



An
Bord
Pleanála

Inspector's Report ABP-313955-22

Development	Medical Centre and associated site works. Significant further information and revised plans including a Natura Impact Statement has been submitted.
Location	Lisdaran, Cavan Town, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	21601
Applicant(s)	Lisdaran Partnership.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Jim Elliot.
Observer(s)	N/A.
Date of Site Inspection	19 th of April 2023.
Inspector	Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 2.45ha, is located in the townland of Lisdarn on the north-western edge of Cavan Town approximately 1.5km from the town centre. The majority of the site is currently undeveloped and forms part of a larger landholding which is in the ownership to the applicant (as illustrated within the Site Location Plan). ESB posts and lines currently traverse the site. An existing access track is provided along the western and southern site boundaries. The topography of the site raises from 60mOD to the west to 80mOD to the east as illustrated on the Proposed Site Layout Plan (DR-A-501).
- 1.2. Access to the site is currently provided via Loreto Road (L1513). Improvements to the entrance from Loreto Road and to the internal access road which connects to the site are currently being undertaken in connection with the permitted nursing home development permitted within the larger landholding to the west of the site (PA Ref: 19/236). The application site boundary was extended to include this access road in response to Cavan County Council's request for further information.
- 1.3. The site is adjoined by an existing farmhouse and outbuildings and the nursing home access road to the north. Cavan General Hospital is located to the south of the site. Lands to the east and west of the site are undeveloped.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises the construction of a 3 storey Medical Centre, extension of the existing access road, associated parking, drop off areas, associated bicycle spaces, connection to public foul drainage system and watermain, landscaping and all ancillary site works.
- 2.2. The Planning Statement submitted in support of the application outlines that the development provides for a fully serviced medical centre with ancillary office and staff facilities. The proposed medical centre has a gross floor area of 7,750.4 sq.m. and accommodates a pharmacy (175 sq.m.), 70 no. surgeries / consulting rooms, 204 sq.m. of restaurant space and 1,291 sq.m. of office floorspace. The medical centre has a maximum height of 11.85m.

- 2.3. The development will include the provision of a new vehicular access to the site via upgrade of the internal access road granted under permission PA Ref: 19/236 for a nursing home on lands to the west of the appeal site. 252 no. car parking spaces and 22 no. bicycle parking spaces are proposed to serve the development.
- 2.4. The Planning Statement outlines that the facility will employ in the range of 80 staff. Hours of operation are cited as Monday to Friday 8am to 6pm.

3.0 Planning Authority Decision

3.1. Decision

Cavan County Council issued a notification of decision to grant permission for the proposed development. The decision of the Council was subject to 32 no. conditions. The following conditions are of note:

- Condition no. 5: Outlines that the detailed design of the proposed improvement works to the Loreto Road shall be submitted for written agreement of the planning authority prior to the commencement of development.
- Condition no. 9: Requests the submission of a Stage 3 Road Safety Audit of the development and its junction with the public road to the planning authority prior to the opening of the road to traffic.
- Condition no. 18: Relates to the undertaking of regular visual examinations of surface water discharge.
- Condition no. 19: Outlines that a daily inspection shall be carried out during construction phase of the development to check for uncontrolled water loss or contaminated discharges to ground water or surface water.
- Condition no. 32: Outlines that details of the following shall be submitted for written agreement of the Planning Authority prior to the commencement of development: (a) a landscaping scheme for the site and (b) details of boundary treatment, signage and lighting associated with the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- The principle of the development of a medical centre on zoned serviced lands is acceptable.
- There is no specific requirement within the Cavan Town and Environs Development Plan 2014-2020 (Variation no. 1) for a Masterplan for the area. The site is suitably sited so as to integrate into any future development for the area. A conceptual plan for the overall landholding should be submitted.
- No design issues arise in the context of the proposed development. A visual impact assessment should be submitted to demonstrate how the proposal and in particular the tiered parking integrates into the surrounding environment.
- The proposal has provided sufficient separation distances and landscaping to allow for privacy of adjoining residential units and the approved nursing home development.
- The report cross refers to the submissions on the application from the prescribed bodies including the Department of Housing, Local Government and Heritage and Irish Water. A request for further information is recommended on foot of the requirements of Irish Water.
- The report refers to the Natura Impact Statement submitted in support of the application. Having regard to proposed mitigations it is considered that the proposal will not impact on nearby Natura 2000 sites.
- A request for further information is recommended in relation to the following:
 - Submission of the following documentation: a Conceptual Plan illustrating the integration of the proposal with future development on the overall landholding (Item 1), Visual Impact Assessment (Item 2) and Flood Risk Assessment (Item 12).

- Item 3 of the FI requests the applicant to liaise with Irish Water to determine the feasibility of the connection to the public water/wastewater infrastructure.
- Items 4 to 11 of the FI request relate to traffic and transportation related information including proposals to upgrade the L-1513 Loreto Road and provide a public footpath along the applicant's landholding, submission of an updated TTA to include additional junctions, improved access proposals in compliance with DMURS, improved parking layouts and submission of an Accessibility Audit and Road Safety Audit.

Planner Report on Further Information (03/06/2022)

The planner's report on the FI response provides a summary and assessment of the applicant's FI response. The report recommends a grant of permission subject to conditions. The following provides a summary of the key points raised:

- A Masterplan drawing is submitted in respect of the development which illustrates a conceptual layout for the future development of the lands. This is deemed acceptable in principle.
- The report refers to the submitted Visual Impact Assessment and Photomontages. The report outlines that the development is of high architectural standard and the site can accommodate a building of the magnitude proposed particularly in the context of proximity to Cavan General Hospital.
- The report cross refers to the submission from Irish Water. The site is serviceable, and capacity is available to serve the development.
- The planner's report cross refers to the detailed report and assessment of the FI response by the Roads Department. Each of the points raised have been addressed to the satisfaction of the roads department.
- The report refers to the submitted flood risk assessment. This confirms that the site is not at risk of flooding, nor will it cause flooding.
- The report outlines that subject to compliance with conditions it is considered that the proposal would not injure the amenities of the area, give rise to a

traffic hazard or be prejudicial to public health. A grant of permission for the development is recommended subject to conditions.

3.2.2. Other Technical Reports

Roads Report (19/11/2021)

The initial roads report recommends a detailed request for further information in respect of the following:

- Proposals for upgrading the proposed access to the site on the L1513 Loreto Road to facilitate safe right turning of traffic onto the road.
- Proposals for a 2m footpath along the L1513 for the full frontage of the applicant's landholding which ties into the existing footpath infrastructure.
- The scope of the TTA shall be extended to include an assessment of impact on an additional 3no. junctions.
- Provision of footpaths and cycle paths within the proposed enhanced junction and road network.
- The applicant shall review the location of parking spaces to ensure that parking spaces are provided at a safe distance from pedestrian crossings and entrances.
- Submission of a Road Safety Audit and Accessibility Audit.

Environment (08/11/2021)

A grant of permission is recommended subject to conditions.

Area Engineer (02/06/2022)

The FI response sufficiently addresses the roads issues raised. The Area Engineer concurs with the assessment and conditions recommended within the Road Design Report on the FI response.

Road Design Office (31/05/2022)

This report includes a detailed assessment of the applicant's FI response. The FI response is deemed acceptable, and a grant of permission is recommended subject to conditions.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage (08/11/2021)

- The submission outlines the site is large in scale and located adjacent to Recorded Monument LH020-057 Rath Site.
- There is potential for subsurface archaeological remains to be encountered at construction phase.
- An Archaeological Assessment of the site should be carried out by a suitably qualified archaeologist. This can be addressed by means of condition.

