



An
Coimisiún
Pleanála

Inspector's Report PL-500231-CK-25

Development	Permission for the demolition of existing tennis court and construction of a new detached storey and a half dwelling, garage and all other site works
Location	Tír na N-Óg, Ardkilly, Sandycove, Kinsale, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	254586
Applicant(s)	Sinead Walsh
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Jackie Dawson Cameron Good
Observer(s)	None
Date of Site Inspection	30th January 2026
Inspector	Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.185ha. and is located c. 1km northwest of Sandycove, Kinsale, Co. Cork. The site is located in an elevated background location above Sandycove.
- 1.2. The site is a subdivision of a larger family plot and is currently occupied by a tennis court and gardens. The site raises away from the public road, and similar to the adjacent family home to the west the FFL of the proposed dwelling is c. 5/6m above the existing public road.
- 1.3. There is a further extended cottage located at the rear of the site in separate ownership.
- 1.4. Access to the site is via minor local road.

2.0 Proposed Development

- 2.1. The application comprises:
 - Permission for the demolition of existing tennis court and construction of a new detached storey and a half dwelling, new detached garage, new combined entrance, new bio filtration unit and well, and also a new wastewater treatment unit to serve existing dwelling house and all associated site works.
- 2.1.1. The floor area of the proposed dwelling including garage is 268.2sqm.
- 2.2. Further information was sought on 24th May 2025 with respect to surface water, roadside drainage and site entrance and sightline details. A response was received on 16th September 2025.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 13th October 2025, Cork County Council issued notification of a decision to GRANT permission for the proposed development subject to 14 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report notes:

- The Supplementary Planning Form 1 confirms the applicant is born and reared in family home and the applicant has proven housing eligibility in accordance with Plan Objective RP 5:4 in the County Development Plan 2022. She has lived in this area in excess of seven years.
- It is noted that family plot is large and that a 2nd house or three houses in a cluster, in a compact arrangement is preferential to a linear pattern of development stretching out along the roadside boundary.
- Regarding the house design, it is stated that the site is exposed and on high ground. The existing tennis court is under-used. A low contemporary dormer dwelling is an appropriate site-specific choice for visual assimilation and exposure to elements.
- It is set out that roof profile and side/rear of house will be partially visible from neighbours immediately to north-west (rear) but there will be no direct overlooking between habitable rooms, and the combination of significant 14m+ separation distance and levels differential will preserve adequately amenity between respective neighbours and shall not result in a loss of value / enjoyment of neighbours' property.
- Subsequent to RFI response received on 16th September 2025, the local Engineer was satisfied with the alteration to existing entrance and formation of a joint common entrance.
- Recommendation to grant planning permission.

3.2.2. Other Technical Reports

Engineering Report (13/10/2025)– Following response to request for further information re. drainage and entrance details, the Local Engineer raised no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA in their assessment note that one no. 3rd party made three no. submissions. The following concerns were noted:

- Date of site notice.

- Housing eligibility and the applicants' circumstances could be met in more sensitive way via ancillary accommodation.
- Visual impact of two storey dwelling.

4.0 Planning History

Site

Reg. Ref. CCC 98/2225 - Alterations & extensions to dwelling. This relates to the family home.

5.0 Policy Context

5.1.1. Local

Cork County Development Plan 2022-2028

In terms of rural settlement policy, the site is located within Rural Area under Strong Urban Influence in the Cork County Development Plan 2022-2028, which is described as one which is within easy commuting distance of Cork City. It is stated (Section 5.4.4) that these areas exhibit characteristics such as rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to proximity to such urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

RP 5-1: Urban Generated Housing Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network. Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual housing in the open countryside.

Objective RP 5-2: Rural Generated Housing Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community. Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.

Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1): The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural

housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

(b) Persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

(c) Other persons working full-time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

(e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

- Section 5.6.3 states that the planning and sustainable development criteria, against which an application is assessed, would include:
 - Whether the siting, design and scale of the proposal is appropriate to the surroundings;
 - Whether the siting, design and scale of the proposal is appropriate to the surroundings (See Chapters 14, 15 and 16);

- Whether the proposal involves excessive site excavation or mounding;
- Whether the site is in an exposed or visually sensitive location
- Whether any proposed vehicular entrance would endanger public safety or give rise to a traffic hazard;
- Whether an excessive length of roadside hedgerow or trees need to be removed to provide an entrance.
- Whether there are any sewage disposal, drainage, water supply or other environmental concerns;
- Whether the proposal would unduly affect other properties in the area;
- Section 5.6.5 sets out that those intending to build houses in rural areas are advised to consult the Cork Rural Design Guide for advice on site choice, design, and landscaping at an early stage in their preparations.

Objective RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas

- a. Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b. Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions.
- c. Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d. Require the appropriate landscaping and screen planting of proposed developments by retention of existing on-site trees hedgerows, historic boundaries, and natural features.
 - The site is located in a High Value Landscape where policy objective GI 14-9 is relevant:

GI 14-9: Landscape

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

5.1.2. National Planning Framework National (2025)

National Policy Objective 24 -Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 28 seeks to 'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment and elsewhere makes a distinction between areas under urban influence and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.'

5.1.3. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between urban generated housing and rural generated housing and directs urban generated housing to town and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal land gives rise to much greater public infrastructure costs. **Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and are perhaps seeking to build their first home near their family place of residence.** Appendix 4 sets out that these Guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

5.1.4. Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas and protected species.

5.1.5. Our Rural Future Rural Development Policy 2021-2025.

5.2. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Sovereign Islands SPA (004124) located c.5.4kms to the southeast of the site.

5.3. **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 and Form 2 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**

2 no. appeals were received. One from Jackie Dawson and one from Jackie Dawson and Cameron Good. There is an overlap in some of the concerns raised. I have

grouped the issues for clarity and ease. The concerns raised are summarised as follows:

Housing Need

- Compliance with one-off housing policy as regards 'a genuine need to live in the rural area' Objective RP 5-2 and RP 5-4 of Cork County Development Plan (CCDP)
- It is suggested that existing family home be extended to provide an independent living unit.

Design and Layout

- Compliance with all relevant criteria as set out in section 5.6.3 of CCDP.
- It is set out that the PA did not appropriately address compliance with Objective GI 14-9 and RP 5-22
- Concern above overbearing scale and height impact -The ridge height is above that of the existing bungalow and creates an overbearing visual presence and incongruous with the established character of the area.
- Designated high value landscape –. The height and massing will introduce a built form that is visually intrusive and not in keeping with the natural coastal character.
- It is set out that the development by reason of scale and mass represents overdevelopment on a tight site.
- Reference to the Cork Rural Design Guide.

Adverse Impact on Privacy and Residential Amenity

- The elevated height of the two-storey will impact on the privacy of the objector through potential overlooking from upper floor windows. 14m+ separation distance and level difference cited.
- Impact and amenity and enjoyment of their home and block view of Sandycove and surrounding high value coastal landscape.

Drainage

- The applicant's response to RFI on 16th September 2025 conceded that the

required standards for site drainage could not be achieved within the site boundary, yet permission was granted with condition no. 6 requiring full compliance with the relevant standards.

Other Matters

- No evidence third party concerns were taken into account in the Planners assessment.
- Concerns raised that the Council Planner and Engineer raised concerns about the works required to accommodate the development given the topography of the site.
- Construction traffic impacts.
- Concerns regarding site notice erection, access to pre-planning minutes and that that supplementary Planning Form was not published online.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations / Further Responses

A further observation was received from Camreon Good. The submission notes the following:

- PA did not consider a number of issues including alternative accommodation, visual impact from adjoining properties and servicing constraints.
- Reference made to elevated Coastal position and visual impact on skyline (Objectives GI 14-9 and GI 14-12).
- Impact of established views from Mr. Goods property.
- The applicant erected a 'stick test' to indicate the ridge height but neither the applicant nor the planning office viewed the impact from Mr. Goods property.
- Letter from Auctioneer included in submission stating that the view from 'Casey's Cottage' will be 'severely impacted'.

