



An
Coimisiún
Pleanála

Inspector's Report

PL-500401-CK-25

Development	Construction of two dwelling houses.
Location	Knocknacurra, Kinsale, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	25/5979
Applicant(s)	Denis Keohane
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Meabh Ring Fitzgerald & Noel Fitzgerald Dan and June Buckley
Observer(s)	None
Date of Site Inspection	17 th February 2026
Inspector	Suzanne White

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	4
4.0	Planning History.....	6
5.0	Policy Context.....	7
6.0	EIA Screening.....	13
7.0	The Appeal	13
8.0	Assessment	17
9.0	AA Screening.....	30
10.0	Water Framework Directive.....	31
11.0	Recommendation.....	32
12.0	Reasons and Considerations	32
13.0	Conditions.....	33
	Appendix 1 – Form 1: EIA Pre-Screening	
	Appendix 2 - Form 2: EIA Preliminary Examination	

1.0 Site Location and Description

- 1.1. The subject site is located within the settlement boundary of Kinsale and is situated on the edge of the urban area to the south of the town, to the east of the R606 regional road. The site lies in proximity to the north-east of the River Bandon at a point close to its entry into Kinsale Harbour. It is elevated over a private cul-de-sac road, which runs eastwards from the R606, onto which it has frontage. Levels rise steeply from the cul-de-sac road in a south-easterly direction, giving the site panoramic views to the north and north-west and making it prominent in views travelling south along the R606.
- 1.2. The site comprises a field that is in grass. It is bounded by hedgerow to the south and east and is open to the cul-de-sac and curtilage of the existing dwelling to the west. Other development in the immediate vicinity comprises one-off houses to the north and east.
- 1.3. The site area is 0.2158ha.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- 2.2. The construction of two two-storey dwellings, House 2 (268sqm) and House 3 (247.5sqm), with integrated garages;
 - A new shared site entrance from the existing private laneway to serve the two new dwellings;
 - New connections to public water supply and foulwater sewer for the new dwellings and the existing dwelling to the west (House 1), via 1no. pre-treatment wastewater tank within each dwelling curtilage and a pumpchamber located within the curtilage of House 2;
 - 1no. soakpit each serving the new dwellings;
 - Decommissioning of the existing septic tank serving House 1.

A letter of consent from the owner of the existing dwelling on site, House 1, has been submitted.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided, by order dated 13th November 2025, to grant permission for the proposed development, subject to eight conditions.

Conditions

Condition 1 requires that surface water be collected and disposed of within the site curtilage, required that the driveway be in permeable material and specified standards for soakaway design.

Condition 2 requires that the development is connected to the Uisce Eireann network and required alarms to be fitted to pump sumps or treatment chambers.

Condition 4 also required any pump sumps or treatment chambers to be fitted with alarms.

Condition 6 requires that no new dwelling is occupied until all sewage facilities for the existing and proposed dwellings are carried out.

Condition 7 required a construction environmental management plan.

Note: a condition requiring that the development is carried out in accordance with the approved plans was not applied.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key points of the Planner's Report may be summarised as follows:

- The site is part of the established residential area, according to the Development Plan 2022. There are no zonings or designations applicable to the site.
- The CDP 2022 (para 18.3.9) states that, within existing residential areas, there will inevitably be areas that have potential for development. Objective ZU18-9 states the scale of new residential development in these areas should normally respect the pattern and grain of existing urban development.

- There is no useful comparison between the proposed development and the last application refused, given the different approach to servicing and new County Development Plan 2022.
- Uisce Eireann, in correspondence to the applicant dated July 2025, states that connections to public mains is possible without infrastructure upgrade, which creates possibilities for the amount of proposed development on site and addresses the ABP decision on the previous application.
- The principle of development is clearly supported by Objective ZU 18-9.
- The water network will have to be extended by c. 300m and the foul sewer by c. 225 to serve the development. Full on-site private (sewage) treatment system pumped to the rising main would be the responsibility of the applicant. The CCC local Engineer, in consultation with the Environment Section, is satisfied with the suitability of on-site treatment and pumping.
- The site is in Flood Zone 3. The local CCC Engineer is satisfied with the surface drainage proposals.
- With regard to residential amenity, the development will be hanging or elevated over the grounds of adjacent houses, however by itself this would not be grounds to prevent houses going ahead inside a designated settlement boundary. The floor levels of the proposed houses are 11.2m OSD, compared to the houses to the northwest at 4.73m & 5.61m. Taking into account the levels difference (c.6.5m+), separation distance (22.7m+), side-to-front relationship and orientation with rising backdrop to the south east, overall the development will provide and preserve adequate residential amenity between neighbours.
- Satisfied that the proposed houses, though visible from Scenic Route/R606 heading into Kinsale would not adversely impact on the visual amenity of the setting of the Bandon River/Harbour or Commoge Marsh. Satisfied with the quality and accuracy of the main drawings and sections, the photomontage is a useful aid only.

- The architect design statement clearly illustrates and demonstrates a site-specific approach. The house designs and materiality are acceptable, sympathetic choices relative to location.
- AA screened out. EIA excluded at preliminary examination.

3.2.2. Other Technical Reports

- Environment Section: no objection. Recommends that any waste soil and stone is recycled on site or taken to a licensed facility.
- Area Engineer: no objection subject to conditions. The proposed entrance is onto a private lane shared with other dwellings. Drainage design submitted shows that all surface water can be catered for on site. Connection to public water supply and sewage disposal is available. Having consulted with the Environment Section, regarding the WWTS, conditions recommended.