Department of Housing, Local Government and Heritage (03/11/2021)

- The Department recommends that the principles of nature-based rainwater management (SUDS) be integrated into the design phase of the development including reduction of hard surfaces and incorporating biodiversity areas and wetlands.
- The Department recommends the retention and protection of all possible natural habitats including hedgerows and treelines and compensatory and additional planting of additional tree species and planting of ponds/wetlands for biodiversity gain.
- A lighting plan for the proposed development is recommended.

Irish Water (12/10/2021)

- A request for further information is recommend. The applicant is requested to consult with Irish Water in respect of the feasibility of connection to public water/wastewater infrastructure.

Irish Water (10/11/2021)

- Correspondence from Irish Water attached to the applicant's FI response confirms that Water Connection and Wastewater Connection are feasible without infrastructural upgrade by Irish Water.

3.4. **Third Party Observations**

A submission was received from the appellant during the initial public consultation period and at further information stage. The points raised within the submissions reflect those raised within the grounds of appeal.

4.0 **Planning History**

Appeal Site

4.1. The following history relates to the appeal site and larger landholding.

PA Ref: 08/618, ABP Ref: 02.232967:

4.2. Planning permission refused by An Bord Pleanala in October 2009 for the development of 197 residential units, creche and 16 no. serviced residential units for 3 no. reasons relating to (i) drainage/flood risk issues (ii) topography of the site and design of the development (iii) visual impact.

Lands to the west:

PA Ref: 19/236:

4.3. Permission was granted by in February 2020 Cavan County Council for 2 storey 160 bed nursing home and upgrade of existing access road and entrance from Loreto Road.

5.0 **Policy Context**

5.1. **Development Plan**

Cavan County Development Plan 2022-2028

5.1.1. At the time of the assessment of the application, the Cavan Town and Environs Development Plan 2014-2020 was the operative development plan for the area. The application was assessed by Cavan County Council in accordance with the policies and objectives of this plan. The Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028 was adopted on the 30th of May 2022 and came into effect on the 11th of July 2022.

Settlement Hierarchy

5.1.2. Cavan is designated as a Key Town within the County Settlement Strategy as set out within Table 2.1 of the CDP. The Plan sets out the following description of the town:

“County Town with large economically active services that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers”.

5.1.3. Section 2.2 of the Plan sets out the Cavan Town Local Area Plan. Section 2.2.7 relates to Economic Development and seeks to promote the Key Town of Cavan as a primary employment location and attractive investment location in the County and region. It is the policy of Cavan County Council to support Cavan’s role as an important employment hub by promoting the location of economic development and clustering of related enterprises to Cavan town.

5.1.4. Section 2.2.12 relates to Masterplans and outlines that Masterplans are required for three specific sites as identified in the land use zoning map (namely Abbeylands, Main Street-Ashe Street-Farnham Street-Abbey Street, north west of Farnham Street).

Healthcare

5.1.5. Section 4.12 of the Plan relates to Healthcare and Well-being. This outlines that Cavan General Hospital acts as the primary acute hospital for the surrounding region. The plan supports the provision of integrated health services and the location of such facilities, together with community support services, on suitably zoned lands in close proximity to new and existing residential areas. This approach will provide access to multi-disciplinary health care, mental health and wellbeing services in easily accessible locations throughout the County.

5.1.6. The following development objectives are of relevance:

- HW 01: Support the provision of new health care facilities which are well located in terms of their accessibility in settlement centres serving a sufficient catchment population and are appropriately well served by public transport and accessible on foot/cycle and are consistent with the size, scale and character of the area.

- HW 04: Work with the Health Service Executive, statutory and voluntary agencies and the private sector to enable the provision of health care facilities in appropriate locations subject to the proper planning and sustainable development of the county.
- HW 05: Ensure that adequate lands and services are available for the improvement, expansion and establishment of health services.
- HW 07 Support the provision of primary health care centres and GP practices at locations with good accessibility to its users.
- HW 08 Provide for new or extended health care facilities where new residential development is proposed.
- HW 09 Support the provision of new health care facilities in towns, villages and local centres, with good accessibility, particularly for people with a disability.

Car Parking

- 5.1.7. Section 7.6 relates to car parking. Development Objective CP 01 seeks to *“Require development proposals to provide adequate car parking provision and associated servicing arrangements. The specific amount of car parking will be determined according to the characteristics of the development and its location having regard to the standards set out in Table 7.4”*.
- 5.1.8. Table 7.4 sets out the following car parking and bicycle parking standards for health centres/clinics/ group medical practices.
- Maximum car parking: 1 per consultant plus 2 per consultant room
 - Bicycle: 1 stand per clinic/practice

Development Management

- 5.1.9. Section 13.6.2 sets out development management objectives for healthcare facilities. This outlines that in assessing planning applications for healthcare facilities and services, the proposal should generally comprise of a simple form and function and be located on suitability zoned lands within urban areas.
- 5.1.10. Development Objective HCF 01 outlines that:

Proposed applications for such facilities shall include a detailed design statement including the following:

- *Justification for proposal provided by reference to anticipated demand;*
- *Adequate capacity in the local road network and car parking provisions;*
- *Details on accessibility, including pedestrian, cycle and public transport provisions and linkages to the proposed development;*
- *Intended hours of operation;*
- *Adequate signage, lighting and boundary treatments;*
- *Appropriate landscaping;*
- *A detailed Mobility Management Plan;*

Zoning

5.1.11. The appeal site is zoned for Public and Community purposes within the Cavan Town Local Area Plan with an objective to “*provide for and protect civic, religious, community, education, health care and social infrastructure*”.

5.1.12. Section 14.12.2 of the Plan sets out the following Vision for lands zoned for “Public and Community” purposes: “*Protect and provide for an inclusive county, accessible to all members of the community, facilitating the sustainable development of necessary community, health, religious, educational, social and civic infrastructure. The community zoning is important in maintaining viable and stable communities within towns*”.

5.1.13. The use health centre is listed as a use which is “permitted in principle” on lands zoned for Public and Community purposes.

5.2. Natural Heritage Designations

5.2.1. The nearest designated European sites to the appeal site, including SAC’s and Special Protection Areas (SPA’s) include the following:

- Lough Oughter and Associated Loughs SAC (000007) – 1.9km
- Lough Oughter Complex SPA (004049) – 1.9km
- Drumkeen House Woodland pNHA (000980) – 0.7km

- Lough Oughter and Associated Loughs pNHA (000007) – 1.9km

5.3. EIA Screening

5.3.1. The proposed development falls within the category of ‘Infrastructural Projects’, under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

- 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. *(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).*

5.3.2. A detailed description of the proposal is set out within Section 2 of this report. In brief the proposal comprises construction of a 3 storey Medical Centre, extension of the existing access road, associated parking, drop off areas, associated bicycle spaces, connection to public foul drainage system and watermain, landscaping and all ancillary site works on a 2.45 ha site. The site area falls below the mandatory threshold and a mandatory EIA is therefore not required.

5.3.3. The site is located in the townland of Lisdarn on the north-western edge of Cavan Town approximately 1.5km from the town centre. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. I refer to Section 7.7 of this report with addressed Appropriate Assessment.

5.3.4. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cavan County Council, upon which its effects would be marginal.

5.3.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site within a built-up area, served by public infrastructure, on lands that are zoned for “Public and Community” purposes within the Cavan County Development Plan 2022-2028 which incorporates a Local Area Plan for Cavan, and the results of the strategic environmental assessment of the Cavan County Development Plan 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.3.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted by David Mooney on behalf of Jim Elliot in respect of the notification of Cavan County Council to grant permission for the development. The following provides a summary of the key planning issues raised.

