



An
Bord
Pleanála

Inspector's Report ABP-303082-18

| | |
|-------------------------------------|--|
| Development | Demolish derelict dwelling. Construct 46 no. fully serviced houses |
| Location | Mullaghduff, Ballyconnell, Co. Cavan |
| Planning Authority | Cavan County Council |
| Planning Authority Reg. Ref. | 18191 |
| Applicant(s) | Ballyconnell Properties Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | 1) Shane Heery 2) Deirdre O'Reilly |
| Observer(s) | None |
| Date of Site Inspection | 1 st of March 2019 |
| Inspector | Angela Brereton |

Contents

| | |
|---|----|
| 1.0 Site Location and Description | 4 |
| 2.0 Proposed Development | 4 |
| 3.0 Planning Authority Decision | 5 |
| 3.1. Decision | 5 |
| 3.2. Planning Authority Reports | 5 |
| 3.3. Other Technical Reports | 8 |
| 3.4. Prescribed Bodies | 8 |
| 3.5. Third Party Observations | 9 |
| 4.0 Planning History..... | 9 |
| 5.0 Policy and Context..... | 9 |
| 5.1. National Policy | 9 |
| 5.2. Cavan County Development Plan 2014-2020 | 10 |
| 5.3. Natural Heritage Designations | 13 |
| 5.4. EIA Screening | 14 |
| 6.0 The Appeal | 14 |
| 6.1. Grounds of Appeal | 14 |
| 6.2. Applicant Response | 16 |
| 6.3. Planning Authority Response..... | 17 |
| 7.0 Assessment..... | 18 |
| 7.1. Principle of Development and Planning Policy | 18 |
| 7.2. Density, Design and Layout | 20 |
| 7.3. Open Space and Boundary Treatment..... | 22 |
| 7.4. Access and Traffic issues -TIA..... | 23 |
| 7.5. Regard to Access/Traffic Concerns..... | 25 |

7.6. Regard to Road Safety Audit..... 27

7.7. Access/Traffic Conclusions 29

7.8. Construction Management 31

7.11. Regard to Precedent Cases..... 31

7.12. Drainage 32

7.13. Screening for Appropriate Assessment..... 33

8.0 Recommendation..... 35

9.0 Reasons and Considerations..... 35

1.0 Site Location and Description

- 1.1. The application site is located in Mullaghduff, within the development boundaries and to the south east of Ballyconnell town centre. The land use in the vicinity of the site includes Annagh Industrial estate to the north and some housing developments with access onto the Yellow Road, Corranierna and Amberwood to the south and east.
- 1.2. Access to the site is via the N87-2 National Route on the approach to Ballyconnell from Belturbet. The access is to the south of the roundabout on the N87 and to the north of the access to Corranierna/The Yellow Road. There is a line of larger detached two storey houses with access to and on the opposite side of the N87.
- 1.3. There is a derelict two storey dwelling and overgrown mature garden on the frontage part of the site, and the area to the rear is greenfield. The site is undulating and slopes down from the road to the row of houses to the rear of the site, including semi-detached and terraced. These houses are at a lower level than the subject site and have rear windows overlooking the site. The Appellant's property to the south also has rear windows facing the site.
- 1.4. There are trees and hedgerows along the site boundaries, however there is a need to establish boundary treatment and hedging along the north-eastern boundary with the properties to the rear and along the boundary with the houses to the south east. There is a stone wall and a very narrow footpath along the road frontage of the site which would need to be widened to facilitate pedestrian access. There are also footpaths along Yellow Road to the south.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - To demolish the existing derelict dwelling;
 - To develop a residential scheme comprising of 46no. fully serviced houses, to comprise 26no. semi-detached bungalows with provision for attic accommodation, 16no. two storey semi-detached dwellings and a two storey terraced block of 4 units;

- Form new entrance, service road, connection to foul sewer, surface water and watermain and all ancillary site works.

2.2. Documentation submitted with the application includes the following:

- Design Statement
- Transport Assessment Report
- Drawings to include Site Layout Plan, Floor Plans and Elevations.

3.0 Planning Authority Decision

3.1. Decision

On the 9th of November 2018, Cavan County Council granted permission for the proposed development subject to 21no. conditions. These generally relate to infrastructural issues (roads and services), Part V, development contributions and construction management issues and also include:

- Condition no.1 - is of note as it refers to the revised plans and restricts the permission to 43no. dwellings only.
- Condition no.12 – relates to landscaping, open space and boundary treatment.
- Condition no.13 – to external finishes.
- Condition no.14 – to time frames for landscaping etc.
- Condition no.21 – construction design of roads and footpaths to be agreed with the P.A.

3.2. Planning Authority Reports

Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the technical reports submitted and to the submissions made. Note was had to the issues arising and included the following:

- Residential development is permitted in the residential land-use zoning.
- Concerns regarding the quantity, design and usage of the public open space.

- The site is close to the town centre (within walking distance) and the proposed density of 23 per ha is acceptable.
- They query the comparisons used for expected traffic in the traffic impact report. They note the Engineering and Road Design Reports regarding the road network and road safety. Also, that the construction traffic is proposed via a new proposed site entrance and service road.
- They note that Irish Water have no objections to the proposed development.
- The proposal is not likely to significantly impact on Natura 2000 sites.
- There is no history of flooding on the site.
- There are no recorded monuments on site or in the immediate vicinity and they note that the Department has recommended archaeological monitoring as a condition.
- There is a mix of densities adjoining the site with low density detached dwellings to the south and a housing estate of similar density to the east.

The *Further Information Request* included the following:

- Revised plans to be submitted with the area of open space 3 to be increased in size to at least 15% of the site area;
- Revised plans showing the access road width to comply with 'Design Manual for Urban Roads and Streets';
- Cross Sections through the site are required;
- To liaise with the Council's Engineer regarding road safety issues;
- To submit revised plans to address the concerns of the third party submissions;
- Revised plans to incorporate details relative to roads, footpaths and street lighting;
- Proposals to enhance the design of all housing units on site and details of external finishes;
- Design of the open space to the front of the site and details of boundary treatments at this location;

- A Construction Management Plan;
- An AA Screening Report;
- And a Phasing Plan.