7.0 Assessment

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

- Housing Need
- Design Strategy and Visual Impact
- Residential Amenity.
- Drainage
- Other Matters

7.2. Housing Need

Proposed Development

7.2.1. Permission is sought for the split level single/two storey dwelling (268.2m² including garage) on site of 0.185 hectares, together with on-site sewage system and replacement upgrade of existing sewage system supporting existing house. The appeal site is a subdivision of a larger plot occupied by the applicant's family home and currently consists of a garden area and tennis court.

7.2.2. Vehicular access is proposed via a combined entrance. Having regard to the carrying capacity of the public road at c.4m wide, the 80m sightlines were considered acceptable. I would agree. I will address the matter of surface water drainage in section 7.5 below.

Housing Need

7.2.3. The appellants argue compliance with one-off housing policy as regards 'a genuine need to live in the rural area' in accordance with Objective RP 5-2 and RP 5-4 of CCDP. It is suggested that the existing family home be extended to provide an independent living unit to accommodate any housing need.

7.2.4. Objective RP 5-2 relates to 'Rural Generated Housing' and sets out the need to sustain and renew established rural communities, by facilitating those with a rural generated

housing need to live within their rural community and encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside. The appeal site is located within a 'Rural Area under Strong Urban Influence' in the CCDDP 2022-2028. Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1) therefore applies. Objective RP 5-4 sets out that *'the rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need...'* included in the categories is *'(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.'*

- 7.2.5. The appellants query the applicant's genuine 'rural need' in so far as she will commute to work in Cork city. However, the documentation on file establishes that the applicant is from the local area (the site is a subdivision of her family home), attended local primary school and secondary school and has lived a substantial period of her life (in excess of 7 years) in the area. The appellants do not dispute this. On the basis of the above, I am satisfied that the applicant meets the criteria (d) as set out under Objective RP 5-4. The applicant is returning to the area where she grow up and where she has a strong social connection.
- 7.2.6. As regards the appellants reference to 'urban generated housing', the proposed development is consistent with the Sustainable Rural Housing Guidelines for Planning Authorities which establish that 'rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and are perhaps seeking to build their first home near their family place of residence.' Similarly noting reference in the appeal to the National Planning Framework, the Commission will note that the CCCDDP 2022-2028 was written with regard to the requirements of the NPF.
- 7.2.7. Housing need is therefore in accordance with Plan Objective RP 5:4 in the County Development Plan 2022. The PA raised no concerns in this regard. I am satisfied that the principle of development is acceptable subject to detailed consideration below. In addition, I am satisfied that this approach is consistent with National Policy Objective

28 to 'facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

7.3. Design Strategy and Visual Impact

- 7.3.1. The primary concern raised by the appellants relates to the design of the proposed house and the associated visual impact. The appellants contend that the proposed house is overbearing in scale, would represent overdevelopment of a tight site and that the associated height and massing will introduce a built form that is visually intrusive and not in keeping with the natural coastal character contrary to the Designated high value landscape and Objective GI 14-9 and Section 5.6.3 and RP 5-22 as regards design. It is also argued that the PA did not adequately address the impacts and the concerns raised in the observations submitted.
- 7.3.2. The design of the proposed dwelling reflects a contemporary dormer dwelling, c.19.1m long and 7.299m in height. The front elevation consists primarily of glass with timber cladding. The roof is a dark coloured slate. The rear and side elevations will be finished in a white render. The proposed garage is located at the rear of the house. It is also of note that the proposed dwelling will be located on and around the site of the existing tennis court where the ground also already been altered/levelled.
- 7.3.3. The PA note that the family plot is large and that a 2nd house or three houses in a cluster (including appellants property to the north), in a compact arrangement is preferential to a linear pattern of development stretching out along the roadside boundary. I would agree.
- 7.3.4. As regards compliance with Development Plan criteria, Section 5.6.3 sets out the planning and sustainable development criteria, against which an application is assessed. Section 5.6.5 sets out that those intending to build houses in rural areas are advised to consult the Cork Rural Design Guide for advice on site choice, design, and landscaping at an early stage in their preparations. Objective RP 5-22 relates to Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas. Objection RP 5-22 requires the design to have regard to the site context, preservation of existing landscape features, where possible, traffic safety and appropriate drainage. Similarly, GI 14-9: *Landscape* seeks to Protect the visual and

scenic amenities and ensure that new development meets high standards of siting and design and protect skylines and ridgelines from development.

