



An
Bord
Pleanála

Board Direction
BD-017994-24
ABP-319306-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/10/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

a) EU legislation, including in particular:

- **EU Directive 2014/52/EU** amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- **Directive 92/43/EEC (Habitats Directive)** and **Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives)**, which set out the requirements for the Conservation of Natural Habitats and Fauna and Flora.

b) National Legislation, including in particular:

- **Section 175 and Section 177 of the Planning and Development Act 2000** (as amended) which set out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA).

c) National and Regional Policy and Guidance, including in particular:

- **National Planning Framework**, which supports the sustainable development of community and recreational facilities as part of compact growth and town centre regeneration,
- **Climate Action Plan 2024**, which promotes a modal shift towards sustainable transport through the provision of pedestrian and cycling infrastructure, place-making, and compact development,
- **Architectural Heritage Protection: Guidelines for Planning Authorities**, 2011,
- The **Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032**, which seeks to develop a regional standard multi-sports facility to service the current and future needs of Cavan town and the wider county,

d) Local Planning Policy, including in particular:

- The provisions of the **Cavan County Development Plan, 2022-2028**, including specific objectives supporting the development of a regional sports campus.

e) The following matters:

- The nature, scale, and design of the proposed development, as set out in the application for approval, and the existing character and pattern of development in the area, particularly its proximity to Cavan town centre.
- The documentation submitted with the application, including the Environmental Impact Assessment Report, Natura Impact Statement, and associated documentation, as well as the range of mitigation and monitoring measures proposed.
- The submissions and observations made to An Bord Pleanála, including concerns raised by stakeholders, and the Board's assessment of how these concerns were addressed through the proposed mitigation measures.

- The likely consequences for the environment and the proper planning and sustainable development of the area, as well as the likely significant effects of the proposed development on European sites.
- The conservation objectives, qualifying interests, and special conservation interests for the Lough Oughter and Associated Loughs SAC (Site Code: 000007) and the Lough Oughter Complex SPA (Site Code: 004049), ensuring that any potential impacts on these sites are adequately mitigated.
- The report and recommendation of the Inspector, including the Appropriate Assessment and Environmental Impact Assessment.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Lough Oughter and Associated Loughs SAC (Site Code: 000007) and the Lough Oughter Complex SPA (Site Code: 004049) are the only Natura 2000 European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the European Sites, namely the Lough Oughter and Associated Loughs SAC (Site Code: 000007) and the Lough Oughter Complex SPA (Site Code: 004049), in view of the sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,

- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report with respect to the potential effects of the proposed development on the European Sites, namely, the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development

The proposed development is in accordance with the aims and objectives of the Cavan County Development Plan 2022-2028, particularly the zoning objectives for 'Sport and Recreation' and 'Public Community,' and is therefore acceptable in principle. The development supports the delivery of a regional-scale sports facility as outlined in the County Development Plan and will enhance Cavan's profile as a hub for sports and recreation. The development aligns with the Cavan County Development Plan 2022-2028, particularly the map-based specific objective C06, which supports the creation of a sports campus to enhance existing facilities and provide additional infrastructure. It meets key objectives such as KTC 01, CSC 05, and CSC 06, which promote sustainable growth and the provision of a regional sports facility in Cavan Town. The proposal also adheres to objectives CF 01, CF 08, CF 09, CF 11, and RAOS 08, ensuring improved community amenities and sports infrastructure, thus reinforcing Cavan's role as a regional hub for sports and recreation.

In particular, the proposed sports campus will create a significant community and recreational asset for the region. The development's scale and layout incorporate multiple sports facilities, including an indoor complex, outdoor pitches, and athletics tracks, all designed to integrate with existing amenities in Cavan Town. This will promote health and well-being through increased participation in sports and physical activities. The inclusion of new pedestrian and cycling infrastructure will also support

sustainable transport options, contributing to a modal shift towards active travel modes.