Further Information Response

This has been submitted by Wynne, Gormley, Gilsenan Architects & Surveyors Ltd on behalf of the Applicant and includes revised drawings and documentation i.e:

- Drawings showing the width of the access road to comply with current standards;
- Site Sections showing the sections through plots at the rear of the site showing the existing ground level and the proposed finished floor levels.;
- Road Engineers drawings and documents addressing the issues raised by the Municipal District Engineer in relation to road safety;
- A Site Layout showing proposed boundary treatment;
- They have submitted details relative to the Road Design issues including roads, footpaths, signage and lighting;
- A Stage 1/2 Road Safety Audit;
- Drawings showing revised elevational treatment to the house types and the proposed materials palette;
- Open Space 3 increased, so that it is now 15% of the overall site;
- A Construction Management Plan;
- A Stage 1 Statement of Screening for AA;
- Details of the design of open space at the site frontage;
- And a Phasing Plan has been submitted.

Planner's Response

They had regard to the Further Information submitted and submissions made and concluded that they had no objection to the proposed development subject to conditions. They considered that subject to compliance with these conditions the proposed development would not injure the amenities of the area, give rise to traffic

hazard or be prejudicial to public health and would be in accordance with the proper planning and development of the area.

3.3. **Other Technical Reports**

Road Design

They note concerns relative to the proposed location of the entrance between a roundabout and the junction of the N87 and Local Primary Road L1505. In the event of permission being granted they recommend conditions. These include relative to the access, internal roads layout, footpaths and lighting. Also, that a Stage 1/2 Road-Safety Audit be carried out and a Stage 3 RSA of the proposed alterations to the public road L3507 should be carried out immediately on completion.

3.4. **Prescribed Bodies**

Inland Fisheries Ireland

They provide that if the sewage effluent is to be connected to an existing sewage system then the waste water treatment works must have sufficient capacity to receive and treat the additional waste. They recommend that water courses and their habitats where they occur should be retained. Measures should be put in place to minimise potential damage due to construction. Construction works to be in accordance with current standards. Re-planting should involve the use of native species to maintain biodiversity.

Irish Water

They have no objections subject to conditions including relative to connection agreements.

Transport Infrastructure Ireland

They advise that the development abide by official policy in relation to development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) subject to the following:

The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any

recommendation arising should be incorporated as Conditions on the permission if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.

Department of Culture, Heritage and the Gaeltacht

They recommend that considering the scale of the site that an Archaeological Impact Assessment be carried out and that monitoring be included.

3.5. Third Party Observations

Submissions have been received from local residents and their concerns have been noted. As the issues raised are broadly similar to those raised in the third party appeals they are considered in that context below.

4.0 Planning History

The Planner's Report notes the following: Reg.Ref. 07/655 – previous application to demolish the existing derelict dwelling and to construct 50 no. residential units on this site was subsequently withdrawn.

5.0 Policy and Context

5.1. National Policy

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

- National Planning Framework 2040
- Rebuilding Ireland -Action Plan for Housing and Homelessness
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and accompanying Urban Design Manual
- Design Manual for Urban Roads and Streets (2013)
- Spatial Planning and National Roads - Guidelines for Planning Authorities, (2012)
- Regional Planning Guidelines for the Boarder Region (2010-2022)

- Habitats Directive -Appropriate Assessment

5.2. Cavan County Development Plan 2014-2020

Core Strategy

Section 2.5.1 has regard to Settlement Hierarchy. Ballyconnell is included in Tier Three (Medium Towns) as a town with over 1000 population. Section 2.5.3 provides the Potential Housing Demand. Section 2.5.4 has regard to Infrastructure Capacity. The Core Strategy Table provides that there is capacity for 180 dwellings in Ballyconnell. Section 2.8 provides the Core Strategy Policies. These include:

CSP3 seeks to guide development of towns in a sequential manner...

CSP8 *To have regard to the DECLG guidelines “Sustainable Residential Development in Urban Areas Guidelines” (2009) in relation to the scale and design of residential development appropriate to settlements within the hierarchy.*

CSP21 seeks to facilitate the implementation of the Urban Regeneration and Housing Act 2015.

Infrastructure -Roads

Chapter 4 has regard to Physical Infrastructure. Section 4.1 refers to Roads and Transportations and 4.1.1 Policy Context. Table 4.1 provides details of Significant National Road Schemes progressed in County Cavan since 2008. This includes the N87 Belturbet to Ballyconnell Minor Realignment (completed 2011) and the N87 – R205 Ballyconnell Inner Relief Road (completed 2012). Section 4.1.3 refers to the Challenges which includes: *Improving the National, Regional and Local Road Network in the County*. Section 4.1.4 refers to the Roads Infrastructure and notes the importance of a strong transportation network. Policies PI01 – PI014 provide the Road Infrastructure Objectives.

PI012 *To ensure that all new developments are assessed with regard to their impact on the operation of the public road network and where appropriate to require a ‘Traffic and Transport Assessment,’ in accordance with standards set out in the ‘Traffic and Transport Assessment Guidelines’ published by the NRA.*

Section 4.1.5 has regard to the National Road Network and Table 4.6 has regard to the Belturbet to Ballyconnell Realignment and Route Selection Objective PIO17 relates.

PIO23 *To have regard to the NRA document 'Traffic and Transport Assessment Guidelines' and 'Spatial Planning and National Roads Guidelines' published by the DECLG, 2012 and, where appropriate, the Inland Fisheries Board Guidelines 'Requirements for the protection of fishery habitat during construction and development works at river sites.'*

Section 4.1.7 has regard to Local Roads – Objectives PIO28/28 refer.

Section 4.1.9 refers to Signage on National and Non-National Roads.

Section 4.1.10 refers to Road Safety and to Strategy for such. Objective PIO36 refers to Road Safety Audits. Section 4.1.12 to Planning applications and Parking Requirements. Table 4.7 provides the minimum parking requirements (2 spaces per unit - residential) Objectives PIO43/44 refer. Section 4.4 refers to Walking and Cycling.

Infrastructure – Water and Wastewater Services

Section 4.5.1 notes the Regulatory Framework for Water, Wastewater and Drainage. The relevant policies include:

PIO79 *To ensure that public wastewater treatment infrastructure is in-place with adequate capacity, prior to developments being occupied.*

PIO87 *To require that adequate and appropriate waste and drinking water service infrastructure is in place, prior to further development.*

The Water Services Objective **PIO89** *To support the objectives of the WSIP Assessment of Needs 2009 – 2015,' including the following schemes; Ballyconnell, Cootehill, Killeshandra and Kingscourt.*

Housing

Chapter 5 provides the Housing Strategy for the County 2014-2020. This has regard to the Provision of Housing, Creating a Quality Living Environment and seeks to comply with current guidelines:

Policy **HP4** *To comply with the DECLG Publications; 'Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes and*

Sustaining Communities’ and ‘Delivering Homes Sustaining Communities, Statement on Housing Policy’.