Compliance with Policy / Principle of Development

- The justification of the proposed development being plan-led is weak. The rezoning of the lands in the Cavan Development Plan 2022-2028 has been

developer led. No meaningful consultation occurred with adjacent residents and the Planning Authority in respect of the future development of the extensive wider landholding.

- The appeal outlines that there are currently undeveloped lands within Cavan town which are sequentially preferable than the application site. The appellant refers to OPW lands and the Abbeylands area in this context.

Planning History

- The historic reasons for refusal on the landholding (ABP Ref: PL02.232967) have not been addressed or overcome by the applicant. The cumulative impact of development on the wider landholding has not been assessed in terms of traffic impact, surface water drainage and flood risk.

Scale and Visual Impact

- The scale of the proposed development does not integrate with the surrounding low density, lower topography development. The scale of the development has not been appropriately justified. The Visual Impact Assessment submitted in response to CCC's request for further information does not illustrate the visual impact of the proposal from adjoining lands to the west.

Rationale for Proposal

- Insufficient information has been provided within the application in relation to the function and use of the building. No justification has been provided for the quantum of accommodation proposed.

Infrastructure Constraints

- The infrastructure in the vicinity of the site does not have the capacity to cater for the development and associated future development of the larger landholding. The appeal outlines that the road network is poor (narrow with no margins and blind bends), traffic volumes are high and the existing footpath leading to the site is intermittent. The increase in traffic would result in safety concerns for road users in the area. The road currently accommodates high volumes of school related traffic and traffic generated by Loreto College, St

Pats College, Farnham NS, Cavan General Hospital, Farnham Estate and Spa, agricultural and residential uses.

- The Road Safety Audit only addresses the internal roads and access points. The appeal refers to the special contribution attached under Condition 3 of CCC's notification of decision to grant permission which relates to road infrastructure upgrades. The appeal outlines that this contribution relates to one junction and there are more substantial improvements to the road network needed in the area.
- The proposal is piecemeal in terms of the wider landholding on the edge of Cavan town. The cumulative impact of the development of the wider landholding has not been assessed.

Conclusion

- The appeal requests that planning permission is refused for the development.

6.2. Applicant Response

A response to the appeal was submitted by Genesis Planning Consultants on behalf of the applicant. The following provides a summary of the key points raised.

Principle of Proposal and Compliance with Policy

- The appeal response refers to the updated planning policy context on the basis of the adoption of the Cavan County Development Plan 2022-2028. The requirement for a Mobility Management Plan and a Construction and Demolition Waste Management Plan as set out within the adopted CCDP is noted. The following documentation is submitted in conjunction with the appeal response:
 - Mobility Management Plan
 - Updated Landscape Plan for the Link Road
 - An Outline Project Construction Management Plan
 - A Resource and Waste Management Construction Plan

- Section 1.5 of the appeal response sets out a rationale for the siting of the proposal and addresses compliance with the sequential approach to development. It is stated that the site is serviceable, accessible and available for development. The appeal furthermore refers to the co-location adjacent to Cavan General Hospital and the creation of a medical hub.
- The appeal outlines that the medical centre has been designed to deliver acute medical services for Cavan and the wider area, with a focus on relieving pressures on the adjacent hospital. The development will assist in addressing waiting lists in the area for the following:
 - Acute medical services, paediatric services, support services for patients with Autism, services for dental patients, neo natal scanning department, oncology services, cardiology services and mental health services.
- The appeal response refers to the Masterplan for the wider landholding and outlines the overall vision for the lands. The Masterplan was incorporated into the future assessments of transport and infrastructure.
- Section 2 of the appeal response outlines that the proposal is in accordance with the objectives of national and regional policy.
- Section 3 of the appeal response provides an overview of how the proposal complies with the provisions of the Cavan County Development Plan 2022-2028. The site is zoned for “Public and Community” purposes and the use health centre is listed as use which is permitted in principle. The appeal response outlines that the proposal will provide an important health-care facility that will contribute towards the growth of the town and deliver a much needed service for the community and wider area.

Historic Reasons for Refusal

- The appeal refers for the planning history for the larger landholding and in particular the reasons for refusal attached to PL02.232967 which related to (i) drainage issues (ii) topography and (iii) adverse visual impact. The appeal response outlines that the reasons for refusal related to a different area of lands. Reference is furthermore made to the nursing home permitted on the landholding (CCC Ref: 19/236).

Infrastructure Constraints

- The appeal response outlines that it is incorrect for the appellant to state that there are infrastructural constraints.
 - Irish Water have confirmed sufficient capacity of both wastewater and water services.
 - The proposal incorporates SUDS drainage proposals which reflect those utilised under PA Ref: 19/236.
 - The appeal response refers to the submitted TTA which details improvements to the local road network serving the site.

Scale of Development

- The appeal response outlines that the scale of development is appropriate given the context of the adjoining hospital (2-4 storeys) and the distance from nearest dwelling 160m.
- The visual impact of the proposal from Loreto Road is classified as low to medium given the set back and landscape context.
- The previous decision under ABP Ref: PL02.232967 was for an entirely separate proposal and incorporated works on a different portion of the landholding, with residential units proposed on a hill-side location.
- The reasons for refusal attached under ABP Ref: PL02.232967 are not applicable for a number of reasons including the following:
 - The site is not identified as being at risk of flooding within the FRA, SFRA and OPW CFRAM studies.
 - The development is not located within a visually obstructive location.
 - Surface water is designed to be SUDS compliant.

Piecemeal Nature of Development

- Any future development on the lands will be consistent with the zoning objectives pertaining to the lands and addressed in due course via separate planning applications.

6.3. Planning Authority Response

Cavan County Council submitted a response to the grounds of appeal (Correspondence dated 7th of July 2022). The following provides a summary of the points raised:

- The Planning Authority considers that all relevant matters have been considered as per the planning officers reports associated with the application.
- The Cavan County Development Plan incorporating a Local Area Plan for Cavan Town 2022-2028 was adopted on the 30th of May 2022 and comes into effect from the 11th of July 2022.
- The Planning Authority requests An Bord Pleanala to uphold the decision to grant permission for the development.

6.4. Further Responses

The applicants appeal response prepared by Genesis Planning Consultants was circulated to the appellant and Cavan County Council for comment. The following provides a summary of the responses received.

Cavan County Council Response to Section 131 Notice (30/08/2022)

- The Planning Authority have considered the contents of the submission by Genesis Planning Consultants on behalf of the applicant.
- The Planning Authority consider all relevant matters have been considered as per the planning officers reports associated with the application.
- The response provides a summary of the applicant's statement of compliance with the Cavan County Development Plan 2022-2028 which incorporates a Local Area Plan for Cavan. The Planning Authority concurs with the assessment in the appeal statement which has demonstrated compliance with the zoning objectives in the adopted Local Area Plan for Cavan Town.

Appellants Response to Section 131 Notice (29/08/2022)

A response to the Section 131 notice was submitted by David Mooney Planning Consultant on behalf of the appellant James Elliott. The grounds of appeal are

restated by the appellant. The following provides a summary of additional points raised.

Road Infrastructure and Traffic Impact

- The traffic surveys are questioned. The TTA surveys were undertaken over a weekend when schools and colleges are closed and commercial traffic is lighter. Traffic volumes were also reduced due to Covid.
- The road network is already under pressure and the development could generate an additional 3,500 to 4,000 traffic movements per day (on the basis of 500 staff). Reference is made to the housing development refused under PA Ref 05/2058 on the basis of traffic impact and the appellant outlines that there has been no new roads built in the interim period.
- The submission refers to the cumulative traffic impact on the local road network associated with developments including the following:
 - Increased traffic generated by Kepak McCarren factory by shift work
 - Future plans for the extension of Cavan General Hospital
 - Additional traffic will be generated by the Loreto Woods housing development, the development of modular homes within the OPW site.