3.3. Prescribed Bodies

No comments received.

3.4. Third Party Observations

Two submissions were received by the Planning Authority in relation to the application, from the 3rd party appellants in this case. The issues raised are covered in the grounds of appeal.

4.0 Planning History

4.1. Application site:

PL04.301837 (17/6317): Construction of a dwellinghouse incorporating a domestic garage and associated site works. The reasons for refusal were:

1. *The site of the proposed development is located within the settlement boundary of the environs of Kinsale in the Blarney Macroom Municipal Local Area Plan 2017. The Plan acknowledges that Kinsale wastewater treatment plant has adequate spare capacity to accommodate proposed development in Kinsale. Furthermore, the town of Kinsale is served by a mains water supply. The proposed*

development would be reliant upon a private wastewater treatment system and bored well supply. It is considered that the proposed development would be premature by reference to the existing deficiency in the provision of public piped water and sewerage facilities serving the area and the period within which the constraint involved may reasonably be expected to cease. Furthermore, it is considered that the proposed development, and the precedent it would set, would undermine the development order of Kinsale on available serviced lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the constrained nature of the site, the difficult topographical characteristics to accommodate a functioning on-site effluent treatment system, the lack of clarity on depth to bedrock on this site, the proximity of the proposed treatment system to bored wells serving adjoining residential property downgradient of the proposed system, and the proximity to the nearby River Bandon, it is considered that the proposed development would be prejudicial to public health, notwithstanding the proposal to provide a proprietary effluent treatment system.*

5.0 Policy Context

5.1. National Policy and Guidance

National Planning Framework – First Revision April 2025.

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

5.2. Development Plan

The operative Development Plan is the Cork County Development Plan 2022-2028. Proposed Variation No.1 to the Plan was published for consultation on the 10th March 2026, running until 7th April. The proposed Draft Variation sets out changes to the current Cork County Development Plan 2022-2028 arising from the implementation of the NPF first revision, particularly relating to housing growth requirements, as well as some other consequential proposed changes to the Plan.

Volume 4 (West Cork)

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

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

Section 1.5.59 - Extensions of some sewers are required in order to accommodate proposed growth in Kinsale. Kinsale WWTP currently has inadequate spare capacity to accommodate proposed development in Kinsale.

Section 1.5.60 - Kinsale receives its drinking water from the Inishannon WS which is sourced from the Bandon River at Inishannon. A new reservoir is imminent in Inishannon and this will provide capacity to serve the target population growth.

General Objectives for Kinsale:

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

Specific Development Objectives for Kinsale:

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

Volume 1 (Written Statement)

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

“The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.”

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

18.3.9 Within existing residential/mixed residential and other uses areas there will inevitably be some areas of land that are either undeveloped or have some potential to be considered for development. Often these areas perform valuable functions in their existing state, such as providing attractive open space or even providing important local employment. The inclusion of this land within an existing residential/mixed residential and other uses areas does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.

Chapter 2 Core Strategy

Kinsale is identified as a ‘Ring’ town within the Greater Cork Ring Strategic Planning Area. The Plan outlines that the County Metropolitan Area (CMA) as set out in the RSES for the Southern Region and the Cork MASP (Metropolitan Area Strategic Plan) Area is the main engine of population and employment growth for the region.

Chapter 4 Housing

Section 4.8 of the Development Plan relates to Residential Density.

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

HOU 4-8 Building Height and Amenity

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

Chapter 11: Water Management

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

WM 11-9 Wastewater Disposal

a. requires that development in all settlements connect to public wastewater treatment facilities. In settlements where no public wastewater system is either available or proposed, new developments will be unable to proceed until adequate wastewater infrastructure is provided.

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

- a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.
- b) Encourage the application of a Water Sensitive Urban Design approach in the design of new development or other urban interventions. Opportunities to contribute

to, protect or re-enforce existing green infrastructure corridors or assets should be maximised.

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

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

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

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

Chapter 12: Transport and Mobility

TM 12-8: Traffic/Mobility Management and Road Safety

d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.

Chapter 14: Green Infrastructure and Recreation

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

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

GI 14-9: Landscape

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

GI 14-12: General Views and Prospects

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

Cork County Council Residential Estates Design Guide, May 2011

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

5.3. Natural Heritage Designations

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

- The Sovereign Islands SPA and NHA (Site Code 004124) is located c. 5.9km to the south-east.
- Old Head of Kinsale SPA and pNHA (000100) is located c. 8.5km to the south.
- Courtmacsherry Bay SPA and pNHA (004219) is located c. 10km to the southwest.
- Cork Harbour SPA (004030) is located c. 15km to the northeast.

The nearest nationally designated sites are:

- James Fort pNHA (001060) is located c. 1.1km to the east
- Bandon Valley Below Inishannon pNHA (001515) is located c. 6.8km to the northwest.
- Garrettstown Marsh pNHA (001053) is located c. 5.8km to the southwest.
- Garrylucas Marsh pNHA (000087) is located c. 6km to the south.
- Minane Bridge Marsh pNHA (001966) is located c. 12km to the northeast.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

Two third party appeals were received, from occupiers of the dwellings to the north of the application site. The grounds of appeal can be summarised as follows:

- Inadequacy of proposed wastewater pre-treatment system and management measures.
- Risk of contamination of neighbouring private water supplies and spillage from proposed wastewater pre-treatment system and potential failure of the pumped system.
- Inadequacy of the proposed surface water run-off design.
- Overlooking and loss of privacy.

