.

unless otherwise agreed with the Planning Authority in writing. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

3. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority:

- Design specifications for all services required to accommodate the development to include relevant plans and cross section drawings. Any required buffers and wayleaves shall be clearly identified following consultation with the relevant providers.

No development shall commence until written confirmation from the relevant provider that the proposed layout is acceptable and the Planning Authority satisfied that the development will not compromise access and maintenance to services including access to existing and proposed manholes

- Revised drawings and specification providing for the layout, geometry and gradient of the vehicle entrance in accordance with the maximum gradient recommendations as set out in Design Manual for Urban Roads (2019).

Revised drawings, making provision for the above requirements shall be submitted to and agreed with the Planning Authority.

**Reason:** In the interest of proper planning and orderly development and in the interest of residential amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- a) construction details and specification of any retaining walls, including between plots and construction and details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

- b) proposals for setting back of western boundary to make provision for preserving footpath / cycle way required by Plan Objective KS-U-03 of the Cork County Development Plan 2022.
  - c) the lower linear native woodland shall be strengthened to include substitution or reduction in wild meadow for enhanced native woodland up to OS Datum contour circa 36m.
  - d) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - e) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - f) details of proposed street furniture, including bollards, lighting fixtures and seating;
- The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority full details of the proposed lighting scheme for the site. The lighting in this development shall be designed and constructed in accordance with Cork County Council's Public Lighting Manual and Product Specification 2023.

**Reason:** In the interest of consistency of design and compatibility for future maintenance.

6. The construction of the development shall be managed in accordance with a Construction Environmental 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) Provision for mitigation measures described in the Construction Environmental Management Plan;
- b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) 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;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Details of lighting during construction works;
- i) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- j) 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 works;
- k) Provision of parking for existing properties at during the construction period;
- l) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- m) 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;
- n) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- o) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- p) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 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.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

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

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health and surface water management

11. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located. 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. (a) Prior to the commencement of development the areas of the development for Taking in Charge (excluding Sewage Pumping Station and Surface Water Infiltration Basin) shall be clearly identified on Site Plan and agreed in writing with the planning authority, in order to provide for the satisfactory future maintenance of the development.

(b) All areas not intended to be taken in charge by the local authority, shall be

maintained by a legally constituted management company.

(c) Details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

13. Prior to commencement of development, the developer 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 in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 plan of the area.

14. (a) Prior to the commencement of any house 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 ( as amended),that restricts all 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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development , coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. The developer shall pay a financial contribution of €105000.00 to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out, for the provision of pedestrian connectivity between the site and the junction to the North where Blind Gate, Winters Hill and Compass Hill which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the

Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

17. 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 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 of the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Irené McCormack  
Senior Planning Inspector  
4<sup>th</sup> February 2026

## Appendix 1 - EIA Pre-Screening

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### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ACP-PL-500189-CK</b>
<b>Proposed Development Summary</b>	Development of 9 dwellings with a new vehicular and separate pedestrian entrance and all ancillary site development works.
<b>Development Address</b>	Compass Hill, Dromderrig, Kinsale, Co. Cork
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> . <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	

of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<b>Class 10 (b) (i) &gt;500 dwellings</b>

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

## Appendix 2 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Development of 9 dwellings with a new vehicular and separate pedestrian entrance and all ancillary site development works on a brownfield site.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<ul style="list-style-type: none"> <li>Section 5 of the AA screening report sets out that the development site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA).</li> <li>The nearest European designated site is the Sovereign Islands SPA (004124) located 5.6km southeast of the site. The second nearest European site is the Old Head of Kinsale SPA (004021) located 8.5km southwest of the site.</li> <li>The proposed new water supply will be taken from the Uisce Eireann network.</li> <li>Foul drainage will be routed to Kinsale Wastewater Treatment Plant.</li> </ul>
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	I refer the Commission to section 3.0 of the main report.
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>	
<p><u>Zone of Influence</u>                      The AA screening report sets out that there are 6 no. European sites within the potential Zol of the project. All of the European sites present in the vicinity of the proposed development are set out in section 5, table 1 and figure 3 of the AA screening report submitted. The subsequent text establishes the QIs of the European sites in the vicinity of the proposed development.</p> <p>In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (<a href="http://www.epa.ie">www.epa.ie</a>). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.</p> <p><u>Annex 1 Habitats</u>                      Following site surveys carried out in December 2024 (as part of ecological surveys for the current planning application), the AA screening reports states that <i>'No Annex 1 habitats were recorded within the proposed development site. No protected species were recorded during siter visits.'</i></p>	

The AA Screening Report notes that owing to a source-path-receptor link between the proposed development and the Seven Heads SPA habitats within the proposed development could provide ex-situ habitat for the qualifying interest of this SPA.