Public Participation

- The appellants response refers to the process of zoning the lands within the Cavan County Development Plan 2022-2028 and lack of public participation.
- The submission outlines that the planning process was deficient, and no proper masterplan was prepared.
- There were restrictions on access to planning files during the Covid restrictions.

Scale of Development

- The submission outlines that the scale of the building is out of keeping with the surrounding area.

Impact on Health Service

- The appellant outlines that the proposal is a private medical centre that will charge patients for services. It will not provide free treatment to the public at large.

Conclusion

- The development should be refused on grounds including insufficient information, insufficient infrastructure to support the scale of development proposed and inappropriate use of lands in a residential and agricultural area.

7.0 Assessment

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

- Principle of Development/ Compliance with Policy
- Traffic and Transport
- Infrastructure Capacity
- Layout and Visual Impact
- Other Issues
- Appropriate Assessment

7.2. Principle of Development/ Compliance with Policy

7.2.1. At the time of the assessment of the application, the Cavan Town and Environs Development Plan 2014-2020 was the operative development plan for the area. The application was assessed by Cavan County Council in accordance with the policies and objectives of this plan. Section 3 of the Planning Report prepared by Genesis Planning Consultants submitted in support of the application includes an overview of compliance of the proposal with the provisions of the Cavan Town and Environs Development Plan 2014-2020.

7.2.2. The Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028 was adopted on the 30th of May 2022 and came into effect on the

11th of July 2022. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Cavan County Development Plan 2022-2028.

- 7.2.3. The appeal site is zoned for Public and Community purposes within the Cavan Town LAP 2022-2028 with an objective to “*provide for and protect civic, religious, community, education, health care and social infrastructure*”. The use health centre is listed as a use which is “permitted in principle” on lands zoned for Public and Community purposes. I consider that the principle of the development a medical centre on Public and Community zoned lands within Cavan Town is acceptable.
- 7.2.4. The appeal raises concern in relation to the siting of the proposed medical centre and outlines that the proposal is not in accordance with the sequential approach to development. The appeal refers to sequentially preferable lands within the town including those at Abbeylands and the OPW lands.
- 7.2.5. Cavan Town is designated as a Key Town within the County Settlement Hierarchy and the Development Plan seeks to support Cavan’s role as an important employment hub by promoting the location of economic development and clustering of related enterprises to Cavan town. In terms of the location of healthcare facilities, the Cavan County Development Plan supports the clustering of medical related activities and their siting within new and existing residential areas. The appeal site is located to the north of Cavan General Hospital, within the vicinity of an approved nursing home and a large residential catchment in proximity to Cavan Town. I consider the siting of the development to be acceptable in this regard.
- 7.2.6. The appeal raises concern in relation to the private tenure of the proposed medical centre. I refer to Development Objective HW 04 of the CDP seeks to: “*Work with the Health Service Executive, statutory and voluntary agencies and the private sector to enable the provision of health care facilities in appropriate locations subject to the proper planning and sustainable development of the county*”. I consider that the provision of a medical centre on appropriately zoned lands, in close proximity to existing medical facilities in Cavan town is in accordance with Development Objective HW04 and will enhance the role and function of Cavan as a key town within the County settlement hierarchy.

- 7.2.7. The appeal raises concern in relation to the lack of a masterplan for the area. The Cavan Local Area Plan includes an objective to prepare masterplans for 3 no. areas within the town namely Masterplan 1- Abbeylands, Masterplan 2 - Main Street-Ashe Street-Farnham Street-Abbey Street, Masterplan 3- Northwest of Farnham Street. There is no objective within the plan for the preparation of a Masterplan for the appeal site or surrounding area. In this regard I do not consider that the proposal could be deemed premature in the absence of a masterplan for the area.
- 7.2.8. I refer to Item no. 1 Cavan County Council's request for further information which related to the submission of a Conceptual Plan illustrating the integration of the proposal with future development on the overall landholding. This is illustrated within Drawing no. DRA 507 submitted by the applicant. I consider that this drawing sufficient demonstrates how the proposal has been designed within the context of the overall landholding and does not preclude the future development of adjoining lands. I note that any future proposals for the lands will be subject to separate applications and assessed on their individual merits.
- 7.2.9. In conclusion, I consider that the principle of the proposal is acceptable and in accordance with the zoning objective pertaining to the site within the Cavan Town Local Area Plan 2022-2028. I consider that the siting of the proposed medical centre within close proximity to Cavan General Hospital is in accordance with economic and healthcare objectives of the Cavan County Development Plan which support the clustering of healthcare/employment facilities.

7.3. Traffic and Transport

- 7.3.1. A number of traffic and transportation issues are raised within the grounds of appeal. The appeal raises concern in relation the poor condition and congested nature of the adjoining road network and outlines that it has limited capacity to accommodate the proposal. The appeal furthermore raises concerns in relation to the cumulative traffic impact of the development of the full landholding. The appeal outlines that the public footpath in the linking to the site is intermittent and outlines that the special financial contribution will just provide improvements to one junction.
- 7.3.2. The following traffic and transportation related documentation is submitted in conjunction with the application appeal:

- Traffic and Transport Assessment (dated 27th of September 2021) and Updated Traffic and Transport Assessment submitted in response to Cavan County Council's request for further information (11th of April 2022);
- Road Safety Audit
- Accessibility Audit
- Mobility Management Plan

7.3.3. I have reviewed the submitted documentation and have had regard to the contents of same in my consideration of the grounds of appeal.

Access

7.3.4. Access to the site is proposed via an extension to the access road granted under PA Ref 19/236 from Loreto Road. Loreto Road operates within a speed limit of 60kmph within the vicinity of the site. The eastern side of Loreto Road from which access to the site is provided includes a grass verge and open drain. A public footpath and street lighting is provided at the opposite side of Loreto Road.

7.3.5. The application documentation outlines that the proposed road network has been designed to tie-in to the access road granted permission under PA Ref: 19236 for the nursing home permitted to the west of the appeal site. 2m footpaths are proposed at both sides of the access road. A one-way circulatory access road is provided to the front of the proposed medical centre to facilitate drop off and disabled parking. The main parking area is provided to the east of the building. On site inspection, I note that the entrance and internal road network is substantially complete. The internal road terminates at the north-western site boundary and connects to the existing access track to the west of the site.

7.3.6. Cavan County's Council's request for further information recommended a number of improvements to the previously permitted access from Loreto Road, the internal access road and proposed car park to improve the safety of the entrance and enhance its accessibility for cyclists, pedestrians and vulnerable road users. The Planning Authority also requested the provision of a public footpath along Loreto Road for the full extent of the applicant's landholding. These revisions are illustrated in Drawing no. DRA-508. An accessibility audit was provided in response to CCC's

response to further information which outlines that the site is fully accessible and for all road users and has been designed in accordance with DMURS Standards.