- Disturbance and glare arising from proposed entrance location.
- Visual impact – question accuracy of the applicant’s photomontages.
- Noise impacts on adjoining occupiers arising from the proposed pumping station.
- Question whether the applicant has the necessary consents to install the connections to the Uisce Eireann network and associated vent stack.
- Water supply connection does not comply with Irish Water guidelines.
- Sightlines from the proposed entrance are inadequate.
- The proposed scheme has not been assessed against the walkway/cycleway objective which applies to lands adjacent to the site.

7.2. Applicant Response

A response to the grounds of appeal was received from the applicant, comprising letter statements by an engineer and planning consultant. The points raised may be summarised as follows:

- The location of the stated connection to public services is indicated on the submitted plans and under Section B of Uisce Eireann’s confirmation of feasibility.
- The proposed on-site treatment units and pump station is a closed system i.e. no percolation to ground. Discharge is to the Uisce Eireann system, therefore separation distances to well water are not relevant. The only separation distance of relevance is a 7m distance between the wastewater treatment tanks/pump and any dwelling, for noise and odour reasons, which is achieved. The discharge point into the Uisce Eireann network is a pump station and is located in the middle of a public road. If overflowing occurred, this would happen in the pump station (lowest point prior to pumping), which is 33m from the nearest well. The pump station cannot be considered a hazard to neighbouring wells.
- The applicant points out that the removal of the existing septic tank and percolation area associated with the existing dwelling is an improvement in terms of potential ground water contamination. They also note that other houses within the cul-de-sac could connect to the extended services in the future.

- The Planning Authority decision included a condition requiring 24hr storage in the case of power outage. This can be increased to 48hr or 72hr storage, if ACP deems necessary. A maintenance agreement with a specialist company will be set up for the units, including the pump and alarm.
- The wastewater treatment units will be fully compliant with EPA standards and certified.
- The EPA's Code of Practice for Domestic Wastewater Treatment Systems 2021 (\leq PE10) guidance document is the correct document to be applied, as the systems are not combined.
- Ventilation of the system is proposed from a standoff manhole between the pump station and treatment unit, with the vent stack attached to each of the houses. It is stated that this will be in compliance with Uisce Eireann and Building Regulations for sewers.
- In relation to odour concerns, the applicant states that the separation distances between the wastewater treatment units and meet the requirements of the EPA 2021 guidelines.
- As regards groundwater testing for waste water, the applicant states that this is not necessary as it is not proposed to discharge waste water to ground.
- The applicant explains that the extension of the public water mains would be designed and carried out by Uisce Eireann and paid for by the developer as part of the connection process.
- In relation to soakaways, it is stated that soakaway testing was carried out in accordance with BRE Digest 365 and the construction will adhere to BRE Digest 365, EPA Guidelines and Building Regulations.
- In relation the surface water and the steep gradient, the applicant states that water will be collected from the roofs and hardstanding and discharged to soakaways. They note that the Planning Authority requires by condition permeable paving and an 'Aco type' drain across the driveway to prevent water entering the road.

- A 300mm diameter pipe is proposed under the entrance driveway to maintain drainage along the verge of the private lane.
- The applicant explains that hydrocarbon interceptors are not proposed, given the domestic nature of the proposal, but states that these can be installed if required by ACP.
- In relation to sightlines, the applicant notes that the entrance is on to a private cul de sac, serving a limited number of dwellings, therefore the volume and speed of traffic would be low. They state that the creation of an additional residential entrance raises no concern in terms of the carrying capacity of the road or its structure. It is stated that sightlines at the junction with the R600 are adequate.
- The application site is located within the development area boundary, complies with the provisions of the development plan and is not at variance with the established pattern of development.
- In relation to the site's designation within a High Value Landscape and scenic route, the applicant states that the design of the development has taken into account the topography, vegetation, existing boundaries and features of the area to integrate into the surroundings and minimise the effect on the landscape. Landscaping is proposed. The site does not break the skyline.
- The applicant states that the proposal would not impact on or prevent a future pedestrian walkway connecting to the town from being implemented.
- The grounds of appeal do not explain why the proposal in relation to water supply does not comply with Uisce Eireann requirements.
- The applicant notes that the previous application on site, for a single dwelling, was limited by the proposal to service the dwelling by private wastewater system, which has also influenced the pattern of development of other dwellings locally. The applicant maintains that the provision of two dwellings on the site is in line with the urban location of the site and would not constitute an excessive density for the site.
- In relation to overlooking, the applicant notes that variation in elevation and gradient is a feature of Kinsale. Cutting in to the site would, it is said, minimise issues of visual obtrusion and impact on the receiving landscape. They add that

the proposal would not break the skyline and that the proposed dwellings will be seen in the context of surrounding dwellings, including some at higher elevation. The proposal would be in excess of 20metres from the appellant's boundary, which has a side elevation facing the appeal site and is screened by a hedge. The applicant maintains that there is no overlooking of habitable rooms given the screen and separation distance of over 22 metres and having regard to the urban context. The applicant has no objection to the provision of additional landscaping, but considers that a hard boundary eg. fence would not be desirable in terms of visual amenity.

7.3. Planning Authority Response

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

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

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

- Principle of development
- Adequacy of proposed connections to services
- Surface water management
- Impact on adjoining residential amenity

- Impact on the visual amenity of the area
- Transport and parking
- Impact on delivery of walkway/cycleway objective

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

8.1. Principle of development

8.1.1. Planning permission is sought for the construction of two new detached dwelling houses on an undeveloped plot within the settlement boundary of Kinsale town.