Overall, the proposed development is a well-considered response to the current and future needs of Cavan's growing population. It supports compact growth, connectivity, and recreational opportunities, which will have a positive impact on the quality of life in the area. The development represents a sustainable addition to the urban fabric of Cavan, enhancing the town's infrastructure while respecting its existing character and surrounding land uses. Subject to conditions, the Board concludes that the proposed development is in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the observers and prescribed bodies in the course of the application and the submissions of the applicant, observers and prescribed bodies during the oral hearing, and
- (d) the inspector's report

The Board agreed with the summary of the results of the consultations and information gathered in the course of the environmental impact assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided sufficient information to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects, both positive and negative, of the proposed development on the environment are:

- Positive indirect impacts on **population and human health** will include health and social well-being benefits from the provision of enhanced sports facilities, which will encourage physical activity and community engagement. The development will also generate employment during both the construction and operational phases.
- In relation to **biodiversity**, the proximity of the development to the Cavan River and its hydrological connection to the Lough Oughter SAC requires careful management. Mitigation measures, including the use of sustainable drainage systems (SuDS) and appropriate habitat and species protection strategies, will ensure that the risk to local ecosystems is minimal.
- In relation to **water** quality, there is potential for short-term impacts during construction due to runoff, siltation, and petrochemical pollution. However, the implementation of a comprehensive Construction Environmental Management Plan, along with best practice measures to control water pollution, will ensure that these risks are mitigated effectively.
- In relation to **material assets**, the development will significantly enhance local infrastructure, particularly in terms of sporting facilities and public amenities. The provision of new access points, pedestrian pathways, and associated facilities such as car parking and cycle lanes will improve connectivity and accessibility in the area.
- In relation to **noise** and **visual impact**, the layout of the sports campus, including acoustic fencing and strategic landscaping, ensures that impacts on nearby

residential areas are minimised. Floodlighting and noise from outdoor activities will be managed through appropriate operational controls and mitigation measures.

- In relation to **archaeology** and **cultural heritage**, the development is adjacent to the Royal School, a protected structure, and mitigation measures such as buffer zones and architectural treatments will ensure that the visual and heritage integrity of the site is maintained.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the proposed mitigation measures, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report. The Board is satisfied that this reasoned conclusion is up to date at the time of making this decision.

Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars, including the Environmental Impact Assessment Report (EIAR), and other associated documentation, lodged with the application, except as may otherwise be required in order to comply with the conditions set out below</p> <p>Reason: In the interest of clarity.</p>
2	<p>(a) All mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS), shall be fully implemented within the timescales specified in the EIAR and NIS.</p> <p>(b) Where any mitigation measures outlined in the EIAR or any conditions of this Approval require further details to be prepared by or on behalf of the Local Authority, such details shall be placed on file and retained as part of the public record.</p>

	<p>(c) Prior to the commencement of development, a schedule outlining the timeframe for implementing the mitigation measures and associated monitoring shall be prepared by or on behalf of the Local Authority. These details shall also be placed on file and retained as part of the public record.</p> <p>Reason: In the interest of environmental protection.</p>
3.	<p>Prior to the commencement of development, a Final Construction Environmental Management Plan (CEMP) shall be prepared by Cavan County Council or any agent acting on its behalf, in consultation with the relevant statutory agencies. The CEMP shall adhere to best practice environmental management and incorporate the following:</p> <ul style="list-style-type: none"> (a) A detailed construction programme and supervisory measures, (b) Noise management measures, water sampling, dust minimisation, pest control, and construction hours, (c) A comprehensive programme for the implementation and monitoring of all environmental commitments made in the application and supporting documentation, (d) Surface water management proposals and off-site disposal of construction waste, (e) An emergency response plan, (f) Proposals for construction traffic management, including traffic routes, parking arrangements, storage of plant and machinery, and delivery locations, (g) Proposals for public information and communication during the construction phase, (h) Appointment of a full-time liaison officer responsible for monitoring compliance with the CEMP. <p>The CEMP, along with daily records of compliance, shall be placed on file and retained as part of the public record for inspection by the planning authority.</p> <p>Reason: In the interests of environmental protection, sustainable development, and proper planning.</p>