- 7.3.7. I consider that the principle of the proposed revisions to the site entrance and adjoining road network are welcome and consider that the provision of same will enhance accessibility to the site and the capacity of the junction to accommodate the proposal. I note that a Road Safety Audit (RSA) was submitted in response to Cavan County Council's request for further information. This identifies potential hazards at the entrance to the site from the Loreto Road and within the medical centre site internal road network. I consider that the points raised are reasonable and can be addressed via condition. Condition no. 5 of CCC's notification of decision to grant permission for the development requests the submission of detailed design proposals for improvements to the road network for written agreement of the planning authority prior to the commencement of development. I recommend the inclusion of this condition in the instance that the Board is minded to grant permission for the development.
- 7.3.8. I refer to the requirements of Condition no. 8 of CCC's notification of decision to grant permission for the development which outlines that all recommendations of the RSA shall be implemented in full. Condition no. 9 furthermore outlines that a Stage 3 RSA shall be carried out of the junction prior to the opening of the development. I consider that the inclusion of these conditions are appropriate in the instance that the Board is minded to grant permission for the development.
- 7.3.9. I refer to the requirements of Development Objective HCF 01 of the Cavan County Development Plan which outlines that details on accessibility and a detailed mobility management plan shall be submitted in conjunction with applications for healthcare facilities. An Accessibility Audit was submitted in response to CCC's request for further information. This outlines that the proposed access arrangements, as revised in response to CCC's request for further information, will ensure that the site is fully accessible for all road users and is designed in accordance with DMURS standards.
- 7.3.10. A Mobility Management Plan was submitted in conjunction with the applicant's response to the grounds of appeal. This outlines that proposals to provide a footpath along Loreto Road in the vicinity of the site will enhance the accessibility of the area. The MMP furthermore identifies that the provision of a pedestrian connection

between the site and Cavan General Hospital would further enhance connectivity. Potential future connections between the appeal site and Cavan Hospital are illustrated on the Proposed Site Layout Plan (Drawing no. 501).

Traffic Impact

- 7.3.11. The appeal raises concerns in relation to traffic impact associated with the proposal and outlines that the cumulative traffic impact of the development, permitted nursing home and future development on site and within the area has not been considered within the application. The appeal furthermore states that the existing road network does not have capacity to accommodate the scale of development proposed.
- 7.3.12. A Traffic and Transport Assessment was submitted in conjunction with the application and an updated TTA was submitted in response to Cavan County Council's request for further information. In the interests of clarity, references to the TTA set out hereunder relate to the report dated April 2022. Section 2.2 of the TTA outlines that the traffic peak on the local road network varies between different junctions. The following peak hours are assumed: 08.00-08.59 AM and 15.45-16.44 PM.
- 7.3.13. Section 3 of the TTA addresses trip generation associated with the proposal. Table 3.1 outlines that the proposal will generate 236 trips within the AM peak and 197 trips within the PM peak. The TTA outlines that trip generation is predicted on the basis of traffic counts at comparable healthcare facilities at Kingscourt, Claremorris and Athenry.
- 7.3.14. The scope and content of the originally submitted TTA was extended to include an assessment of additional junctions in response to Cavan County Council's request for further information. Section 3.4 of the updated TTA assesses the following junctions:
- Amended site access junction onto Loreto Road
 - The L1532/L1513 Loreto Cross Junction at Drumgola
 - The R1514/L1513 Drumelis mini-roundabout junction
 - The R196/ I1514 Rock Cross Junction including the adjacent access for Cavan General Hospital

- 7.3.15. In terms of the existing access from Loreto Road, the TTA outlines that this will operate with a spare capacity of 85% in the AM peak and 76% in the PM peak with permitted and proposed developments in place. The TTA outlines that with the exception of the L1532/L1513 Loreto Cross junction at Drumgola (which will be over capacity at 2028 in the AM peak onwards) that the existing junctions will operate with spare capacity with permitted and proposed developments in place.
- 7.3.16. The TTA outlines that the issue with capacity at the L1532/L1513 Loreto Cross junction relates to the inability of vehicles to exit the L1513 Loreto Road due to traffic movements on and off the L1532. The TTA outlines that the installation of traffic signal controls at this junction would resolve the capacity issue.
- 7.3.17. The 3rd party appeal raises concern that the proposal will just result in improvements to only one local junction. Condition no. 3 of Cavan County Council's notification of decision to grant permission for the development recommends a special development contribution for provision of necessary upgrades. However, on the basis of the information submitted in response to Cavan County Council's request for further information I note that all other assessed junctions will operate with spare capacity with permitted and proposed developments in place. I see no justification for the inclusion of a contribution to facilitate upgrades to additional junctions on this basis. I consider the inclusion Condition no. 3 is appropriate in the instance of a grant of permission. I furthermore note that the applicant will be providing improvements to the previously permitted access to the lands and to the immediate road network in the vicinity of the site.
- 7.3.18. In terms of cumulative impact, I note that the operational phase traffic associated with the nursing home is identified as committed development within the TTA. I note the conceptual plan submitted in conjunction with the FI response and the illustration of future development within the overall landholding. Drawing no. 110 – Proposed Entrance Road- General Arrangement submitted in conjunction with the FI response illustrates future access points from the internal road namely A1 – future housing access and A2- future creche access. The Proposed Site Layout Plan illustrates a possible future connections to a link road from the car park to the east of the site. Any future applications for the wider landholding will be subject to separate applications which will be assessed on their individual merits.

7.3.19. Having regard to the information submitted in conjunction with the application and appeal, I consider that subject to the proposed improvements as set out within the application, that the local road network and proposed access has the capacity to accommodate the proposed medical centre development. I consider that the proposed access arrangements have been designed to enhance the accessibility of the site and connections with the surrounding area.

7.4. Infrastructure Capacity

7.4.1. The appeal outlines that the infrastructure in the vicinity of the site does not have the capacity to cater for the development and associated future development of the larger landholding. It is stated that the cumulative impact of development on the wider landholding has not been assessed in terms of traffic impact, surface water drainage and flood risk.

7.4.2. In terms of cumulative impact, I note that any future applications for the wider landholding will be subject to separate applications which will be assessed on their individual merits. I have considered the specific points raised in relation to traffic impact and cumulative traffic impact in Section 7.3 of this report. I address flood risk and surface water drainage as follows.

Flood Risk

7.4.3. The issue of flood risk associated with the development was raised by Cavan County Council within the request for further information. The applicant was requested to submit a flood risk assessment for the proposed development which specifically addressed the following points:

- The proposed development will not result in flooding of the site;
- The development will not exacerbate flooding within the immediate vicinity or wider area;
- The proposed development will not obstruct or impede important flow paths;
- Any residual risks to the area and/or development can be managed to an acceptable level;
- The flood risk assessment shall also clearly demonstrate proposed management of any residual risks;

7.4.4. A Flood Risk Assessment prepared by Traynor Environmental Ltd. was submitted in response to Cavan County Council's request for further information. I have reviewed the contents of the Flood Risk Assessment together with the Strategic Flood Risk Assessment attached to the Cavan County Development Plan 2022-2028.

7.4.5. The applicant's Site-Specific Flood Risk Assessment (FRA) outlines that, based on a review of published information, the appeal site is not at risk of fluvial, pluvial, coastal or groundwater flooding.

- *Fluvial Flooding*

7.4.6. The FRA outlines that mapping published on the CFRAM and OPW flood mapping identifies fluvial flooding approximately 400m to the south and east of the site. There is no evidence of fluvial flooding on site. This corresponds with the conclusions of the SFRA undertaken to inform the Cavan County Development Plan 2022-2028. The zoning map for the Cavan Town Local Area Plan illustrates Flood Zone A and B lands along the watercourse to the south and east of the site. Based on the information submitted within the FRA and the SFRA I am satisfied that there is no risk of fluvial flooding on site.

- *Pluvial/ Groundwater Flooding*

7.4.7. The FRA outlines that there is no evidence of pluvial or groundwater flooding on site. The appeal outlines that the historic reasons for refusal on the landholding (PA Ref: 08618, ABP Ref: PL02.232967) have not been addressed or overcome by the applicant. I note that the previous reasons for refusal pertaining to the overall landholding under ABP Ref: PL02.232967 raised concern in relation to flood risk associated with surface water proposals. In this regard the following was noted:

"Having regard to the existing drainage and the topography of the site and, in particular, to the low lying nature of a large part of the site, the Board is not satisfied, on the basis of the submissions made in relation to the planning application and the appeal, that surface water from the site and the overall lands within the applicants ownership in this area can be disposed of without giving rise to flooding of the site and adjoining lands. (In this regard, it is not acceptable to allow flooding of open spaces and roadways as proposed in the case of major storm events). The proposed development would, therefore, seriously injure the amenities of the area and of future

occupants of the development and be contrary to the proper planning and sustainable development of the area”.