8.1.2. The site is zoned "Existing R – Existing Residential/Mixed Residential and Other Uses". The zoning objective supports new residential development and increased densities on lands with this zoning, provided that it respects the pattern and grain of existing urban development and subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. The Planner's Report noted that the proposal was acceptable in principle, having regard to the zoning objective for the lands.

8.1.3. Having regard to the zoning objective, I consider that the development of additional housing units on the subject site is permissible in principle under this zoning, subject to accordance with other relevant objectives of the Development Plan.

8.2. Adequacy of proposed connections to services

8.2.1. The 3rd party grounds of appeal raise concern in relation to the adequacy of the proposed wastewater treatment system and the potential for risks to neighbouring wells, and groundwater generally, as a result of contamination and odour. The appellants raised detailed concerns in relation to: compliance of the proposed wastewater treatment system with EPA Guidance (particularly separation distances to wells and other dwellings) and Uisce Eireann requirements; risk of spillage of

effluent if the pump fails or there is a powercut; confirmation of the location of the connection to Uisce Eireann services; location of vent stacks; responsibility for management of the system; risk of odour from the system; risk of groundwater contamination; suitability of the site for infiltration. The grounds of appeal also raised concern that the proposed water supply connection does not comply with Irish Water standards and at the impact on already limited resources of connecting two dwellings in a rural location.

- 8.2.2. The Planner's Report and Area Engineer's Report concluded that connection to public water supply and sewage disposal is available and acceptable, subject to conditions.
- 8.2.3. The applicant submitted a detailed response in relation to the points raised by the appellants in their grounds of appeal. They assert that: the proposed on-site treatment units and pump station is a closed system i.e. no percolation to ground; the required separation distance of 7m to any dwelling is achieved; the discharge point to the Uisce Eireann network is the pump station; if overflow occurred, this would happen in the pump station which is designed to be alarmed and provide for 24hr storage and would be located c. 33m from the nearest well; and a maintenance agreement with a specialist company will be set up for the units. They add that the proposed wastewater treatment units would be fully compliant with EPA standards and certified following installation and that Uisce Eireann would design and install the extension to the public mains system.
- 8.2.4. As part of their application submission, the applicant included a Confirmation of Feasibility letter from Uisce Eireann. This letter is dated 3rd July 2025 and states that, based upon the details provided, water supply and wastewater connections are feasible without infrastructure upgrade by Uisce Eireann. The letter explains the works that would need to be undertaken by the applicant and that extension of the Uisce Eireann network would be undertaken by Uisce Eireann and the costs included in the applicant's connection agreement. The letter further states that "as the network capacity changes constantly, this review is only valid at the time of its completion".
- 8.2.5. The previous application (PL04.301837) for a dwelling on this site was refused by An Bord Pleanála for two reasons, both relating to the proposed method of wastewater

disposal, which then consisted of a private wastewater treatment system with percolation to ground. The present application proposes to connect to the public wastewater system and is therefore in accordance with Policy Objective WM 11-9(a) which requires that development in all settlements connect to public wastewater treatment facilities.

- 8.2.6. With regard to the feasibility of connection, I note that Uisce Eireann has confirmed that a connection to the public wastewater system is feasible and their decision took account of existing capacity and the feasibility of installing the connections. I also note that no objection has been raised by the Local Authority's Area Engineer. If the Commission were minded to grant permission for the proposed development, a condition could be attached requiring that, prior to the commencement of development, the developer must enter into a Connection Agreement with Uisce Eireann for the provision of service connections to the public water and wastewater systems.
- 8.2.7. With regard to the possibility of contamination of wells or groundwater, I note that a closed system is proposed, with wastewater discharged to the Uisce Eireann network, and not involving percolation to ground. Therefore, there is no risk to neighbouring wells or groundwater. The proposed development, by enabling connections to the public system for the existing dwelling to the west (House 1) and consequent decommissioning of the existing septic tank system, removes an existing potential source of pollution to groundwater. The EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) is the relevant standard to be applied as 1no. treatment system is proposed per dwelling and each dwelling has a population equivalent of less than 10 persons. The proposed development would meet the relevant separation distances set out in the EPA Guidance, particularly in respect of the distance to neighbouring dwellings (7m). Given that the wastewater tanks and pump chamber would be located below ground, would be sized to service three dwellings and would meet the required separation distances, I consider that they would not be likely to result in odour or noise impacts for neighbouring occupiers.
- 8.2.8. With regard to the risk of spillage of effluent due to pump failure or a powercut, the Local Authority's Area Engineer, in consultation with the Environment Section,

recommended a condition requiring that an alarm be fitted to the pump sumps/treatment chambers and that 24hours storage be provided within the chamber to prevent emergency overflow. The applicant has confirmed in their response to the grounds of appeal that they are content to install these mitigation measures and, indeed, that a larger storage capacity can be provided if the Commission deems necessary. They also state that maintenance agreements will be established out with a specialist company. I note that alarm systems can be provided with a back up battery in case of power outage. I also note that the 3no. wastewater treatment tanks and the pump station are located within the red line boundary and will be the responsibility of the developer and, in turn, the occupiers of the dwellings. I consider that the provision of 24hour storage and an alarm system provides a viable and proportionate mechanism to minimise the risk of spillages and these measures can be secured by condition. I recommend that any such condition require the submission of plans and details showing the overflow storage and vent stacks and detailing the alarm system and responsibility for management of the system.