Objective **HO1** *Require that all new residential developments include a mix of house types and sizes to cater for different needs including families, single persons, the elderly and mobility impaired.*

HO5 *Ensure that new residential developments are integrate into the existing urban fabric both physically and socially.*

HO7 *Ensure a sequential approach to residential development in which the priority location for new residential development will be town and village cores, brownfield sites and suitable areas adjoining town and village cores.*

HO12 *Require, as provided for under Section 95 of the Act, as amended, that 10% of land zoned for residential use or for a mixture of residential and other uses shall be reserved the provision of housing, in order to comply with the Planning and Development Act 2000, as amended and Urban Regeneration and Housing Act 2015.*

Open Space/Amenity

Section 6.9 provides the relevant Policies and Objectives and includes:

SCP13 *Recognise the amenity, leisure and social importance of existing areas of amenity and open space and the importance of the provision of new, attractive and useable open space and amenity areas.*

Section 6.10 refers to Recreation.

Natural Heritage & Environment.

The relevant policies and objectives are referred to in Chapter 8. This includes regard to the protection and maintenance of European Sites (Natura 2000).

Section 8.7 notes that the Council has not prepared a Landscape Character Assessment. Regard is had to a description of Character Areas and Scenic routes.

Water Resources and Quality are referred to in Section 8.12.

Section 8.13.3 refers to Noise and includes regard to Policies on Air, Noise and Climate Change. Section 8.14 to Flood Risk Management.

Development Management

Chapter 10 provides the Development Management Standards. Section 10.3 seeks to ensure a high quality of Residential Development in Urban Areas. This includes the need to provide a Design Statement to follow the recommendations of the 'Urban Design Manual' and include regard to the 12 no. criteria therein.

Regard is had in this Section to issues of Design Considerations, Density and car parking. Section 10.3.2 provides: *Where sewerage facilities exist or are being planned for, the main determinant of the density acceptable to the Planning Authority will be the extent to which a scheme;*

1. *Provides for both public and private open space including supervised play areas.*
2. *Provides adequate privacy for each household.*
3. *Has a design that enables the scheme to merge successfully into the landscape.*
4. *Provides car parking, cycling and walking links.*
5. *Has a mix of dwelling types.*

Section 10.3.4 refers to the Sequential Approach. This includes: *The following area types shall be developed as a priority in towns and villages;*

- *Unfinished residential developments*
- *Brownfield Sites*
- *Greenfield residentially zoned land adjacent to town and village cores*

Section 10.14.16 refers to AA (Chapter 8) - Objective **DMO12** refers.

Section 10.14.10 refers to access to restrictions on developments with access from National Primary and Secondary Roads. Policies DMO21/22 refer.

DMO22 *To ensure that future development affecting national primary or secondary roads shall be assessed in accordance with the guidance given in the document 'Spatial Planning and National Roads - Guidelines for Planning Authorities,' January 2012'.*

Chapter 14 has regard to Medium Sized Towns and this includes Ballyconnell, and provides the policy and objectives for the future maintenance and growth of the town.

5.3. Natural Heritage Designations

The site is approx. 1km from the nearest Natura 2000 site Lough Oughter SAC.

5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two separate Third Party Appeals have been submitted from local residents Sean Heery and Deirdre O'Reilly. As their concerns raise broadly similar issues, they are considered together under the following headings:

Density, Design and Layout

- Overdevelopment and overconcentration creates an undesirable precedent on this site. The number of houses permitted should be reduced to c. 8-14.
- It effectively creates a dangerous precedent for an area in which a lower housing density has been established for many years.
- The proposed density is too high and there is a precedent for larger sites and for one off stand-alone properties.
- The proposed 2.4m boundary wall to the rear of the appellant's property is not desirable and a proper landscaping proposal would be more desirable.
- Concern that attic conversions will cause overlooking and loss of privacy.
- There is no provision for a creche in the development, or for established green areas.

Access and Traffic

- Concern about the gradient of the entrance and the traffic generation that will be caused by the proposed development onto the busy N87. There is a lack of traffic calming in the area.

- With regard to concerns about traffic movements, a previous Board decision Ref. PL02/234322 (refusal) is referred to.
- Concerns about traffic comparisons made in the TIA. Daisyhill Manor in the town of Ballyconnell itself would have been a more comparable estate to estimate volume of traffic.
- The proposed development should also be serviced by a cycle path.
- The proposed access for construction purposes onto the Yellow Road will impact negatively on local residents.
- The town footpath is effectively interrupted by the proposed development and this will have safety implications.

Drainage

- This urbanised development would place undue strain on existing services such as sewerage, water, surface water drainage.

Impact on the Character and Amenities of the area

- This proposal is in conflict with the pattern of development in Daisyhill and will impact adversely on the character and amenities of the area.
- It will add to the lack of green areas or public spaces in this small urban town.
- It will devalue properties on the outskirts of the small town of Ballyconnell which is characterised by lower density residential development.
- The influx of this type of development will create a dangerous precedent in the area and will reduce the residential amenity of the established existing residences in the area.
- This proposal is an entirely speculative development reminiscent of the 2005-2007 Celtic Tiger days. The result is sadly evident in ghost estates. This will create the potential for the 4th ghost estate in the town.
- Regard is also had to their previous submissions made which are included with their appeal. Reference is also made to density, overdevelopment, road safety issues and to non-compliance with planning policy in the Cavan CDP.

- They recommend that the Board should either refuse or alternatively grant permission for a considerably reduced number of houses on this site.

6.2. Applicant Response

Genesis Planning Consultants have submitted a response on behalf of the Applicants to the Third Party grounds of appeal. This includes the following:

- They note the Further Information submitted in response to the Council's request and consider that the matters therein have been complied with and accepted by the relevant sections of the Council.
- They submit that the assessment of the P.A of the application particulars is the correct assessment, as all relevant planning and design standards are adhered to by the proposed development.
- They provide a review of the third party appeals and a response to the issues raised.
- They note the reduction in units from 46no. to 43no. and that the density of the site is now reduced to 21.5 units per ha and consider this an acceptable density for this site.
- The submitted TTA sets out in detail that the existing road infrastructure can accommodate the proposed development and that it will have a minimal traffic impact.
- The road safety audits submitted demonstrate existing and proposed roads/footpaths are of adequate design capacity to cater for the proposal.
- They have regard to the P.A assessment and provide that the proposed development can be accommodated in terms of road infrastructure.
- They refer to the details submitted in the Construction Management Plan and provide there will be no adverse effects on any areas outside of the site.
- They also note that these issues including dust management and road maintenance are included in the conditions of the Council's permission.

