



An  
Bord  
Pleanála

## Inspector's Report ABP-315160-22

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<b>Development</b>	Storage compound and yard area and associated works.
<b>Location</b>	Latt, Cavan, Co. Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	21634
<b>Applicant(s)</b>	Mervyn Clarke.
<b>Type of Application</b>	Permission to Retain.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Barry Galligan.
<b>Observer(s)</b>	N/A.
<b>Date of Site Inspection</b>	19 <sup>th</sup> of April 2023.
<b>Inspector</b>	Stephanie Farrington

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.6ha and is situated at the northern end of Cavan Town, in the townland of Latt. The site forms part of the Cavan Equestrian Centre landholding. The equestrian centre site, contains a range of indoor and outdoor facilities, including indoor and outdoor arenas, car parking areas, stables, a shop and office buildings.
- 1.2. The appeal site is currently in use as a storage compound and yard for the equestrian centre. Drawing no. 36-19-2 Site Layout Plan submitted in conjunction with the application illustrates the locations of existing stockpiles on site. The applicant's further information (FI) response outlines that the stockpiles comprise road plannings, crushed stone and topsoil. The compound is also used to store equestrian props, building materials and overflow lorry parking when there are equestrian events.
- 1.3. Access to the Equestrian Centre is provided via the R212. A further access laneway is provided from the R212 which connects to the southeast of the site. The appeal site adjoins the Drumgola Wood housing development to the north and west. An existing residential property is located to the south within 10m of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, seeks retention permission for a storage compound and yard area as ancillary space for equestrian use, including stock piling of materials, equestrian props, storage containers, surplus lorry parking and associated works at Latt, Cavan. The application documentation outlines that all materials stored on site are for use in land reclamation and the maintenance of equestrian arenas.
- 2.2. The Site Layout Plan illustrates that storm water drainage from the site will be diverted to the existing road gully. An existing dry open drain is also located along the western site boundary.
- 2.3. The following information was submitted in support of the application.
  - Schedule of Documents.

- Application Drawings (Including Site Location Plan, Site Layout Plan, Storage Containers - Ground Floor Plan & Elevations).
- Completed Application Form.
- Public Notices.

2.4. The following information was submitted in conjunction with the applicant's FI response:

- FI response Cover Letter prepared by Smith Associates
- Revised Site Layout Plan;
- Appropriate Assessment Screening – Whitehill Environmental
- EIA Screening Assessment – Smith Associates
- The applicant's FI response was deemed significant and revised public notices were submitted.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Cavan County Council issued a notification of decision to grant permission for the development subject to 4 no. conditions.

The following conditions are of note:

- Condition no.2: outlines that the materials to be stored on site shall be restricted to those which are ancillary to the operation of the equestrian centre required for the general maintenance and upkeep of the facility. Materials acceptable in this regard shall include top-soil, sand, gravel, stone, building materials or similar. The height of any such storage shall not exceed 3 metres above ground level and shall not be positioned within 10 metres of the site boundaries. The maximum area to be covered by such material shall not exceed 30% of the site. No waste shall be stored on site including construction and demolition waste.

Reason: In the interests of orderly development.

- Condition no. 3: relates to landscaping at the site boundaries. This outlines that existing sound trees shall be retained on site, except those required to accommodate the development and states that site boundaries shall be landscaped to the satisfaction of the Planning Authority.

Reason: In the interest of visual amenity.

- Condition no. 4: outlines that uncontaminated surface run-off associated with the development shall be collected and managed in accordance with the details in the Site Layout Plan (Drawing no. 36-19-2).

Reason: In the interests of public health and proper planning.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

#### Initial Planners Report (10/12/2021)

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

- The report refers to the enterprise and employment zoning objective pertaining to the site and outlines that some elements of the proposed development would appear to be in accordance with the equestrian use and would be permitted in principle within this zone (agri-business). The report outlines that the stockpiling of materials would not be considered compatible within this zone.
- Under the heading of Preliminary Examination for EIAR the report outlines that there is insufficient information within the application documentation to determine if there is a likelihood of significant effects on the environment arising from the development. The report outlines that based on the nature of waste activities that appear to have been undertaken there is realistic doubt in regard to the likelihood of significant effects. The report recommends the submission of Schedule 7A information.
- The report outlines that insufficient information is provided in respect of access arrangements and traffic impact associated within the development.

- The planner's report refers to the presence of existing dwellings in the vicinity of the site and in particular the existing residential property to the south which is within 10m of the application site. The report cross refers to the submission on file from the owner of this property and outlines that further information is required in order to assess the impact of the proposal on this property.
- The report outlines that an AA Screening report should be submitted in respect of the proposal.
- The planner's report recommends a request for further information in respect of the following: (1) Information specified under Schedule 7A of the Planning and Development Regulations, (2) Planning Report which provides a detailed description of the development to be retained and the intended use of the yard and storage areas (Item 3 & 4) Site Layout Plan which clearly illustrates the storage areas and nature and scale of storage to be provided and all structures and stockpiling (5) A detailed report in relation to the nature, characteristics, material, quantity and composition of the stockpiling (6) Revised surface water drainage system (7) Appropriate Assessment Screening (8) Traffic Impact Assessment (9) Landscaping drawings and report.