4.	<p>The results of all monitoring conducted shall be published at the offices of the local authority within one month of completion and made available for public inspection for a period of at least five years following the completion of construction.</p> <p>Reason: In the interest of clarity, the protection of the environment, and of orderly development.</p>
5.	<p>A suitably qualified Ecological Clerk of Works (ECoW) shall be appointed by Cavan County Council to oversee the site set-up and construction of the proposed development, ensuring all mitigation measures set out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) are implemented. The ECoW shall conduct continuous monitoring of all ecological mitigation measures, and submit quarterly reports to the planning authority during the construction phase and biannual reports for the first two operational years. Any adaptive management actions identified in these reports shall be implemented immediately. Upon completion of the construction stage, an audit report of the site works shall be submitted to the local authority.</p> <p>Reason: To ensure the protection of the environment and effective implementation of ecological mitigation measures throughout the construction and operational phases.</p>
6.	<p>Prior to the destruction of the main badger sett, an artificial sett shall be constructed in accordance with best practice guidelines from the NPWS, within the designated habitat compensation zone. The artificial sett shall be established and occupied for at least six months before the phased exclusion of the existing sett can commence. Exclusion shall be carried out using one-way gates and monitored by a suitably qualified Ecological Clerk of Works (ECoW), appointed by Cavan County Council. The ECoW shall oversee the site set-up, construction, and continuous monitoring of the artificial sett, foraging habitat, commuting corridors, and mitigation measures as outlined in the Environmental Impact Assessment Report. Quarterly reports during construction and biannual reports during the first</p>

	<p>two years of operation shall be submitted to the planning authority, with any necessary adaptive management actions implemented immediately. Upon completion of the construction phase, the ECoW shall prepare and submit an audit report to the local authority for the public record.</p> <p>Reason: To ensure the protection and welfare of the local badger population and the environment throughout the construction and operational phases and to ensure the effectiveness of mitigation measures through ongoing monitoring and adaptive management.</p>
7	<p>Surveys for White-clawed Crayfish and Freshwater Pearl Mussel, as referenced in the EIAR and planned for Spring/Summer 2024, shall be completed prior to the commencement of development. If these surveys have not yet been conducted, they shall be carried out prior to the commencement of development, with the correct identification of the Freshwater Pearl Mussel reviewed by a qualified molluscan ecologist.</p> <p>The results of these surveys shall inform any necessary updates to the mitigation measures outlined in the EIAR. Mitigation measures, including sediment control, low-vibration piling, and translocation under licence (if required), shall be implemented to protect aquatic species. The survey findings and any adjustments to the mitigation measures shall be submitted to the Department of Housing, Local Government and Heritage – Development Applications Unit, and Inland Fisheries Ireland for their written agreement prior to the commencement of development.</p> <p>All monitoring results shall be submitted to the relevant authorities and made available for public inspection at the offices of the local authority within one month of completion. These shall remain available for at least five years following the completion of construction.</p> <p>Reason: To ensure the protection of aquatic biodiversity.</p>
8.	<p>Site development and building works shall be carried out between the hours 08:00hrs and 18:00hrs Mondays to Fridays inclusive, between 08:00hrs to 13:00hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional</p>

	<p>circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Cavan County Council or any agent acting on its behalf shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works. The Landscape Consultant shall be engaged to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority to be placed on the public file, as verification that the approved landscape plans and specification have been fully implemented.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.</p>
10.	<p>All site vegetation clearance, including the removal of mature trees, hedgerows, and scrub, shall be strictly carried out outside the breeding season for birds, from 1st March and 31st August.</p> <p>Reason: To prevent significant impacts on breeding birds and ensure the protection of their habitats during the construction phase.</p>
11.	<p>Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.</p> <p>Reason: In the interests of amenity, ecology and sustainable development.</p>
12.	<p>Prior to the commencement of development, the local authority, or any agent acting on their behalf, shall undertake a pre-construction invasive species survey and, following the completion of the survey, shall prepare an Invasive Species Management Plan for the proposed development site.</p>