8.2.9. In relation to the vent stacks, the applicant's response to the grounds of appeal states that a standalone manhole is proposed between the pump station and treatment units and the vent stack will be attached to each house. These details are not shown in the submitted plans, but from the description, the manholes would be located within the front gardens of the dwellings and the vent stacks attached to the dwellings themselves, set a distance away from neighbouring dwellings. I consider that these are minor elements which, subject to appropriate placement on the dwellings, would have minimal impact in terms of visual amenity, would not give rise to impacts on neighbouring amenity and are required to meet Uisce Eireann's standards in respect of the wastewater system. Subject to a condition requiring details to be submitted for the approval of the Planning Authority, I consider that the vent stacks would be acceptable in terms of visual and residential amenity.

8.2.10. Overall, I consider that the proposed development, which is located within the settlement boundary of Kinsale town and proposes to connect to the public wastewater system, is in accordance with Policy Objective WM 11-9(a) of the Development Plan. In addition, based on the details submitted with the application and having regard to the Uisce Eireann Confirmation of Feasibility letter, to

the technical report received from the Local Authority's Estates Engineer and subject to conditions, I consider that connections to the public water supply and wastewater network are feasible and would not result in harm to the amenity of adjoining occupiers, wider public health or the environment. The proposed development is therefore acceptable in this regard.

8.2.11. One of the appellants raised concern at the wording of the Planning Authority's Condition 6, on the basis that one of the dwellings is occupied and the sewage facilities could be in place regardless. The condition seeks to prevent occupation of the new dwellings until the sewage facilities for all three dwellings are in place. I consider that this is appropriate as a mechanism to ensure that the wastewater treatment system is fully installed prior to being used to serve the new dwellings. In the case of the existing dwelling, this dwelling has an existing wastewater treatment system and therefore there is no risk arising from the continued occupation of this dwelling until the new system is operational and connected.

8.2.12. An issues was raised in the grounds of appeal in relation to the proposed water supply connection, specifically that the proposed layout did not meet Irish Water guidelines and also that the proposed connections would put pressure on limited resources. The grounds of appeal do not go into further detail as to why the layout would not be compliant or which guidelines are referred to. I note that the Pre-Connection Enquiry letter from Uisce Eireann states that a water connection is feasible without infrastructure upgrade and states that the extension to the public network would be carried out by Uisce Eireann. The letter does not raise any concern with regard to capacity or resources. Having regard to the Uisce Eireann letter, I am satisfied that a water supply connection to serve the development is feasible in terms of water supply capacity and installation.

8.3. Surface water management

8.3.1. The grounds of appeal raise concern at the inadequacy of the proposed surface water run-off design, specifically in terms of: the potential for erosion and water/silt/contaminant run off onto adjoining lands and to groundwater; the potential for bedrock near the surface; lack of hydrocarbon interceptors and consequent potential for contamination of domestic wells; and the presence of adequate measures to preserve the verge drainage.

- 8.3.2. The Planner's Report states that the site is in Flood Zone 3 and notes that the Area Engineer is satisfied with the surface drainage proposals. The Area Engineer's report states that the submitted design shows that all surface water can be catered for on site.
- 8.3.3. The applicant's response to the grounds of appeal states that: soakaway testing was carried out in accordance with BRE Digest 365 and the construction will adhere to BRE Digest 365, EPA Guidelines and Building Regulations; permeable paving and an 'Aco type' drain across the driveway have been specified by the Planning Authority as conditions; hydrocarbon interceptors are not proposed given the domestic nature of the proposal.
- 8.3.4. Having regard to the OPW's Floodinfo maps, the site is located outside Flood Zones A&B and is therefore categorised as being at low risk of flooding.
- 8.3.5. The applicant submitted a Drainage Impact Assessment and Soakaway Test Calculations as part of the planning application. The submitted soakaway tests were carried out in accordance with BRE Digest 365 and indicates that the site is suitable for infiltration. The proposed SuDS measures include rainwater butts, permeable paving, bio-retention planters, rain gardens and soakaways. Rainwater from the roofs and non-permeable hardstanding areas are to discharge to soakaways located within the front gardens of the proposed dwellings. 'Aco type' drains are proposed across the entrance to each dwelling. A 300mm diameter pipe is proposed across the entrance driveway which would maintain drainage along the verge of the private lane.
- 8.3.6. On the basis of the soakaway tests, soakaway design and SuDs features I am satisfied that surface water generated from the buildings and majority of the hardstanding areas would be adequately drained on site. I note the tarmac proposed at the entrance to the site from the lane and that the Planning Authority's Area Engineer required that all parts of the driveway be finished in permeable paving. Having regard to Policy Objective WM 11-10, which requires that all new developments incorporate SuDS and seek to limit the extent of hard surfacing and impermeable paving, I consider that it would appropriate to require that the tarmac area is omitted in favour of a permeable surface. This can be secured by condition.