- Devaluation of property value is not a matter for the P.A or the Board to consider and they refer to section 34(2) of the Planning and Development Acts.
- They provide that given the separation of the site from the appellant's properties there is no loss of residential amenity (Fig. 2 refers).
- They consider that an appropriate condition can address the issue of boundary treatment.
- They refer to the engineering particulars accompanying, the application and the response from Irish Water who are satisfied that the proposed development can utilise the existing services.
- They note that the proposal is consistent with the zoning objective for residential on this site. The proposed design and layout provides for a high quality scheme.
- They conclude that the proposal is consistent with planning legislation, policy and guidelines. They provide details relative to this issue.
- Given the extensive documentation prepared as part of this application, they provide that there are no matters arising which undermine the conclusions set out in the P.A Report which deems as acceptable the development in planning terms. Any outstanding matters can be addressed by clarification of information and/or conditions.

6.3. Planning Authority Response

They had regard to the grounds of appeal and the First Party response. Their response includes the following:

- They note the reduction in units and that the overall density is now 22 houses per ha. They submit that this density approach is acceptable on this out of town site, which is accessible by road and footpaths.
- Ballyconnell Town is a Tier Three, Medium Sized Town and the Core Strategy identifies a potential for 180 housing units. The P.A considers that the appellants suggestion of 8-10 houses on this site is unsustainable on a zoned,

serviced area. The proposed density of 22 houses per ha is compatible with densities on adjacent housing developments in the area.

- The Road Design Section of the Council, has no objections to the proposal subject to conditions. They have regard to the need for Road Safety Audits to be carried out. A full TTA based on recent traffic surveys was prepared and submitted with this application. There was no objection from the Roads Department and the Municipal District Engineer, with regard to traffic safety.
- Having assessed the Construction Management Plan submitted as part of the F.I response, they consider the proposal for Phasing of the proposed development and use of a secondary access for construction in addition to the main access, acceptable. They refer to Condition no.4 in this regard.
- The development of the subject site which is zoned Residential, would not result in a devaluation of adjacent existing properties as the use is compatible with the zoning.
- They consider that the design and layout of the proposal development is appropriate in this location and will not impact adversely on existing residential properties.
- They have regard to the grounds of appeal and consider that the arguments put forward in the Planners Reports remain as stated. They request the Board to uphold their decision.

7.0 Assessment

7.1. Principle of Development and Planning Policy

Ballyconnell is identified as a medium sized town in the Settlement Framework, as noted in Chapter 14 of the Cavan CDP 2014-2020. It is situated in the west of County Cavan close to the border with County Fermanagh. It is located on the Woodford River, which is part of the Shannon-Erne Waterway at the crossroads of the N87 and the R205. The Core Strategy provides that Ballyconnell is a Tier Three, Medium Sized Town. It is noted that as shown in the census the town has grown significantly in recent years and note is made of land zoned for residential

development up to 2020. It is provided that such lands have been identified on their relative proximity to the town centre, other residential areas and community and social infrastructure and include, not relevant in the current scenario, the completion of significantly incomplete residential developments.

- 7.1.1. As shown on the Land Use Zoning Map the site is within the development envelope of Ballyconnell on the southern side of the town. The majority of the subject site is zoned 'Proposed Residential', with the road frontage lands to the south, east and north zoned 'Existing Residential'. The land to the west is zoned for 'Industrial/Enterprise and Employment. The objective for 'Proposed Residential' seeks: *To provide for residential development and to protect and improve residential amenity. New housing and infill developments should be of sensitive design which is complimentary to their surroundings. Residential development shall ensure the provision of high quality new residential environments with good layout design and adequate private and public open space and also provide an appropriate mix of house sizes, types and tenures.*
- 7.1.2. In view of the site frontage, containing the existing derelict house for demolition being in the 'Existing Residential' zoning it is noted that this Objective seeks: *To promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents.*
- 7.1.3. The Third Parties are concerned that this proposal will lead to overdevelopment of this restricted site area, which currently contains one existing derelict house, relative to the provision of 43no. houses. They are concerned about traffic safety relative to the provision of a new entrance and service road, onto the busy N87-2 and proximate to the roundabout and junction to the local road. Also, that the proposed development amounts to an overconcentration of houses on a very limited site area in a small rural town with very limited provision for green areas or amenity for the residents of the proposed development. They consider that this proposal is in conflict with the existing planning context and the residential amenity and pattern of development for of the larger stand-alone houses in the area.

- 7.1.4. The First Party note that the proposed development is consistent with the zoning objective and relevant policy requirements as set out in the Cavan CDP 2014-2020 and that it is plan-led. They provide that the proposed development and accompanying documentation have been prepared in response to the existing site context. Also, that the layout and design particulars incorporated into the application as submitted and in response to the Council's Further Information request are considered to provide for a high quality residential scheme. They also refer to the details on traffic submitted and do not consider that the proposal will lead to traffic congestion/hazard.
- 7.1.5. It is considered that the principle of a residential development is acceptable relative to the land use zoning. Regard is had further to the documentation submitted and to the issues raised by the third parties including compliance with planning policy and guidelines, density, design and layout, access/traffic and drainage and impact on the pattern of development and character and amenities of the area in this Assessment below.

7.2. **Density, Design and Layout**

- 7.2.1. The Design Statement submitted notes that the site layout is designed to work within natural boundaries and contours as they exist on the ground. The configuration of the site is narrow on entrance and widens out into the rear of the site. The site frontage to the N87 includes an existing derelict dwelling and garden area with greenfield area used for grazing at the rear. The land is undulating and slopes down from the road to the housing at the rear. There is no objection to the demolition of the existing derelict house. The layout shows the proposed houses in a linear form facing onto the central access road that terminates in a cul -de-sac at the rear, and the provision of 3 separate areas of open space i.e 2 areas to the site frontage, with the main area at the rear of the site. Street Contextual Elevations 1-4 showing the linear form of the proposed layout have been submitted.
- 7.2.2. Regard is had to Section 5.9 of the 'Sustainable Residential Development in Urban Areas (May 2009), which refers to infill residential development and includes:
Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships.
These also provide: *In residential areas whose character is established by their*