- 7.4.8. The applicant’s FRA outlines that there are no surface watercourses on site or along site boundaries. This is evident from my site inspection. I note that there are agricultural drains within the applicant’s wider landholding and along the site frontage with the Loreto Road. Groundwater flows in an east/west direction as illustrated on EPA mapping sources. The FRA identifies that any accumulation of surface water is likely to drain naturally towards the western boundary in accordance with the topography of the site. The finished floor level of the proposal is set at 61mOD.
- 7.4.9. Surface water proposals are detailed in the Foul, Surface Water, Attenuation Calculations and Details Report prepared by Alan Traynor Consulting Engineers Limited and illustrated on Drawing no. 21-237-100. This outlines that surface water from the medical centre roof and other hardstanding will discharge via gullies into the existing pond to be attenuated and then discharged into the existing drain at the centre of the site. Permeable paving will be installed to take surface water from the parking areas. The application documentation outlines that final discharge from the pond to the existing drain will be restricted to a calculated green field run off.
- 7.4.10. In terms of the cumulative impact of the proposal I note that Appendix B of Engineering Report entitled “Surface Water Calculations” outlines that there is sufficient capacity to accommodate the permitted nursing home and the proposed medical centre development. Any future application on site and associated surface water proposals will be assessed on its merits.
- 7.4.11. Section 8 of the FRA outlines that the development will not cause any direct flood risk to adjacent properties or land holdings as the ground level is not being raised and surface water design will be in accordance with the requirements of Cavan County Council. The FRA concludes that following:
“The proposed development will not be at risk of flooding, it will not obstruct or impeded important flow paths, will not result in residual risks to the area and /or development that cannot be managed to an acceptable level and the access road is not at risk of flooding”.
- 7.4.12. On the basis of the information submitted in conjunction with the application and appeal I am satisfied that the site is not at risk of flooding and the development will

not result in flood risk within adjoining lands. I note that surface water proposals are proposed to be SUDS compliant and outfall to the adjoining watercourse will be maintained at greenfield runoff rate.

Water and Wastewater

7.4.13. I note the correspondence from Irish Water on file which outlines that the proposed water and wastewater connections associated with the proposal are feasible without upgrades. The Cavan County Development Plan outlines that Cavan Town is served by an existing wastewater treatment plan which has sufficient capacity (Section 2.2.6).

Conclusion

7.4.14. In conclusion, I consider that there is sufficient infrastructure capacity to accommodate the proposed development. I consider that the applicant has demonstrated that surface water proposals are SUDS compliant and will not exacerbate flood levels within the site or surrounding area.

7.5. Scale and Visual Impact

7.5.1. The appeal raises concern in relation to the scale and visual impact of the proposal and questions the function of the development.

7.5.2. The applicant's appeal response sets out a rationale for the proposal and outlines that the medical centre has been designed to deliver acute medical services for Cavan and the wider area, with a focus on relieving pressures on the adjacent hospital. The development will assist in addressing waiting lists in the area for the following:

- Acute medical services, paediatric services, support services for patients with Autism, services for dental patients, neo natal scanning department, oncology services, cardiology services and mental health services.

7.5.3. As earlier detailed, I consider that the principle of a medical centre is acceptable at this location and in accordance with the zoning objective pertaining to the site and the relevant policies and objectives of the Cavan County Development Plan. I consider that the applicant has provided a sufficient rationale for the nature and scale of the proposed development.

- 7.5.4. The appeal refers to the planning history pertaining to the lands and the reason for refusal attached under ABP Reference PL02.232967 which raises concern in relation to the topography of the site and the design of the development. I have reviewed the planning history of the site and reasons for refusal attached to ABP Ref: PL02.232967. At the outset, I note that this application related to a 197 unit residential development on a site which extended to include the appeal site and the adjoining lands in the ownership of the applicant to the north and west. The appeal site was proposed to accommodate open space and road infrastructure associated with the development. The concerns previously raised in relation to design are therefore not directly applicable. The subject application is assessed on its merits.
- 7.5.5. The proposed medical centre has a gross floor area of 7,750 sq.m. and accommodates a pharmacy, consultant rooms, offices and staff rooms over 3 floors. The topography of the site rises in an east to west direction. The medical centre is located at the western end of the site and a decked 3 level car park is provided.
- 7.5.6. The appeal raises concern in relation to the visual impact of the proposed 3 storey development within a low-density residential area and outlines that the height and scale of the proposed development does not integrate with the surrounding low density, lower topography development. The site is not located within a visually sensitive area as designated within the Cavan County Development Plan. The existing pattern of development within the immediate vicinity includes agricultural lands, low density residential development and Cavan General Hospital (2-4 storeys).
- 7.5.7. A Visual Impact Assessment prepared by Michael Fitzpatrick Architects was submitted in response to Cavan County Council's request for further information. This outlines that the main visual impact of the proposal will be from Loreto Road to the north and 3 no. viewpoints are illustrated from viewpoints along this road. The VIA outlines that "each view has minimal impact on the landscape of the site" and states that "the building does not therefore break the skyline".
- 7.5.8. The appeal raises concern in relation to the scope and content of the Visual Impact Assessment and outlines that that the VIA does not illustrate the visual impact of the proposal from adjoining lands to the west. The VIA outlines that views of the development from the south, east and west will be limited due to site topography and

boundary treatment. I note that the appeal site is located over 100m from the property boundaries of the existing detached residential properties which front onto the Golf Links Road and separated from these properties by the internal access road and an undeveloped site in the ownership of the applicant. I consider that views of the development from these properties will be limited.

- 7.5.9. On an overall basis, I consider that the height of the proposal is acceptable given the context of the adjoining hospital (2-4 storeys) and the distance from the nearest dwelling. I consider that the applicant has provided a justification for the scale and nature of development proposed. I consider that the proposal has been appropriately designed to respond to the site topography and I do not consider that the development represents a scale or format of development which would negatively impact on the visual amenities of the area.

7.6. **Other Issues**

Archaeology

- 7.6.1. The site is located in proximity to Recorded Monument C020-57 Rath Site which is subject to statutory protection. I refer to the submission on file from the Department of Housing, Local Government and Heritage which outlines that an Archaeological Assessment of the site should be carried out by a suitably qualified archaeologist. The submission outlines that this can be addressed by means of condition in the instance of a grant of permission. I recommend the inclusion of an archaeological condition in the instance that the Board is minded to grant permission for the development.

7.7. **Appropriate Assessment**

- 7.7.1. *Compliance with Habitats Directive.*

The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

- 7.7.2. *Background*

An Appropriate Assessment Screening Report prepared by Flynn Furley Environmental Consultants was submitted in support of the application.

The Screening Report was prepared in line with current best practice guidance. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of it. The Report concluded that potential impacts may occur on Lough Oughter and Associated Loughs SAC and SPA, given the location of the European sites in relation to the proposed development, and that the project must proceed to the next stage of Appropriate Assessment, Natura Impact Assessment. Having reviewed the documents, and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.7.3. Test of likely significant effects.

The project is not directly connected with or necessary to the management of a European site. The proposed development is therefore examined in relation to any possible interaction with European sites, to assess whether it may give rise to significant effects on these.

7.7.4. Project Description and Site Description.

The proposed development is described in section 1.1 of the applicant's Appropriate Assessment Screening Report. In summary the proposed development comprises the construction of a 3-storey medical centre, extension to existing access road, parking, landscaping and all associated services.