- 8.3.7. With regard to the need for a hydrocarbon interceptor, I note part Policy Objective WM 11-10 (e) requires appropriate pollution control measures where surface water from development is discharging to a waterbody. As this is not the case in the subject scheme, and noting that it is a proposal for two additional residential dwellings, I do not consider that a hydrocarbon interceptor is necessary.
- 8.3.8. Overall, having regard to the scale and nature of the proposed development which consists of two detached dwellings on a greenfield site, the submitted drainage impact assessment incorporating soakaway testing, the proposed surface water drainage design which seeks to manage all surface water run off on site and subject to conditions requiring permeable paving for all driveway areas and soakaways to be designed according to the EPA Code of Practice 2021, I consider that the proposed development is in accordance with Policy Objective WM 11-10 of the Development Plan and would not result in adverse impacts on neighbouring occupiers or the environment arising from surface water runoff.
- 8.4. Impact on adjoining residential amenity**
- 8.4.1. The 3rd party grounds of appeal raise concerns in respect of overlooking, disturbance and glare from traffic entering the development and noise generated by the proposed pumping station. I have dealt with the issue of noise under section 8.2 above.
- 8.4.2. The Planner's Report noted that the proposed development would be elevated relative to adjacent houses but, noting the location of the site within a designated settlement boundary, the levels difference itself, the separation distance, side-to-front relationship between the existing and proposed dwellings and the orientation of the proposed development, concluded that, overall, the development will provide and preserve adequate residential amenity between neighbours.
- 8.4.3. The applicant, in their response to the grounds of appeal, identify that there are dwellings located at higher level in the context, that the proposed development would be in excess of 20metres from the appellant's boundary, which has a side elevation facing the appeal site and is screened by a hedge, and that there is no overlooking of habitable rooms given the existing hedge screen and separation distance of over 22 metres and having regard to the urban context.

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

- c.21.8m to the dwelling to the north (Appellant 1)
- c.24m to the dwelling to the northeast (Appellant 2)
- 23.2m to the dwelling to the east

8.4.5. The proposed dwellings, with finished floor levels of 8m (lower ground floor) and 11.2m (upper ground floor) would be elevated relative to the existing dwellings to the north, which have finished floor levels of 4.73m and 5.61m. The dwelling to the west has a FFL of 6.86m, while that to the east has a FFL of 12.81. Other existing dwellings located to the south/southwest, not accessed from the laneway, are set at a higher contour. The proposed dwellings would therefore be positioned on the hillside in a similar way to surrounding dwellings.

8.4.6. I note the Council's Residential Estate Design Guidance (2011), which provides guidance on the design of new housing areas and is referenced at Section 16.3.33 in the Development Plan 2022-2028. Whilst Objective GI14-6 of the Development Plan requires that Public Open Space within residential developments is provided in accordance with the standards contained in this Guidance document and with the "Guidelines on Sustainable Residential Development in Urban Areas", there is no equivalent requirement relating to separation distances set out in the Development Plan. The Design Guidance (2011) requires a minimum separation distance of 22m between the rear faces or rear facing habitable rooms of dwelling houses. In this case, the relationship is front to side, not 'back-to-back, and there is a laneway within the intervening space. Consequently, the proposed development would not conflict with the separation distances required by the Council's Residential Estate Design Guidance (2011).

8.4.7. The Commission is required to have regard to the specific planning policy requirements (SPPRs) of the Compact Settlement Guidelines 2024. SPPR 1 relates to separation distances and states that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses/apartments shall be maintained. The proposed development would meet this standard. SPPR1 also states that planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. House No.2 would include a terrace and windows serving a bedroom, dining room and living

room at upper ground floor level, facing towards the side elevation of the dwelling to the north, occupied by one of the Appellants in this case. Given the height and density of the existing hedge bounding the neighbouring dwelling and its proximity to the side elevation of that dwelling, together with the separation distance maintained and presence of the existing laneway, and taking into consideration SPPR1 above, I do not consider that the proposed development would result in undue overlooking of the side elevation windows of that dwelling. The appellant also raises concern at potential overlooking of the front and rear gardens of their dwelling. Having regard to the siting of House No.2 relative to the house to the north, any view from the 1st floor windows towards the rear garden of that property would be oblique and not direct. Given the separation distance also, I do not consider that an issue of overlooking of the rear garden arises. The other windows in proposed House 2 at first floor level are oriented to the north and northwest towards the Bandon River. Whilst views would occur across the front garden of the dwelling to the north, I do not consider that this results in an undue level of overlooking, given that this is a front garden space visible from the public realm, the separation distance of at least 23m and the pattern of development in the area.

8.4.8. House No.3 would include a terrace and windows serving a bedroom, dining room and living room at upper ground floor level, facing north towards the rear garden of the house to the north and the driveway, front and side elevations of the dwelling to the northeast, both occupied by the Appellants in this case. Given the oblique nature of the views between the windows of House No.3 and the house to the northeast, the separation distance of c. 24m and presence of the existing laneway, and taking into consideration SPPR1 above, I do not consider that the proposed development would result in undue overlooking of the front and side elevation windows of that dwelling. House No.3 would face towards the rear garden of the existing house to the north and driveway of the house to the northeast. Whilst views would occur across the rear garden of the dwelling to the north, I do not consider that this results in an undue level of overlooking, given the separation distance of at least c.19m, the presence of the intervening laneway and the pattern of development in the area.

8.4.9. Overall, having regard to the pattern of development in the area, the separation distances maintained to neighbouring dwellings and the intervening laneway, boundary treatments and planting, I do not consider that the proposed development

would give rise to material impacts on the residential amenity of adjoining occupiers in terms of loss of privacy.