density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

- 7.2.3. Chapter 6 of these Guidelines refers to Small Towns and Villages (pop. 400 - 5,000 persons). This includes that each residential scheme within a small town or village should be designed to make the most effective use of the site, make a positive contribution to its surroundings, have a sense of identity and place, provide for effective connectivity, include a design approach to public areas such as streets and open spaces and encourage a safe sense of place. In this case having regard to section 6.11 of the Guidelines, the site is considered to be an 'Edge of centre site' *where densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.*
- 7.2.4. This proposal as originally submitted was for the construction of 46no. units on this site area of 1.97 i.e 23 houses per ha. Revised plans submitted in response to the Council's F.I request include a revised Site Layout Plan which details unit numbers being reduced to 43no.to allow for the increased area of open space. Therefore, the density proposed is c.22 units per ha (43no. units) and it is provided that this is an acceptable density for this site. It is considered that the appellants suggestion that 8-14 houses should be developed on this site, in lieu of the current proposal which they consider is overdevelopment, would be unsustainable for a zoned, serviced edge of centre area. In addition, 22 houses per ha is compatible with the densities on adjacent housing developments within the immediate vicinity of the site i.e. Bothar Búi, Amberwood and Amberwood Grove and Daisyhill Manor.
- 7.2.5. Section 10.3.2 of the Cavan CEDP refers to General Design Considerations and this includes regard to the provision of a residential mix in house and apartment design, separation between buildings, privacy and security, private/public open space and accessibility. Regard is also had to the 'Urban Design Manual – A best practice guide which accompanies the above Guidelines'. This provides the 12 criteria relative to Neighbourhood, Housing Site and Home and to the sustainable residential development in urban areas. This includes regard to issues such as 'Distinctiveness' i.e. does the proposal create a sense of place.

7.2.6. A Schedule of house types and floor areas has been given. The revised plans propose 4no. different house types i.e. 14no. pairs of House Type A/A1 2/3 bed bungalow semi-detached i.e. 28no. units in total. These are lower profile dwellings with room for possible attic conversion at first floor level. 5no. pairs of semi-detached pairs – House Type B i.e. 3 bed 2 storey semi-detached units i.e. 10no. units in total. 4no. terraced units – House Type D, 3/2 bed -2 storey terrace units shown at the northern end of the site. Also, one no. House Type E 2/3 bed bungalow detached unit adjacent to the open space at the rear. Therefore 5no. different house types are proposed with a predominance of semi-detached units and House type A/A1. These units are to be located closer to the road on the more elevated part of the site. While there is some mix in housing I would have some concern that the proposed terraced units are crammed into the rear corner of the site, with minimal separation distances to the existing terraced block at the rear. I would consider that in the context of the pattern of development in the area that the proposal while it has some variation would benefit from a greater choice of unit types and mix of tenures to include the provision of more terraced housing and if the Board decides to permit they may wish to condition this.

7.2.7. In view of the constraints of the site as shown in the current layout the houses will not have frontage to the N87. It is noted that as shown on the plans submitted the proposed houses are to be set back from the road behind the proposed graded/mounded landscaping of open space nos. 1 and 2. I would recommend if the Board decide to permit that it be conditioned that revised plans be submitted showing improved detail and fenestration of the gable ends of houses on plot nos. 1 and 5 i.e. facing the N87. They may also wish to condition the provision of in particular, permeability and pedestrian linkages, however changes in the layout would need to be provided to facilitate such.

7.3. **Open Space and Boundary Treatment**

7.3.1. The Site Layout Plan shows three separate areas of open space to be provided for residents. Open Space nos. 1 & 2 are shown as smaller areas on either side of the proposed access road at the site frontage facing the N87. As shown on the revised drawings it is proposed that grading/mounding be carried out as part of the landscaping to provide a visual buffer. It is also proposed that a new stone wall to

match the existing be provided along the site frontage. In view of sightlines and to obtain visibility the existing trees/planting along the roadside boundary will need to be removed to facilitate sightlines.

- 7.3.2. The *Sustainable Residential Development in Urban Areas Guidelines 2009*, in Section 4.20 recommends that in green-field sites public open space should be useable and provided at a minimum rate of 15% of the total site area. The revised plans as per the F.I submitted show an increase in open space provision i.e Open Space 3 being increased so that open space will be 15% of the site area. Well-designed open space is important in residential developments. It is noted that the open space is to be located in the north-western part of the site close to the boundary with the industrial usage. It will be overlooked by a number of the proposed houses. On site I noted some background noise from the plant used in the industrial units in particular the adjacent unit 'Boxmore Plastics', so I would consider that this is a good location for a more sizable area of open space. I would recommend that the boundary hedge with the green space to the north west of the site i.e. with the industrial uses be retained and that this be conditioned should the Board decide to permit.
- 7.3.3. The third party is concerned about overlooking and loss of privacy, especially from attic conversions. Also about the proposed erection of a 2.4m boundary wall and about inadequate landscaping and poor design of boundary treatment. The First Party response (Figs. 5& 6 refer) notes that the appellant has a rear garden in excess of 15m and that the proposed site layout incorporates an acceptable separation distance i.e in excess of 30m between opposing rear windows. If the Board decides to permit I would recommend a landscaping condition to include details of all boundary treatment i.e walls and hedgerows be submitted for the written agreement of the Council.

7.4. **Access and Traffic issues -TIA**

- 7.4.1. A Transportation Assessment Report prepared by NRB Consulting Engineers has been submitted with this application. This assessed the impact of the traffic associated with the proposed development of 46no. houses, together with the established traffic on the local road network. This is based on Weekday AM & PM Peak classified traffic interval movement surveys of the road network carried out in

April 2018. The Report and analysis includes an assessment of impact of the proposed housing traffic during the projected Opening Year 2020 together with an assessment of the Design Year 2035.

- 7.4.2. The Report addresses the adequacy of the existing road network to safely and appropriately accommodate the worst case peak hour vehicular demands associated with the development and in particular the safety and capacity of the proposed vehicular access junction along with the worst case impact upon the N87 roundabout to the North of the site. The TIA provides that there is absolutely negligible traffic impact associated with the opening of the proposed subject residential development. Also, that the Access Junction will operate without any issues arising whatsoever during the selected year of opening and the Design Year 15 years after opening. They provide that they have addressed both the location and the design of the Access Junction and can confirm it meets modern roads design guidance requirements. In addition, they confirm that the required Stopping Sight Distances along the N87 in both directions are achievable. The TIA provides that based on their study they believe that there are no traffic/transportation capacity, traffic safety or operational issues associated with the proposed development.
- 7.4.3. The N87 fronting the site is a National Road linking the N3 at Belturbet with Swanibar at the border, transversing through Ballyconnell. It is single carriageway width in this location, with footpaths either side. They provide that based on their survey it is lightly trafficked. A new vehicular access to the lands from the N87 which passes the site is to be created to serve the housing. Also, that the layout and design of the access (which is within the 50kph urban speed limit), achieves sightlines and meets the requirements of DMURS and the requirements of the Council. A review of the Road Safety Authority (RSA) online collision database indicates that there is no record of any collision between 2005-2014 inclusive.
- 7.4.4. To the north the adjacent junction of the Ballyconnell Relief Road with the N87 takes the form of a 4 arm roundabout, with the fourth arm serving as access to the industrial premises (Boxmore Plastics). They have undertaken detailed modelling and analysis of the proposed access junction. Capacity modelling was undertaken for a year of opening 2020 and design year 2035 in accordance with guidelines. This included a classified interval survey for each of the 2 modelled periods and details of traffic surveys are given in Appendix C. They have included in Appendix B the

TRICS output for Residential Development and provide a summary in Table 3.1 of the TIA. Table 4.1 provides the PiCADY summary results to assess the capacity of the proposed access junction to accommodate the completed development. This shows that there is more than adequate capacity to accommodate the proposed development.