- 7.3.5. As set out above the design reflects a contemporary design, linear in form with no front projections beyond the building line. Both Objective RP 5-22 and the Cork Rural Design Guide encourage contemporary innovative design sympathetic to its surroundings. In my opinion, the simple design form, choice of materials and the scale and mass of the proposed dwelling are acceptable and in accordance with Objective RP 5-22, design criteria set out in Section 5.6.3 and the Cork Rural Design Guide.
- 7.3.6. Contrary to the appellants opinion, I am satisfied that the ridge height is acceptable and not overbearing relative to the to the adjoining bungalow nor do I think it breaks the skyline. I refer the Commission to the long site section (Drawing no. P. 10). While the ridge height extends slightly above the adjoining bungalow this is not significant. The Commission will also note that the lands continue to rise beyond the site and the appellants property located to the rear of the existing established bungalow adjacent to the site sits above the site. The skyline is already broken by the appellant's cottage which sits at a higher elevation than the proposed dwelling.
- 7.3.7. Regarding GI 14-9: *Landscape*, having regard to the above, I am satisfied that the development does not detract from the visual and scenic amenities of the area. The appeal site combined with the established pattern of adjoining development including the applicant's family home and the appellant property has already altered the landscape at this location and similar type elevated dwellings are prevalent in the surround landscape. In this context the proposed development will not introduce a significant negative impact over and above the already modified landscape context and the consolidation of development is likely to have less of an impact than a standalone one-off house.
- 7.3.8. Similarly, I do not consider the proposed development represents overdevelopment of the 0.185ha site. The development can be adequately accommodated on the site and access arrangements are via a combined entrance arrangement as set out above.
- 7.3.9. As regards site landscaping including the proposed entrance, I note the introduction of a new retaining wall along the site boundary and while I note this is proposed to address site levels, access arrangements and drainage, site inspection determined that the survey drawings submitted do not adequately represent the existing roadside

boundary details including the existing low retaining wall with leylandii hedging and the existing significant grass verge fronting the already recessed roadside boundary at c.2.2m.

7.3.10. Therefore, I consider a revised landscaping scheme for the entire site is required to adequately address all site boundaries including revised proposals to enhance the rear (northern) boundary along the shared site boundary and revised roadside boundary details to provide for the proposed retaining wall and the introduction of some low level native hedgerow to the front (roadside) boundary, in order to appropriately assimilate the proposed development into this rural landscape. And while I note condition no. 11 of the CCC notification excludes planting along the roadside boundary in order to maintain sightlines, in light of the existing retaining wall set back and current sightline availability and having regard to the retaining wall set back proposed, I am satisfied that any additional screening will not impact determinately on sightlines on this straight stretch of road where the established speed limited is identified at 60kmph. I am satisfied that this can be addressed by way of condition should the Commission be minded to grant planning permission.

7.3.11. In summary, I am satisfied that the proposed design is acceptable and in accordance with the CCDP 2022-2028 and the Cork Rural Design Guide.

7.3.12. As regards concerns that the PA did not engage with the CCDP objectives, I note the planning report included reference to relevant objectives and while the report does not engage in detail with the objectives, the PA report stated that the site is exposed and on high ground and that the existing tennis court is under-used and considered the proposed low contemporary dormer dwelling an appropriate site-specific choice for visual assimilation and exposure to elements. I am satisfied that the PA had regard to the CCDP provisions in their assessment.