8.4.10. With regard to concerns raised about disturbance from increased traffic and glare from vehicle headlights, I note that there are seven existing dwellings accessed via the laneway. The proposed development would deliver two additional residential dwellings to the cul-de-sac. The proposed dwellings would be located relatively close to the junction with the R606 and, therefore, traffic associated with the dwellings would utilise a limited extent of the laneway. Given the presence of mature boundary treatments on the laneway, the 'side on' orientation of the appellant's house to the application site and proposed entrance, the existing level of traffic on the laneway and to the modest nature of the proposal, constituting two additional dwellings, I consider that glare from car headlights accessing the proposed development would not be so significant as to cause a material impact on neighbouring amenity.

8.5. Impact on the visual amenity of the area

8.5.1. The 3rd party grounds of appeal note that the application site is located within a designated High Value Landscape area and that the R606 is a designated scenic route. They also question the accuracy of the applicant's photomontages and the height of the proposed dwellings.

8.5.2. The applicant, in their response to the grounds of appeal, states that as the proposed houses would be cut in to the site, this would minimise the visual obtrusion and impact on the receiving landscape. They add that the proposal would not break the skyline and that the proposed dwellings will be seen in the context of surrounding dwellings, including some at higher elevation.

8.5.3. The Local Authority Planner, in their report, stated that they were satisfied that the proposed houses, though visible from Scenic Route/R606 heading into Kinsale would not adversely impact on the visual amenity of the setting of the Bandon River/Harbour or Commoge Marsh and that they were satisfied with the quality and accuracy of the main drawings and sections, with the photomontage being a useful aid only. They add that the architect's design statement clearly illustrates

and demonstrates a site-specific approach and that the house designs and materiality are acceptable, sympathetic choices relative to location.

- 8.5.4. The application site is an undeveloped, sloping, infill site within an established residential area located within the settlement boundary of Kinsale. Having regard to the existing pattern of development in the area, consisting of detached dwellings accessed from the laneway and from other residential roads to the south, I consider that the development of this site for a residential dwelling would be consistent with the existing pattern of development locally. As noted in Section 8.1 above, the site is zoned “Existing R – Existing Residential/Mixed Residential and Other Uses” and the principle of new residential development on the site is acceptable, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.
- 8.5.5. The site is located in an area designated as a ‘High Value Landscape’ in the Development Plan and is visible from Scenic Route S62 which follows the R606 and from which views of the Bandon River, Whitecastle Creek & James Fort are protected.
- 8.5.6. I consider that the submitted section and elevation drawings are sufficient to enable assessment of the visual impact of the proposed development, with the photomontages serving a secondary function. The maximum height of the proposed dwellings, measured from ground level adjacent, is 6.6m which I consider to be reasonable for a domestic dwelling. I note that the proposed facing materials for the dwellings are natural stone, timber cladding, render, aluminium framed windows and glass balustrades, which I consider to be appropriate to the context.
- 8.5.7. In views from Scenic Route S62, any dwellings on the site would be viewed in the context of the existing surrounding dwellings. The proposed dwellings would not break the skyline, being viewed instead against the backdrop of the hillside and dwellings to the south set at higher level. Although the flat roof form of the proposed dwellings is not typical of the character of dwellings in the immediate vicinity, this design approach would minimise their height and impact on the landscape and is not unusual within the wider context around Kinsale. Having regard to the existing pattern of development in the area and the siting, scale, detailed design and form of the proposed development, I consider that it can be accommodated on the site

without causing any detrimental impact on the visual amenity of the area. Consequently, I consider that there would be no conflict with Policy Objectives GI14-9 of the Development Plan, which seeks to protect the visual and scenic amenities of County Cork's built and natural environment and to ensure that new development meets high standards of siting and design, and with Policy Objective GI14-12 which seeks to preserve the character of all important views and prospects.

8.6. Transport and parking

- 8.6.1. The 3rd party grounds of appeal raise concern that the sightlines from the proposed entrance are inadequate.
- 8.6.2. The Local Authority Area Engineer noted that the proposed entrance is on to a private lane and raised no objection to this element of the proposal.
- 8.6.3. The applicant, in their response to the grounds of appeal, notes that the proposed entrance is on to a private cul de sac, serving a limited number of dwellings, therefore the volume and speed of traffic would be low. They state that the creation of an additional residential entrance raises no concern in terms of the carrying capacity of the road or its structure. It is stated that sightlines at the junction with the R606 are adequate.
- 8.6.4. The proposed entrance is on to a private lane. There is a rural speed limit sign on the lane, as one enters from the R606, indicating a speed limit of 60kph. The submitted site layout plan shows that sightlines of 60m to the west and 40m to the east are available from the proposed entrance. Sightlines to the east are restricted by a curve in the road, which would slow traffic approaching from this direction. I note that no concern has been raised with regard to the available sightlines at the junction of the private laneway and the R606. Having regard to the nature of the laneway, which is a private cul-de-sac road serving a limited number of dwellings and where traffic speed would be relatively low, I consider that the proposed entrance would provide adequate sightline visibility. Consequently, I do not consider that the proposed development poses any significant traffic safety concern.