Invasive Species

No third schedule or other non-native species were recorded within the proposed development site boundary.

Noise and Disturbance

Having regard to the distance between the site and nearest Natura 2000 site significant effects from noise and disturbance are unlikely.

Surface Water

There is no direct surface hydrological pathway from the development site to any Natura 2000 site. The Lower Bandon Estuary is located c. 400 from the site boundary. There may therefore be an indirect pathway to the river via surface run-off during both the construction and operational phases.

Wastewater

The foul water from the site will then be pumped to Kinsale Wastewater Treatment Plant (WWTP) where it will be treated and discharged into the Bandon River, which then flows in Kinsale Harbour. There is, therefore, also an indirect pathway from the proposed development to the designated European site Sovereign Islands SPA (004124).

Conclusion on the extent of the Zone of Influence

The zone of influence of the proposed project therefore includes those European sites with potential indirect connectivity through the following pathways:

- Hydrological – effects from surface water quality and quantity.

Due to potential hydrological connectivity from the proposed project to Sovereign Islands SPA (004124) and potential for the site to accommodate ex-situ habitat for the qualifying interest of Seven Heads SPA (004191), these European sites are subject to further assessment below.

Courtmacsherry Estuary SAC (001230), Courtmacsherry Bay SPA (004149), Old Head of Kinsale SPA (004021) and Cork Harbury SPA (004030) can be screened out, due to a lack of any source-pathway-receptor connection with the proposed development based on a combination of factors including the lack of suitable habitat and the intervening minimum distances and the lack of direct hydrological pathway or biodiversity corridor link to these conservation sites and the dilution effect with surface water runoff.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table 1 below. I am satisfied that no other European Sites fall within the possible zone of influence.

**Table 1- European Sites within the Zone of Influence**

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Sovereign Islands SPA (004124)	<a href="http://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000199.pdf">www.npws.ie/sites/default/files/protected-sites/synopsis/SY000199.pdf</a>	c.5.6km	Via surface water discharges at construction and operational stages  Via wastewater discharge to Kinsale WWTP and subsequent outfall to the Bandon River and Kinsale Harbour.	Yes

			Potential for ex-situ impacts associated with any SPA qualifying interest species.
Seven Heads SPA (004191)	<a href="http://www.npws.ie/protected-sites/spa/004191/sites/conservation/objectives/CO004016.pdf">www.npws.ie/protected-sites/spa/004191/sites/conservation/objectives/CO004016.pdf</a>	c.14.4km	

**Table 2. Conservation objectives Sovereign Islands SPA [004124]**

Code	Species	Conservation objective
A017	Cormorant <i>Phalacrocorax carbo</i>	Maintain/restore

Restore = Restore favourable conservation condition, Maintain = Restore favourable conservation condition

**Table 3. Conservation objectives for Seven Heads SPA**

Common Name	Scientific name	Conservation objectives
A346	Chough <i>Pyrrhocorax pyrrhocorax</i>	Maintain/restore

Restore = Restore favourable conservation condition, Maintain = Restore favourable conservation condition

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

Habitat Disturbance/Ex situ impacts

The development site is approximately 5.6km from the boundary of the Sovereign Islands SPA (004124), and over 14km to the Seven Heads SPA (004191). There is no pathway for indirect loss or disturbance of habitats within any Natura 2000 site or other semi-natural habitats that may act as ecological corridors for important species associated with their qualifying interests. I further note the Bird Survey carried in December 2024 noted the no Annex 1 bird species were recorded (Table 5 of AA Screening Report). Overall, it was determined that the site is of local value for terrestrial bird species that a common in the Irish Countryside. No species of high conservation status and no species for Sovereign Islands SPA or the Seven Heads SPA were recorded.

Hydrological Impacts - wastewater

There is an indirect pathway between the development site and Sovereign Islands SPA (004124). Wastewater arising from the development will discharge to the Kinsale wastewater treatment plant. The Commission will note that a review of the Uisce Eireann Capacity website on 8/1/2026 indicated spare capacity available at the Kinsale WWTP. Additional loading to this plant arising from the operation of this project are not significant as there is no evidence that pollution through nutrient input is affecting the conservation objectives of any of the Natura 2000 site. No significant effects are likely to arise to Natura 2000 sites from this source.