7.4. Residential Amenity

7.4.1. The appellants contents that the development will impact on their residential amenity and that they will be overlooked by the development. It also set out that their established view will be negatively impacted.

7.4.2. The proposed dwelling is located to the southeast of the appellant's property where there is an established vista from the appellants cottage to the east/southeast towards Sandycove and beyond. However, the Commission will note that the view from the

appellants property is not protected, and under Irish property law nobody is entitled to a view. The appellant's established view is therefore not a material consideration in a planning context.

- 7.4.3. With respect to impacts on residential amenity, I note that the proposed dwelling is off set to the east of the appellant's cottage which is currently located to the rear of the applicant's family home and not to the rear of the proposed dwelling. I further note that the PA in their assessment note the roof profile and side/rear of the house will be partially visible from neighbours immediately to north-west (rear) but there will be no direct overlooking between habitable rooms due to the alignment of the cottage to the northwest of the proposed dwelling, in addition I agree with the PA that the combination of significant 14m+ separation distance and levels differential will preserve adequately amenity between respective neighbours.
- 7.4.4. Whilst I note the concerns of the appellant's, I am satisfied that subject to appropriate landscaping and boundary treatment and owing to the location of the proposed dwelling removed from their cottage that the proposed development will not result in any detrimental negative impact on their residential amenity by reason of overlooking or overbearing impacts. Any construction works impacts will be temporary and for a limited time only and are therefore acceptable.

7.5. Drainage

- 7.5.1. Referring to the applicant's response to RFI on 16th September 2025, concerns are raised as to how planning permission was granted when the applicant conceded that the required standards for site drainage could not be achieved within the site boundaries.
- 7.5.2. The Commission will note that further information was sought on 24th May 2025 with respect to surface water, roadside drainage and site entrance and sightline details. The response was reviewed by CCC Engineering Section, and no concerns were raised subject to conditions.
- 7.5.3. As regards surface water drainage, It is intended to mitigate surface water through infiltration into the surrounding ground. The design incorporates SUD's measures including rain garden, permeable paving, and water butt. The RFI response sets out that drainage will be provided via gullies and acro drains that are a minimum of 150mm

in diameter which will connect to a BRE365 designed soakaway design is compliance with best practice. I am satisfied that this is standard practice in a domestic context.

- 7.5.4. It would appear the appellants concerns relate to the location of soakaways no closer than 10+m from the roadside embankment. In this regard, I note that it is set out that while this can be achieved on the proposed site it is not possible to achieve this on the existing site (family home). To address this the design provides for two further soakaways within the red line boundary to service the family home, ensuring compliance as far as practically possible. I refer the Commission to report from Ireland Wastewater and the attached drawings received in response to RFI. I am satisfied that proposed soakaways to service the existing house will likely improve the surface water drainage on site and the soakaways can be adequately sized to cater for surface water generated.
- 7.5.5. I further note that the roadside drainage will be managed with installation of a minimum 300mm twin-walled pipe beneath the proposed entrance to ensure continuous surface water flow along the roadside.
- 7.5.6. In conclusion, subject to adherence to the conditions attached, I have no concerns as regards site drainage and I am of the opinion that the works will likely improve surface water runoff on the site.

7.6. Other Matters

Third Party Concerns

- 7.6.1. The appellants argue that there is no evidence that third party concerns were taken not account in the Planners assessment. The PA in their assessment note the third party concerns and having reviewed the Planning reports, I am satisfied that the relevant planning issues raised were considered by the PA.

Site Topography

- 7.6.2. The appellants raised concerns about the comments in the PA report relating to the works required to accommodate the development given the topography of the site. This comment relates to the necessary drainage works required given the slope of the site and the roadside boundary set back required only. I do not consider these comments relates to any other matter. I have addressed drainage in section 7.5 above and enhanced roadside landscaping in section 7.4 above.

Public Engagement/Access to Information

- 7.6.3. Concerns were raised regarding the date the site notice was erected, access to pre-planning minutes and that the supplementary Planning Form was not published online. While I note the concerns raised, the site notice was in place when inspected by the PA. Furthermore, having regard to the submissions on file, I am satisfied that access to the preplanning minutes or Supplementary Planning Form did not prejudice the third party from making observations in this case.