- 7.4.5. They note the Council's concerns relative to Road Junction Spacing with respect to the 'Yellow Road Junction' to the south and the N87 roundabout to the north of the subject access to the site. They provide that in these terms the spacing of the junctions exceeds the requirements of DMURS for junction spacing. It also exceeds the more onerous DMRB Guidance i.e exceeds the minimum requirement of 50m. Appendix A includes a drawing demonstrating that the required sightline at the proposed access are achievable for the 50km/h speed limit. They therefore suggest that junction spacing is not a design or road safety concern in terms of the current DMURS, or in terms of the more onerous TII Guidance, particularly in the case where acceptable sightline and Stopping Sight distance in excess of 45m for approaching traffic on the N87 is available. The TIA concludes that there are no significant Operational Traffic Safety or Road Capacity issues, affecting the established road network, that would prevent a positive determination of the application by the Council.

7.5. Regard to Access/Traffic Concerns

- 7.5.1. It is noted that the existing access served the derelict dwelling and is in a more hazardous location with restricted sightlines, too close to the roundabout. The proposed entrance is to be located to the south of this where sightlines are to be improved. The proposed access is on a considerable gradient, uphill from the roundabout. There is third party concern that the entrance to the proposed development is to be placed at an already exceptionally busy main road i.e the N87-2. They consider that the influx of additional traffic movements per day arising from this proposal, is an unwelcome addition to this already heavily trafficked area in the context of the small town of Ballyconnell.
- 7.5.2. Also, that the footpath will be interrupted by traffic using the proposed entrance and this will have safety implications. It is provided that the area is already over-populated with housing estates (i.e Bothar Bui, Bothar Glas and Amberwood). Also,

there exists substantial commercial traffic only bound to increase from Boxmore Plastics, Quinn Group, Ballytherm and the proposed new pizza factory at Annagh Industrial Estate. While the site is within the 50km/h zone, this is a National Secondary Road and it is noted that there is a general lack of traffic calming measures in the area.

- 7.5.3. The *Spatial Planning and National Roads - Guidelines for Planning Authorities, January 2012* is referred to by the TII. The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages. Therefore, they are not relevant to the current application. As the site is within the 50km/h speed limit, DMURS provides guidance relating to the design of urban roads and streets. Section 3.4.2 refers to Traffic Congestion and includes: *Within urban networks, delay and congestion overwhelmingly occur at junctions*. DMURS also refers to junction design being largely determined by volumes of traffic, the benefits of the provision of traffic calming and pedestrian crossings at junctions. Regard is also had to roundabouts (Section 4.4.3 refers) and this includes that: *the use of large roundabouts (i.e those with radii greater than 7.5m) should be restricted to areas with lower levels of pedestrian activity*. This proposal will increase such activity.
- 7.5.4. There is a large 4 arm roundabout to the north and there are no pedestrian crossings/cycle ways or traffic calming in the vicinity for the proposed residential development. The proposed access is c.100m south of the roundabout to the north and 70m from the junction with the local road to the south. There are no proposals for a dedicated right turn into the site, so that it is presumed that traffic travelling northwards along the N87 i.e from the N3 will use the roundabout to turn to access the site, otherwise it could lead to queuing on the N87. Similarly, traffic exiting the site to travel northwards will have to cross the N87 to turn right. While the TIA emphasis low traffic levels along this National Route, I noted that in addition to cars there were several larger vehicles including HGVs using the road, especially travelling northwards on the day of my site visit.
- 7.5.5. The Council's Road Design Section noted that the proposed entrance is located between a roundabout and the junction of the N87 and Local Primary Road which is a difficult junction due to sight distance and existing alignments. They note that the

development would mean three significant junctions in a 170m section of road. Also, that there is an incline at this location which appears in excess of 5%. They note that the latest traffic count is in excess of 4,000AADT. They consider that this application will have a negative impact on road safety. However, in the case of a grant of permission they recommended a number of conditions. This included that a Stage1/2 Road Safety Audit be carried out for the revised layout after incorporating the amendments. Also, that a Stage 3 RSA of the proposed alterations to the public road L3507 should be carried out immediately on completion. In each case the signed off RSAs to be submitted to the PA for approval. It is recommended if the Board decide to permit that in the interests of road safety that such conditions be included.

7.6. Regard to Road Safety Audit

- 7.6.1. A Road Safety Audit was carried out during July and October 2018. It was noted that traffic conditions were light, and the posted speed on the N87 national road adjacent to the site was 50km/hr. It is provided that the team examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the design of any other criteria. It was noted that there are significant gradients at present on the N87 adjacent to the site, which are likely to increase stopping distance in wet and icy conditions. Warning signs for a slippery road surface were also noted in the locality. The RSA notes that inappropriate vehicle speeds may lead to increased risk of pulling out type incidents and right angled collisions with vehicles egressing from the proposed development. While visibility splays have been recommended which exceed those required by DMURS they note that vehicles egressing from the development site will be stopped at a significant offset from the channel line due to proposals for a raised table at the junction mouth. Fig.3 shows current visibility to the right from the back of footway which is approx. 1m from the kerbline. The RSA makes recommendations to improve visibility and to provide traffic calming.
- 7.6.2. The RSA notes that landscaping and boundary treatment is currently too close to the carriageway edge and may obstruct footways as well as compromise visibility to and from driveways. They note that trees and hedgerows along the roadside boundary may also result in slippery conditions and that the extent of site clearance in respect of this vegetation is unclear. Also, detailed design should include site clearance

details to include the removal of existing features that will be displaced by the proposed works, including buildings, walls, mature trees, services and utilities/overhead power lines. Fig. 4 relates. This would imply that the existing stone wall and trees/vegetation along the road side boundary of the site will need to be removed.