	<p>The details of this Plan shall be placed on file and retained as part of the public record prior to the commencement of development.</p> <p>Reason: In the interest of the protection of the environment and in the interest of public health.</p>
13.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
14.	<p>All new surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.</p> <p>Reason: In the interest of habitat protection.</p>
15.	<p>Prior to the commencement of development, Cavan County Council or any agent acting on its behalf shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
16.	<p>A two meter high acoustic fence shall be erected along the side boundary of No. 10 Lurganboy within the site. The fence shall be constructed of materials that provide effective noise attenuation and shall be installed with appropriate landscaping on both sides to minimise visual impact. The landscaping shall include a mix of evergreen and deciduous species to enhance biodiversity and ensure year-round screening.</p> <p>Reason: In the interest of residential and visual amenities.</p>
17.	<p>During the operational phase of the proposed development, the noise level shall not exceed 55 dB(A) rated sound level between the hours of 0700 to 2300 (corrected for a tonal or impulsive component) as measured at the nearest dwelling or noise-sensitive location. Procedures for the purpose of determining compliance with this limit shall be placed on file and</p>

	<p>retained as part of the public record.</p> <p>Reason: To protect the amenities of property in the vicinity of the site.</p>
18.	<p>The operating hours for the sports campus hereby approved shall be confined to 07.00 to 22.00 Mon-Sun.</p> <p>Reason: In the interest of clarity.</p>
19.	<p>The operational hours of floodlighting for the sports pitches and athletics track shall not extend beyond 22.00 hours, with an automatic cut-off at that time. During bat activity periods, floodlighting to the northern pitches shall be restricted to a 21.00 hours cut-off. All lighting shall be DarkSky-compliant, fully shielded, and designed to minimise light pollution, adhering to best practice for bats and artificial lighting.</p> <p>Reason: To protect the residential amenity of nearby properties and to mitigate impacts on biodiversity, particularly foraging and commuting bats, through the implementation of appropriate lighting controls.</p>
20.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the open spaces and shall take account of trees within the landscape plan drawing no. CSC-MLA-XX-00-DR-L-2001. Details of the scheme shall be prepared by the local authority prior to the commencement of development and shall be placed on file and retained as part of the public record. All lighting shall be operated in such a manner as to prevent light overspill to areas outside of compounds and works areas.</p> <p>Reason: In the interest of amenity and public safety.</p>
21.	<p>The proposed development shall include drinking water source(s) at appropriate locations within the grounds of the sports campus. Revised drawings showing compliance with this requirement shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of public convenience.</p>
22.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground.</p>

	<p>Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
23.	<p>A minimum of 10% of the proposed communal car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit-out of charging points. Details of how it is proposed to comply with these requirements shall be placed on the file and retained as part of the public record prior to the commencement of development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
24.	<p>The local authority shall provide cycle parking facilities at a rate of 1 bicycle stand per 20 m² of gross floor space of the indoor sports building, sports arena, and spectator stands. A minimum of 50% of these cycle parking spaces shall be covered to provide adequate protection for bicycles. The final layout and details of the cycle parking facilities, including the location, design, and materials, shall be prepared in accordance with the Cavan County Development Plan's standards and submitted to the Planning Authority for review. These details shall be placed on file and retained as part of the public record prior to the commencement of development.</p> <p>Reason: In the interest of promoting sustainable transport options and ensuring adequate provision for cyclists in accordance with the Cavan County Development Plan standards.</p>
25.	<p>The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the local authority shall employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess</p>

	<p>the site prior to the commencement of development and monitor all site development works. The assessment shall address the following issues:</p> <ul style="list-style-type: none"> (i) the nature and location of archaeological material on the site, (ii) the impact of the proposed development on such archaeological material. (iii) details of any further archaeological requirements arising from this assessment (including, if necessary, archaeological excavation). <p>A report containing the results of the assessment shall be made available for public inspection at the offices of the local authority for a period of at least five years following completion of the development.</p> <p>Reason: To conserve the archaeological heritage of the area and to secure the preservation and protection of any archaeological remains that may exist within the site.</p>
26.	<p>The developer shall ensure that all plant and machinery used during the works are thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
27.	<p>Details of the materials, colours and textures of all the external finishes to the proposed sports buildings, structures, and spectator stands shall be prepared by the local authority prior to the commencement of development and shall be placed on file and retained as part of the public record.</p> <p>Reason: To protect the visual amenity of the area.</p>
28.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be placed on the file and retained as part of the public record prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p>

	Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.
--	---

Board Member



Peter Mullan

Date: 25/10/2024