#### Hydrological Impacts – surface water during operation

The AA screening report sets out, and I would agree that the integration of SUDS into the project design will ensure that no changes will occur to the quantity or quality of surface water run-off. These are standard measures which are included in all development projects and are not included here to avoid or reduce an effect to any Natura 2000 site. There are therefore not mitigation measures in an AA context. No significant effects can occur to Natura 2000 sites from this source.

#### Hydrological Impacts – surface water during construction

During the construction phase there will be earth works however the likelihood of sediment, or other construction pollutants entering the Bandon River is negligible owing site context (topography) and separation distance and it is noted that environmental control measures will be implemented during construction in line with standard guidelines. No works are to be undertaken at the River Bandon. No significant effects are likely to arise to Natura 2000 sites from this source.

**Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development**

#### **4. Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’**

##### In combination or Cumulative Effects

The applicant’s Appropriate Assessment Screening Report has considered cumulative / in-combination impacts in section 8.6 of the AA screening report.

A review of Plans and Projects and a Planning Search was carried out and key developments within the vicinity of the site. The AA screening report notes that that the area surrounding the proposed site is heavily populated with a mixture of residential estates, commercial/light industrial developments.

The development is considered unlikely to have any cumulative impact on any Natura 2000 sites in the context of the existing infrastructure and associated activities taking place at this site. The statement is supported by:

- The distance separating the site from Natura 2000 sites;
- Lack of direct hydrological pathway or biodiversity corridor link to the conservation sites;
- The dilution effect with other surface runoff;
- No additional surface water drainage discharge volumes or significant increases in flows to existing drainage network will occur as a result of the proposed project;
- The localised nature and limited scale of the proposed development.

The Cork County Development Plan 2022-2028 include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Sovereign Islands SPA (004124) and Seven Heads SPA (004191), or any European site, in view of the sites’ conservation objectives.

### **Overall Conclusion- Screening Determination**

I conclude 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

I am satisfied the potential for significant effects, as a result of surface generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site, Sovereign Islands SPA (004124) and Seven Heads SPA (004191), or any European site can be excluded having regard to the following:

- There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.
- During the construction stage best practice standards, environmental guidelines and mitigation measures will be adhered to in order to avoid impacts on surface water.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul and surface waters will discharge to the existing foul and surface water network and will travel to Kinsale WWTP for treatment prior to discharge to the River Bandon and Kinsale Harbour. Kinsale WWTP is required to operate under EPA licence and meet environmental standards and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Kinsale WWTP, and thus would not impact on the overall water quality within the River Bandon and Kinsale Harbour.
- There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix 3 - Water Framework Directive Screening Determination

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Coimisiún Pleanála ref. no.</b>	<b>ACP-PL-500189-CK</b>	<b>Townland, address</b>	Compass Hill, Dromderrig, Kinsale, Co. Cork
<b>Description of project</b>		Development of 9 dwellings with a new vehicular and separate pedestrian entrance and all ancillary site development works.	
<b>Brief site description, relevant to WFD Screening,</b>		Lower Bandon Estuary IE_SW_080_0100 (at risk) is located c.360m southeast of the site and the groundwater body is Bandon IE_SW_G_086 (good water body status).	
<b>Proposed surface water details</b>		Implementation of SUD's measures and Connection to public network	
<b>Proposed water supply source &amp; available capacity</b>		Connection to the public network identified. A review of the Uisce Eireann Capacity website on 8/1/2026 indicated that capacity is available in Kinsale.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Connection to the public network identified. The Commission will note that a review of the Uisce Eireann Capacity website on 8/1/2026 indicated spare capacity available at the Kinsale WWTP.	
<b>Others?</b>		N/A	

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

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Transitional Waterbody	360m southeast of the site	IE_SW_080_0100- Lower Bandon Estuary	Poor	At Risk	Agriculture	Not hydrologically connected to surface watercourse
Groundwater body	Underlying Site	IE_SW_G_086 (Bandon)	Good	Not at Risk	No pressures	No –Soil hydrology map indicated 'Well Drained' soil.

**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.**

**CONSTRUCTION PHASE**

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.	Clearance works/ Construction	IE_SW_080_0100-Lower Bandon Estuary)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices/conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
2.	Surface water run-off	IE_SW_080_0100-Lower Bandon Estuary)	No direct pathway exists.	None	Standard construction practices/conditions	No	Screened out

4.	Discharges to ground	IE_SW_G_086 (Bandon)	Surface water disposal	None	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA	NA	NA	NA	NA	NA	NA