- 7.6.3. There are a number of private access points located on the opposite side of the carriageway to the proposed site access, with limited stagger offset to the proposed site access. The RSA recommends that the design include an examination of the use of these access points with provision for a suitable stagger offset in accordance with the relevant standard, and with the number of access points and potential points of conflict in close proximity be minimised.
- 7.6.4. The RSA notes that there was no information provided on the different surface types and kerb and ramp levels and gradients within the site to determine any issues arising in terms of vehicular and pedestrian accessibility. They recommend that these should be included in the detailed design, to include cross sections and details of proposed ramps etc. It notes that there was no information provided on anticipated pedestrian demands and desire lines, however there were a number of issues noted in respect of current pedestrian accessibility to and from the site and a summary is provided of such. They note that the site proposals show no provision for pedestrian links at the rear of the site where there is an existing network of footpaths within an established residential development and where a desire may arise. Also, that the site proposals appear to impact on the existing pedestrian access to the rear of the existing houses. They provide recommendations to improve pedestrian linkages both within the site and on tie-in points on the routes used to access the site.
- 7.6.5. No information has been provided on likely cyclist demand and activity to and from the site and there is no provision for cyclist accessibility on the existing network or the proposed design for the site and there is insufficient space provided on footways to accommodate a shared VRU route. The RSA recommends cyclist activity and demands should be considered and assessed as part of the detailed design, with provision for formal cycling facilities as necessary and confirmation of safe connectivity to any existing cyclist routes in the vicinity.

- 7.6.6. They note that there are problems with the location of proposed lighting poles. They provide that lighting proposals should be clarified, with all lighting columns to be placed away from areas where vehicles may wish to turn or reverse, in a location that does not obstruct footways. They also note a lack of signage details submitted. There is an existing warning sign for a minor road ahead (Amberwood Court – Fig. 9 relates). They recommend the provision of suitable signage including warning signs.
- 7.6.7. Appendix D of the RSA includes a Road Safety Audit Feedback Form. This includes alternative measures or reasons accepted by the auditors. Drawings have been submitted to include ramps and signage within the proposed layout.

7.7. Access/Traffic Conclusions

- 7.7.1. The revised plans submitted in response to the Council's F.I request includes revised drawings and road design specifics detailing road design of 5.5 metres and a 6m radius entrance point and noting that road gradients will comply with standards. The First Party response provides that DMURS requirements are duly met in relation to the access, sightlines and internal road layout including footpaths. They also provide that the TTA sets out in detail that the existing road infrastructure can accommodate the proposed development and that the proposed development will have a negligible traffic impact from the proposed development.
- 7.7.2. Regard is had to the comparison used for the expected traffic in the traffic impact report. It is provided by the Third Parties that Ballyconnell doesn't have the same public transport infrastructure as some of the areas used to compile the average. It is noted that it lost its Bus Eireann service some years ago and that most people have to commute to work in Cavan, Enniskillen, Derrylin and other towns by car as there are no public transport links. There is concern that it has not been shown on the Site Layout Plan that the proposed development will be served by a cycle path. Also, there is no connecting cycle path along this section of the N87. Given the distance of the appeal site from the town centre, its layout determined by roads and the absence of any day to day services within reasonable walking distance, I would be of the opinion that the proposed development will be very car reliant.
- 7.7.3. Table 4.3 of the Cavan CDP notes the National routes crossing County Cavan and this includes the N87 National Secondary Road (Belturbet – Ballyconnell –

Swanlinbar – Enniskillen (A32). Section 4.1.5 notes: *The National Road Network primarily serves long and middle distance traffic passing through the County and has an important role to play in the economic development of the county.* Table 4.6 notes that the N87 is a National Secondary Road and the Improvement Scheme is realignment and the current status is route selection. Objective PIO17 seeks: *To progress and develop the N87 National Secondary Route to Ballyconnell Realignment Scheme.*

- 7.7.4. On site I was concerned about the safety of the proposed access being onto a busy National route, proximate to a round-about. The N87 is a busy national through route and while the site is within the 50km/h speed limits, I noted a number of larger vehicles including trucks and HGVs passing at speed on the day of the site visit. There is no traffic calming in the immediate area. This proposal will replace the existing vehicular access to the derelict dwelling and the proposed access is to be sited further south in the vicinity of the existing gated pedestrian access to the site and will necessitate the removal of the roadside frontage stone wall and planting.
- 7.7.5. I note the PA response to the grounds of appeal provides that there was no major objection from the Council's Roads Department and the Municipal District Engineer with regards to traffic safety. Condition no.21 of the Council's permission provides that the applicant agrees in writing *details of road construction design, markings, gradients, raised tables, footpath design and retaining walls prior to the commencement of development.* I would recommend in view of the issues raised including in the Stage 1/2 RSA that if the Board decides to permit that it be conditioned that a Stage 3 RSA be carried out and agreed in writing with the PA.
- 7.7.6. However, other alternatives have not been investigated and I would consider that it would be preferable if it were possible to locate the access onto the more minor 'Yellow Road' to the south which currently serves other residential estates in the vicinity. I noted two green areas with field gate entrances onto this road in the vicinity of the site, including where it is proposed to place the temporary construction access, which is included within the red line boundary. This option of gaining access from the minor road rather than the national road, albeit within the urban speed limits, which may be preferable does not appear to have been explored. The lack of pedestrian linkages to the Yellow Road and the residential to the rear is also noted.

Therefore, this development appears very car reliant and dependant on access via the N87 along the frontage.

7.8. Construction Management

- 7.8.1. There is concern from local residents that the construction process will add additional noise and dust to the area and be detrimental to existing residence. Also, that the second entrance onto the Yellow Road is unfeasible and amounts to effectively a traffic hazard in this regard.
- 7.9. In response to the Council's F.I request the applicants have submitted a Construction Management Plan. This provides that each phase will be fully completed to occupancy level with roads, footpath and external lighting. Entrance to the work site for the first phase will be from the main Belturbet/Ballyconnell road with secondary access from the Yellow Road. The latter to be used as the main access road for construction traffic for the second phase of the development. The issue of traffic management and other risks are dealt with in the section on hazard identification and risk assessment. This includes that traffic management will be required to avoid or at least minimise the risk of contact between traffic entering/leaving the site and passing traffic. It is also noted that there is a need for measures to prevent mud from wheels or other spillages onto the road network and that ongoing monitoring on the public road and entrance roadway will be provided.
- 7.10. Regard is also had to the demolition works, excavation and ground works, site security arrangements. Measures to reduce the impact of noise on local residents will include that work hours on site will be between 8.00am and 5.00pm only. It is provided that there will be no emissions from the site into local watercourses. Details are also given of emergency plans. It is concluded that the proposed development will be managed in compliance with the relevant legislation and regulations and that best practice will be followed.