8.0 Appropriate Assessment Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The closest Natura 2000 sites is the Sovereign Islands SPA (004124) located c.5.4kms to the southeast of the site. The proposed development comprises the development of a single dwelling. Refer to Section 2 of this report for further details.
- 8.1.3. No nature conservation concerns were raised in the planning application/appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.1.4. The reason for this conclusion is as follows insert as relevant:
- Nature of works e.g. small scale and residential nature of the development
 - Location-distance from nearest European site and lack of connections
 - Taking into account screening determination by the PA

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

9.0 Water Framework Directive

- 9.1.1. The subject site is located c177m north of the White Strand river waterbody (IE_SW_G_086) (good water body status), 640m northwest of Kinsale Harbour coastal

waterbody (IE_SW_080_0000) (good water body status), and the groundwater body is IE_SW_G_086 Bandon Groundwater body (good water body status).

9.1.2. The proposed development comprises construction of a dwelling house.

9.1.3. I have assessed the proposed dwelling 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 including the implementation of SUDs measures on site, 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:

- Nature of works e.g. small scale and nature of the development.
- Location-distance from nearest water bodies and lack of direct hydrological connections.

9.1.4. 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.

10.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to Objective RP 5-4: *Rural Area under Strong Urban Influence and Town Greenbelts* (GB 1-1) and development standards of the Cork County Development Plan 2022-2028, specifically to Objective RP 5-22 and Section 5.6.5 as they relate to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously

injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 16th September 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.</p> <p>Reason: In the interest of clarity</p>
2	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The proposed vehicle entrance and roadside walls shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 16/09/2025. The retaining wall shall be supplemented with the introduction of some low level native hedgerow along the roadside boundary of the site. The existing roadside verge shall remain unobstructed by vegetation.</p> <p>(ii) Proposals to enhance the northern site boundary with additional hedgerow screening. Details of screen planting [which shall not include cupressocyparis x leylandii] shall be submitted.</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as</p>

	<p>mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]</p> <p>(b) A timescale for implementation</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
3	<p>(a) The wastewater treatment system units hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment systems shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment systems and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>

4	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>(c) The positioning of all soakaways shall comply with the 2021 EPA Code of Practice entitled. All soakaways shall be designed in accordance with BRE DG 365:2016. All hard stand areas contiguous with the dwelling shall have separate drainage pathways.</p> <p>Full design details, including drainage along the public road shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
5	<p>Water supply shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: in the interest of public health</p>
6	<p>The garage shall only be used for the purpose incidental to the enjoyment of the dwelling house only. Garage shall not be used as residential living, commercial or for business purposes.</p> <p>Reason: To ensure the garage is not used for residential living, commercial or business purposes and to also ensure the residential amenity of nearby occupiers is preserved</p>
7	<p>Details of the materials, colours and textures of all the external finishes, including a sample, if required, of the proposed timber cladding, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>

8	<p>All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p>Reason: In the interest of amenity</p>
9	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity</p>
10	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
11	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied</p>

for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector
4th February 2026

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500234-CK
Proposed Development Summary	Permission for the demolition of existing tennis court and construction of a new detached storey and a half dwelling, garage and all other site works.
Development Address	Tír na N-Óg, Ardkilly, Sandycove, Kinsale, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (i) >500 dwellings</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Form 2 - EIA Preliminary Examination

Case Reference	PL-500231-CK
Proposed Development Summary	Permission for the demolition of existing tennis court and construction of a new detached storey and a half dwelling, garage and all other site works.
Development Address	Tír na N-Óg, Ardkilly, Sandycove, Kinsale, Co. Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential cluster environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster. The increased height and scale are not considered to result in significant environmental effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g., wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located in a High Value Landscape, at an elevated Coastal location. The development would form part of a cluster of three dwellings. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.
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