Section 4.5 of the applicants Screening Report outlines that the site is characterised by improved grassland (GA1) habitat over sandstone and shale subsoil. The existing site boundary to the south is identified as hedgerow/treeline.

7.7.5. Submissions and Observations

N/A

7.7.6. European Sites

Table 2 of the applicant's Screening Report identifies 11 no. designated sites within 15km of the appeal site. This table lists 2 no. SAC's (Lough Oughter and Associated Loughs (000007) and Upper Lough Erne (UK 0016614)), 1 no. SPA (Lough Oughter Complex 004049) and 8 no. p NHA's.

Section 4.3 of the applicant's AA Screening Report outlines that only the Lough Oughter and Associated Lough's SAC and the Lough Oughter Complex SPA are considered to be at potential of negative impacts by the proposed development.

No risks to the conservation objectives of any other site listed is considered on the basis of lack of connectivity, significant buffer zone, no impact on the designated sites. I note that the report identifies p NHA's, which are not designated as Natura 2000 sites. I am satisfied that the potential for impacts on Lough Erne SPA (UK Site Code 0016614) can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development and the nature of intervening development.

The appeal site lies within 2 km of two European sites, Lough Oughter and Associated Loughs Special Area of Conservation (SAC) and Special Protection Area (SPA). The boundaries of these sites overlap in places. The appeal site is hydrologically linked to these designated Natura 2000 site via the drainage ditches present on site which link to the Cavan River tributaries and to the SAC/SPA.

European Site (Code)	Qualifying Interests	Distance	Connections	Considered further in Screening
Lough Oughter and Associated Loughs SAC (000007)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation. Bog woodland. Lutra lutra (Otter)	1.9km	Hydrological Connection via surface water.	Yes
Lough Oughter Complex SPA (004049)	Great Crested Grebe (Podiceps cristatus). Whooper Swan (Cygnus cygnus).	1.9km	Hydrological Connection via surface water.	Yes

	Wigeon (<i>Anas penelope</i>). Wetland and Waterbirds.			
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7.7.7. *Conservation Objectives*

Lough Oughter and Associated Loughs SAC (000007)

- To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Lough Oughter Complex SPA (004049)

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

7.7.8. *Identification of likely effects*

Section 5.1 of the applicant’s Screening Report outlines that the appeal sites is hydrologically connected to the Lough Oughter and Associated Loughs SAC/SPA. On this basis, it is stated that impacts arising from the construction and operational phases of the development cannot be ruled out. The proposed development could give rise the following effects on the European sites:

1. *Deterioration of water quality in designated areas arising from pollution from surface water run-off during site preparation and construction;*
2. *Deterioration in water quality post-construction due to an increase in impermeable surface resulting in increased surface runoff. This coincides with an increase in surface pollution from traffic and other anthropogenic activities associated with the operational phase.*
3. *Cumulative impacts with other proposed/existing plans and developments.*

I note that wastewater proposals include connection to the existing wastewater treatment plant in Cavan. The Cavan County Development Plan 2022-2028 confirms capacity within the treatment plan serving Cavan Town. Irish Water have also confirmed that connection is feasibility without upgrade. The Flood Risk Assessment

submitted in support of the application confirms that the site is not at risk of fluvial, pluvial, coastal or groundwater flooding.

Table 6 of the applicants' Screening Report provides a summary of likely changes to the Natura 2000 site. Table 7 provides an overview of indicators of significance. The Screening Statement outlines that while no direct impacts on Natura 2000 sites are predicted, indirect impacts on water quality are predicted as possible.

The applicant's Screening Statement concludes the following:

"In conclusion, impacts to the Lough Oughter SAC and Lough Oughter SPA as a result of the proposed development cannot be definitively ruled out. A risk of losses of silt and organic matter and impute of pollutants to the SAC via the Cavan River exist during the construction phase of the proposed development. A further increased risk of anthropogenic pollution post-construction has been identified given the concentration of developments in the area and overall reduction in permeable surfaces. It is therefore concluded that Appropriate Assessment (Stage II) is required".

7.7.9. Cumulative Impacts

The applicant's Screening Report lists a number of projects with the area including the permitted nursing home development (PA Ref: 19/236) which are considered in conjunction with the proposal. I note that this section of the Screening Report includes reference to the residential development previously refused on the wider landholding (ABP Ref: PL02.232967).

7.7.10. Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.7.11. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having regard to the proximity of the subject site to European sites and the nature of the development and its potential effects, it is concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Nos. 000007

and 004049, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

7.7.12. *Appropriate Assessment*

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Compliance with Article 6(3) of the EU Habitats Directive. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.7.13. *Screening determination.*

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, individually or in combination with other plans or projects will not have a significant effect on Lough Oughter and Associated Loughs SAC/SPA. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.7.14. *Natura Impact Statement – Appropriate Assessment Stage II Report*

The applicant's Appropriate Assessment Stage II Report examines and assesses potential adverse effects of the proposed development on the above European sites. The applicant's NIS was prepared in line with current best practice guidelines.

The NIS evaluates the potential for direct, indirect effects along or in combination with other plans and projects having taken into account the use of mitigation

measures. Table 1 of the NIS provides an overview of the qualifying interests of the SAC and SPA and sets out an overview of the potential impacts of the proposal.

The applicant's report:

- Provides a synopsis of the European sites and their conservation objectives.
- Identifies the potential impacts from the development on the SAC/SPA as a consequence of the development by reference to the site's conservation objectives (Table 1).
- Sets out a description of possible impacts of the proposal on the qualifying interests of the SAC and SPA (Section 3). This outlines that the proposed development will occur on a site which is hydrologically linked to the Lough Oughter and Associated Loughs SAC and SPA. Potential impacts associated with the development relate to impact on water quality.

Section 3.2 of the applicant's Stage II Screening sets out mitigation measures in respect of protection of water quality at construction and operational phases of the development and details of monitoring to be undertaken during on site works. These measures include the following:

- Adoption of best practice environmental control measures which will be set out within a Construction Environmental Management Plan to be agreed in advance with the planning authority.
- Site preparation and construction should adhere to the measures recommended within the Inland Fisheries Ireland Guidance for Protection of Fisheries Habitats during Construction and Development works and River Sites.
- Measures for Control of Pollution during construction – including no direct or indirect discharge of any surface water or groundwater to any water body during construction activities.
- Measures for Control of Pollution post Construction – use of soil and silt interceptors to ensure that only clean water should be directed into local watercourses.

- Implementation of Best Practice – Contractor will appoint an Ecological Clerk of Works to Monitor construction works who will undertake daily inspections when working near watercourses or sensitive areas.

The applicant's NIS concludes that following mitigation the development will not give rise to significant impacts, either individually or in combination with other plans and projects, in a manner which adversely affects the integrity of any designated site within the Natura 2000 network.

Having reviewed the documents, submissions and consultations I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of Lough Oughter and Associated Loughs SAC/SPA alone, or in combination with other plans and projects.

7.7.15. Summary of consultations and submissions.

The planner's report which informs the notification of decision of CCC to grant permission for the development outlines that: *"I have noted the findings of the Natura Impact Statement (Stages I and II). I am satisfied that, given these findings and the subsequent recommendations for appropriate mitigation measures to be implemented, the proposed development will not have a significant impact on the nearby Natura 2000 sites"*.

7.7.16. Appropriate Assessment of the Implications of the Proposed Development.

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has been guided by the following national and EC guidelines on appropriate assessment.