7.11. Regard to Precedent Cases

- 7.11.1. The Third Parties have regard to a previous Board refusal on the Yellow Road, and consider that a precedent has been set by this – Ref. PL02.234322 relates. In that case the Board refused permission for the erection of 61no. fully serviced dwellings

for reasons of providing an unsustainable form of development and being contrary to the Sustainable Residential Development in Urban Areas Guidelines 2008 which encourage compact forms of development and the Board was not satisfied that the proposed development would make provision for the safe disposal of effluent and would therefore be prejudicial to public health. A copy of this refusal is included in the Appendix to this Report.

- 7.11.2. That site was located on residentially zoned lands at the southern edge of the town and was accessed via the local road (Yellow Road) that connects to the N87, rather than directly off the N87 which is the current case. The First Party response notes that since the planning refusal (PL02.234322 relates), the local road networks have been improved, including provision of a round-about on the southern approach to Ballyconnell town.
- 7.11.3. While regard is had to this previous Board refusal, also in the southern part of Ballyconnell development boundary, it must be noted that this was not on the subject site and each case is considered on its merits. Regard is had to drainage issues relative to the current proposal below.

7.12. Drainage

- 7.12.1. The Design Statement submitted notes that foul sewerage will connect to the existing main sewer line running in the main road N87 and is also to connect into the existing housing scheme located to the rear of the proposed development. Surface water is to be collected in a piping network, connected to an attenuation system which will then discharge to the mains network and surface water open drainage. Water supply is to be via the existing mains. Foul, Surface Water, Attenuation Calculations & Details including layout drawings have been submitted. It is noted that the Design Statement submitted provides that there is no history of flooding in this area or on this site.
- 7.12.2. There is third party concern that the influx of this urbanised development would pose a further burden on existing services such as sewage, water and surface water drainage. Core Strategy policy CSP19 notes: *Where the Planning Authority deems that a Town or Village does not have the infrastructural capacity to absorb additional residential development, no further residential development shall be permitted until*

the infrastructural deficit has been addressed. This includes deficits in water supply, sewerage treatment systems, roads structure and social or community facilities.

- 7.12.3. Section 2.5.4 of the Cavan CDP provides that applications for new developments will be required to demonstrate that there is sufficient capacity existing within the infrastructure of Towns and Villages to cater for proposed developments. It provides that should it be the case that capacity does not exist or that the proposed development would result in existing capacity being exceeded the proposed development shall not be permitted. Section 4.5.3 refers to Water Supply and the list of Public Water Supply Scheme in the County include: *Ballyconnell Public Water Supply*. Table 4.9 refers to Proposals for Water Supply Schemes in County Cavan 2010-2015 and includes that Ballyconnell Public Water Supply Scheme is completed, with an existing demand (then 729) exceeding Design Capacity 2011-2013 (550).
- 7.12.4. While the comments of Irish Water are noted, there is no information given as to whether there is currently sufficient water supply to cater for the current proposal. It is noted that Chapter 14 of the Cavan CDP provides that the Ballyconnell Public Water Supply Scheme is currently working over capacity. The Waste Water Treatment Plant is currently working well under capacity.
- 7.12.5. I would consider that while it appears that drainage is not an issue, sufficient information has not been provided relative to the impact of the proposed development on the Water Supply Scheme.

7.13. Screening for Appropriate Assessment

- 7.13.1. A Statement of Screening for AA has been submitted for the proposed development. This has regard to the locational context of the site and to habitats and notable species in the area, including the presence of bats within a 1km area. It notes that the site is located within the Erne-Hydrometric Area and River Catchment, and the Woodford Sub-Catchment and Sub-Basin. There are no mapped drains or streams within or adjacent to the application site. The closest watercourse to the site is a drain which is 95m north-west of the application site. This drain leads eventually to Annagh Lough, which is 1.1km north-east of the application site. In addition, the Woodford River flows through Ballyconnell and this is 510m north of the application

site. The Woodford River is a tributary of the Lough Erne system. It is noted that the EPA have classified the ecological status of the Woodford River at a point upstream of Ballyconnell as high. Downstream of Ballyconnell water quality status remains unchanged.

- 7.13.2. Section 3.3 of the Screening Assessment identifies the Natura 2000 sites within 10km of the proposed development site. The closest is Lough Oughter and Associated Loughs SAC (0000070) which is c.954m east at Killywilly Lough. Qualifying interests include – Natural eutrophic lakes, Bog woodland and Otter. Moninnea Bog SAC UK (003020212) is 3.2kms north and the Qualifying Interest is an Active Raised Bog. The generic Conservation Objective for all these sites is: *To maintain/restore the favourable conservation status of the qualifying interests of the SAC/SPA.*
- 7.13.3. Section 3.4 provides an Impact Assessment. This includes that an examination of local watercourses and the direction of flow has revealed that there are no source-pathway receptor linkages between the application site and the designated habitats of Killywilly Lough. The closest downstream Natura 2000 site is Lough Oughter and Associated Loughs SAC and the Upper Lough Erne SAC/SPA where the habitats of the Woodford River are designated. These habitats are over 12km downstream of the application site. The Report concludes that this downstream distance is sufficient to ensure that no impacts will arise on any designated site as a result of aquatic emissions to the application site. It is noted that wastewater from the application site will be directed to the Ballyconnell WWTP, subject to agreement with Irish Water.
- 7.13.4. Section 3.5 presents a Finding of no Significant Effects. This provides that having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects. The integrity of these sites will be maintained and the habitats and species associated with these sites will not be adversely affected. Therefore, it is provided that this application does not need to proceed to Stage II AA process. Appendix 1 relates to ecological recommendations for good construction practices.
- 7.13.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Oughter and Associated Loughs SAC (0000070), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission for the proposed development be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the location of the access to the proposed development being onto the N87 National Secondary Route between the roundabout and the junction with a local road (albeit in the urban speed limits), it is considered that alternative accesses have not been investigated and that the additional traffic generated by the proposed development including traffic turning movements would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development by virtue of its design, layout and orientation, including lack of frontage to the N87, limited mix of unit types and sizes, and linear format lacking in permeability and pedestrian/cycle linkages would provide a poor standard of development of these lands in conflict with Section 10.3.2 and Policies CSP8 and HO1 of the Cavan County Development Plan 2014-2020 and with the design criteria in the 'Urban Design Manual -A best practice guide' issued by the Department of the Environment, Heritage and Local Government in May, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board is not convinced based on the information submitted that sufficient information has been submitted to demonstrate that there is currently sufficient water supply to cater for the current proposed development.

Angela Brereton
Planning Inspector

12th of March 2019