8.7. Impact on delivery of walkway/cycleway objective

- 8.7.1. The grounds of appeal raise as an issue that the proposed scheme has not been assessed against the walkway/cycleway objective which applies to lands adjacent to the site.
- 8.7.2. Specific Objective KS-U-03 supports the creation of pedestrian walkway and cycle links through residential neighbourhood connecting to the town on the north and the foreshore on the south. The land-use zoning map on page 48 of Volume 5: West Cork of the Development Plan shows the route of the link passing along the southern boundary of the application site, linking the residential areas to the north and east of the site with the foreshore of the Bandon River to the west of the site. The route indicated in the Development Plan shows the route crossing elevated land and terminating at the R606 to the south of the private laneway which is adjacent to the application site. The applicant states that the routing was described as a mapping error in pre-planning discussions, being more likely to be delivered along the existing track and laneway which bound the site on its northeastern and northern boundaries, respectively. There is no reference to this point within the pre-application documentation on file. In any case, the proposed development would not obstruct the route as indicated in the Plan, as no building works or walls are proposed in this area. The submitted Proposed Site Plan is annotated to state that no works are proposed to the track and the applicant states, in their response to the grounds of appeal, that the proposal would not impact on or prevent a future pedestrian walkway connecting to the town from being implemented. Consequently, I do not consider that the proposed development would not be in conflict with Specific Objective KS-U-03 of the Development Plan.

9.0 AA Screening

- 9.1. I have considered the proposed dwellings and site works at Knocknacurra, Kinsale, Co. Cork in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located c. 5.9km from the nearest European Site.

- 9.3. The proposed development comprises the construction of two dwellings and ancillary works on an undeveloped infill site within the settlement boundary of Kinsale. See Section 2 of the Inspector's Report for a more detailed description.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
 - The connection of the proposed development to existing services.
 - The qualifying interests of the nearest designated sites.
 - Taking into account the screening determination of the Planning Authority.
- 9.6. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

- 10.1. The subject site is located within the settlement boundary of Kinsale town. It is an undeveloped greenfield on the edge of the town, surrounded by low density, detached dwellings. The site is located c.30m east of Lower Bandon Estuary IE_SW_080_0100 (at risk). The underlying groundwater body is Bandon, IE_SW_G_086 (not at risk), which is categorised as poorly performing bedrock.
- 10.2. The proposed development comprises two infill dwellings, on-site wastewater treatment units to serve 3 dwellings discharging to the Uisce Eireann mains sewer. The dwellings are proposed to be connected to the Uisce Eireann water supply network. Surface water is proposed to be infiltrated on site.
- 10.3. Water deterioration concerns were raised in the planning appeal, principally in relation to the potential for contamination of neighbouring wells and groundwater

owing to infiltration or spillage associated with the on-site wastewater treatment plants as well as due to surface water run-off.

10.4. I have assessed the proposed dwelling at Knocknacurra and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site;
- The connection of the proposed development to existing services;
- The surface water management design, with all surface water runoff infiltrated to site.

10.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that planning permission is granted, subject to conditions.

12.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028 as they apply to Kinsale, to the undeveloped, infill nature of the application site, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be seriously injurious to existing residential amenities, will not result in a traffic hazard, will not

result in a significant visual impact on the surrounding area and will not be prejudicial to public health. It is considered that the proposed development is in the interests of the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for service connection(s) to the public water supply and wastewater collection network.

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

3. (a) The wastewater pre-treatment system, including the individual treatment units and pump station, hereby permitted shall be installed in accordance with the relevant standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Prior to occupation of the proposed new dwellings, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the pre-treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above and, otherwise, to the satisfaction of the Planning Authority.

(c) Upon connection of the existing dwelling (House No.1) to the public wastewater collection network, the existing septic tank on site shall be removed or backfilled with inert material.

Reason: In the interests of public health, residential amenity and to prevent water pollution.

4. a) All pump sumps or other treatment plant chambers from which spillages might occur shall be fitted with high-level alarms. The alarm systems shall be fitted with an audible and visible alarm and shall relay via GSM dial out to a responsible person in accordance with the management plan agreed under part c) below. The pump chamber shall be installed with 24 hours storage capacity to ensure there is no emergency overflow from this sump. Levels shall be set and controlled so that risk of odour nuisance is minimised, and contents are conveyed for treatment as expeditiously as practical.

b) Prior to the commencement of development, details of the pump chamber (including storage capacity) and of the vent stacks shall be submitted to and agreed in writing with the planning authority.

c) Prior to the first operation of the wastewater pre-treatment system, the developer shall submit for the written agreement of the planning authority, a management plan for the ongoing operation, maintenance and monitoring of the wastewater pre-treatment system, including the individual treatment units and pump station. The development shall be maintained in accordance with the agreed management plan.

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

5. (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 lands.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts, "Aco type" channels of a minimum of 150mm diameter or equivalent, to ensure that no interference will be caused to existing roadside drainage.

(c) The driveway and all hardstanding areas shall be of permeable material(s).

(d) The design and positioning of all soakaways shall comply with the 2021 EPA Code of Practice. All hard stand areas contiguous with the dwelling shall have separate drainage pathways. The driveways shall be drained appropriately along their entire length.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. Samples of the stone and timber cladding to be used as external finishes on the proposed dwelling and boundary walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, surface water drainage and pollution control measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. 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 the 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

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

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

Suzanne White
Planning Inspector

20th March 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500401-CK
Proposed Development Summary	Construction of two dwelling houses
Development Address	Knocknacurra, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White Date: 20/03/2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500401-CK
Proposed Development Summary	Construction of two dwellings
Development Address	Knocknacurra, Kinsale, Co. Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,</p>	<p>The c.0.2ha site comprises a vacant plot within the settlement boundary of Kinsale and surrounded by low density, detached houses. The site can be serviced.</p>

<p>abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant</p>	<p>EIA is not required.</p>

effects on the environment.	
------------------------------------	--

Inspector: Suzanne White

Date: 20/03/2026