7.7.17. European sites.

Lough Oughter and Associated Loughs SAC (Site Code 000007) covers a large geographical area, occupying much of the lowland drumlin belt in north and central Cavan. The Special Area of Conservation is described in the site synopsis as a maze of waterways, islands, small lakes and peninsulas including some 90 inter-drumlin lakes and 14 basins in the course of the River Erne. The site is important for

two habitats listed on Annex I of the EU Habitats Directive, natural eutrophic lakes and bog woodland, and for one species, the otter, listed in Annex II of the Directive. Conservation objectives are set out above. Features of the site which are referred to in the site synopsis include regularly flooded areas, well developed swamp and marsh communities around much of the shoreline, wet lake margins, sheltered shores, level wet pastures, deciduous woodland, wet bog and dry broad-leaved woodland with associated plant communities.

It is stated in the Site Synopsis for the SAC, that the main threat to the quality of the site are water polluting activities such as run off from fertiliser and slurry application and sewage discharge which have raised the nutrient status of some lakes, within the complex, to hypertrophic. Housing and boating developments are on the increase, adjacent to and within the site. There is also significant fishing and shooting pressure on and around the lakes. Increased afforestation has resulted in the loss of wetland habitat and feeding ground for wintering birds such as Greenland White-fronted Geese. Conservation objectives for the site include the following:

- To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Oughter and Associated Loughs SAC;
- To maintain the favourable conservation condition of Bog woodland* in Lough Oughter and Associated Loughs SAC;
- To maintain the favourable conservation condition of Otter (*Lutra lutra*) in Lough Oughter and Associated Loughs SAC;

Lough Oughter Complex SPA (Site Code 004049) covers a largely similar area to the SAC. It is internationally important for Whooper Swan, of regional importance for Greenland White-fronted Goose and supports nationally important wintering populations of Great Crested Grebe, Mute Swan, Wigeon and Golden Eye. Other species which occur regularly include Teal, Mallard, Pochard, Tufted Duck, Lapwing, Curlew, Little Grebe, Cormorant and Black-headed Gull. The site is important for three species listed on Annex I of the EU Birds Directive, Whooper Swan, Great Crested Grebe, Wigeon and for its wetland and waterbirds. Conservation objectives include the following:

- To maintain or restore the favourable conservation condition of the wetland habitat at Lough Oughter Complex SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.7.18. Aspects of the Proposed Development.

As stated in the screening report, above, potential effects could arise from the development to the detriment of the qualifying interests and conservation objectives of the European sites including the following:

- Deterioration of water quality in designated areas arising from pollution from surface water run-off during site preparation and construction;
- Deterioration in water quality post-construction due to increase in impermeable surfaces resulting in increased surface runoff. This coincides with an increase in surface water pollution from traffic and other anthropogenic activities associated with the operational phase.
- Cumulative impacts with other proposed/existing plans and developments during construction and operation.

Assessment of Effects on Conservation Objectives – Lough Oughter and Associated Loughs SAC

- Natural eutrophic lakes with Magnopotamion and Hydrocharition-type vegetation.

The Site Synopsis for the SAC, outlines that the main threat to the quality of the site are water polluting activities. Increased eutrophication (enrichment with minerals and nutrients) and pollution of lake waters could arise from the proposed development enriched/polluted surface water runoff during construction and operation.

The mitigation measures seek to implement best practice environmental control measures as part of the construction methodology on site together with on site monitoring. Having regard to the foregoing, and subject to the implementation of the full suite of mitigation measures in respect of the protection of water quality, and subject to regular and on-going reporting on these, I am satisfied that no adverse effects on water quality will arise as a consequence of the development.

- Bog woodland.

Table 6 of the Screening Report outlines that there are no areas of designated/non-designated woodland that have the potential to be impacted upon from the proposed development. There are no bog habitats in the area of the site, and I would accept therefore that the development is unlikely to have any significant effect on it. Further, water quality is not identified as a likely attribute for the maintenance of the habitat.

- Lutra lutra (Otter)

Table 1 of the applicant's Appropriate Assessment (Stage II) report outlines that otter occurs throughout the Lough Oughter system. The presence of this species is positively correlated with good water quality and deterioration of same will lead to impacts upon this species. A reduction in water quality could impact on the diet of this species and lead to other stressors.

The proposed development does not result in habitat loss within the European site. Detailed mitigation measures are set out in the NIS to prevent the deterioration of water quality by way of run off, including arrangements for site works, protection of water quality to be incorporated into a Construction and Environment Management Plan.

Having regard to the foregoing I am satisfied that no adverse effects on otter species will arise as a consequence of the development.

7.7.19. Assessment of Effects on Conservation Objectives – Lough Oughter Complex SPA

- Great Crested Grebe (*Podiceps cristatus*).
- Whooper Swan (*Cygnus cygnus*).
- Wigeon (*Anas penelope*).
- Wetland and Waterbirds.

The main threats to the SPA, listed in the Natura Data Form are from hunting, fertilisation, leisure fishing, animal breeding, nautical sports and forestry. Impacts from the development on species of conservation interest could arise by way of deterioration in water quality.

Table 2 of the applicant's NIS identifies that potential impacts upon whooper swan, wigeon and great crested grebe are low, however temporary decrease in water quality may result in the species avoiding the site.

The proposed development does not result in habitat loss within the European site. Detailed mitigation measures are set out in the NIS to prevent the deterioration of water quality by way of run off, including arrangements for site works, protection of water quality. I also refer to the measures detailed within the Outline Construction Management Plan which relate to water quality and protection (Section 5.2).

I consider that the mitigation measures are robust that the development is not likely to result in adverse effects on the qualifying interests of the SPA.

7.7.20. Mitigation

Mitigation measures have been referred to above throughout this assessment. They typically involve implementation by the applicant and/or his representative and monitoring of effects during construction and during subsequent operation of the development. I am satisfied that the measures referred to are reasonable and adequately reduce the effect of the development on the environment.

7.7.21. Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lough Oughter and Associated Loughs SAC or Lough Oughter Complex SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.7.22. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the European sites Nos. 000007 and 004049 or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, detailed assessment of in combination effects with other plans and projects and no reasonable scientific doubt as to the absence of adverse effects on the integrity of both the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development subject to conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2022-2028, the Public and Community zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety, would not constitute a flood risk, and would not seriously injure the residential or visual amenities of the area or property in the vicinity or be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13 th day of April 2022, and plans and particulars submitted to An Bord Pleanála on the 25 th of July 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed
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	<p>with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>Prior to the commencement of development, the developer shall submit the following details for written agreement of the planning authority:</p> <ul style="list-style-type: none"> • A comprehensive boundary treatment and landscaping scheme which shall include the following: <ul style="list-style-type: none"> - Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. • Full details of boundary treatment, signage and lighting associated with the development. • Details of hours of operation of the pharmacy and medical facility. <p>Reason: In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of Cavan County Council and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interests of pedestrian and traffic safety.</p>
5.	<p>Prior to the commencement of development, the developer shall forward detailed proposals for improvement works to the site entrance, site frontage and the L1513 for the written agreement of the planning authority. A Stage</p>

	<p>3 Road Safety Audit of the development and its junction with the public road shall be submitted for written agreement of the planning authority prior to the operation of the development.</p> <p>Reason: In the interests of pedestrian and traffic safety.</p>
6.	<p>Prior to the commencement of development, the developer shall submit full details of retaining walls within the development for written agreement of the planning authority.</p> <p>Reason: In the interest of visual amenity and traffic safety.</p>
7.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement and Outline Construction Management Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	Reason: In the interest of protecting the environment and in the interest of public health.
10.	Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority. Reason: In the interests of public health.
11.	The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development. Reason: In the interest of public health.
12.	Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Reason: In the interests of amenity and public safety.
13.	The developer 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 developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological

	<p>excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p>

	Reason: In the interests of visual amenity.
17.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Stephanie Farrington
Senior Planning Inspector

6th of June 2023