#### Planner's Report on Further Information (24/10/2022)

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

- The planner's report refers to the Environmental Screening Assessment provided in response to Item 1 of the FI request. On the basis of the information submitted the planner's report outlines that the stockpiles comprise inert materials are temporary in nature for use for the filling of lands and change of use from grass arenas to sand arenas and will not significantly impact on the environment. In this regard there is no requirement for an EIAR.
- Items 2, 3 and 4 of the FI response are considered to be adequately addressed.

- In terms of Item 5 of the FI response, the planner's report cross refers to the report on file from the Waste Management Section in CCC which outlines that the details provided are insufficient. The planner's report refers to consultation with the Waste Management Section (21/10/22) wherein it was agreed that a condition would be attached to manage the extent and nature of materials on site.
- Item 6 of the applicant's FI response outlines that water will be diverted to an existing road gully.
- The conclusions of the applicant's AA Screening report are deemed acceptable. The planner's report outlines that the proposed development alone or in conjunction with the existing or permitted development would not have an impact on the qualifying interests on any Natura 2000 site and a Stage II Appropriate Assessment is not required.
- The development does not contribute additional traffic movements to the Equestrian Centre and on this basis it is stated that there is no requirement for a Traffic Impact Assessment.
- The planner's report refers to the Revised Site Layout Plan which illustrates the provision of additional planting along the eastern site boundary. Having regard to the elevated and exposed nature of the site the applicant is requested to provide additional planting.
- The planner's report concludes that having regard to the scale and nature of the existing compound, to the overall zoning status of the lands and the use of the compound for commercial purposes associated with the existing Equestrian Centre, there is no objection to the retention of the development.
- A grant of permission is recommended subject to conditions.

### 3.2.2. Other Technical Reports

#### Environment Section (17/11/2021)

The report on the application from the Environment Section recommends a request for further information. The following points are raised:

- Surface water will divert to the road gully from the site.

- No information is provided in relation to the specific materials to be stored on site. This is crucial as the runoff from the site connects to the surface water drainage system. Depending on the nature of materials stored on site the surface water system may require additional infrastructure i.e silt traps, interceptors etc.
- Groundwater Protection Scheme Maps illustrate that the appeal site is located in an area designated as a Poor Aquifer with Low to High Vulnerability. The site is located within the Cavan\_010 river water body which is classified as of Poor Ecological Status.
- A request for further information is recommended in respect of details of the exact materials stored on site, revised surface water system in the event that materials stored are likely to contribute contaminant to the surface water drainage system.

Waste Management Section (03/12/2021)

- The report outlines that the application is insufficient and lacking in information in relation to the stockpiling of materials. A request for further information is recommended for submission of a report and drawings detailing the nature, characteristics, composition and quantity of the existing stockpiles.

Waste Management Section- Report on applicant's FI Response (19/10/2022)

- The applicant's response to Item 5 and Item 6 of the FI request is considered insufficient on the basis of the limited information provided in relation to the stockpiles.

### 3.3. **Prescribed Bodies**

None received.

### 3.4. **Third Party Observations**

An observation on the application was submitted by the appellant, Barry Galligan, during the initial 5-week public consultation stage. The following provides a summary of the points raised:

- The applicant removed a drumlin top to create the yard. The works were undertaken without planning permission.
- The levelling of the site resulted in surface water run off which flooded the access lane to the observer's property.
- The laneway is obstructed by material restricting access.
- The site map does not correspond with the existing on ground situation.
- The observation raises concern in relation to the visual impact of the storage area on the adjoining residential properties.
- The development is resulting in damage to the value, visual setting and day to day use of the observer's property.

## 4.0 Planning History

There are no previous applications on the appeal site. The overall equestrian centre site has an extensive planning history relating to the established equestrian centre use and existing residential properties. The following applications are of relevance to the proposal.

- PA Ref: 21/636: permission granted in September 2022 to retain steel framed and cladded building for farm and equestrian use and associated works.
- PA Ref 20537 / ABP Ref: 309547: permission refused by ABP in June 2021 for an overflow car park of 108 no. spaces within the equestrian centre on grounds relating to insufficient justification and overprovision of parking.

## 5.0 Policy Context

### 5.1. Development Plan

Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 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 30<sup>th</sup> of May 2022 and came into effect on the 11<sup>th</sup> of July 2022.

### *Zoning*

- 5.1.2. The appeal site and wider Equestrian Centre landholding is zoned for General Enterprise and Employment purposes within the Cavan Local Area Plan. This zoning objective seeks to: *“Provide for and improve general enterprise and employment generating uses”*.
- 5.1.3. The vision for this zoning objective as set out within the Development Plan seeks to: *“Facilitate opportunities for compatible industry and general employment uses, logistics and warehousing activity in a good quality physical environment. General Enterprise and Employment areas should be highly accessible, well designed, permeable and legible”*.
- 5.1.4. The use “agri-business” is listed as a use which are permitted in principle on lands zoned for Enterprise and Employment purposes.

### *Cavan Town LAP*

- 5.1.5. Cavan Town is designated as the Key Town within the County Settlement Strategy set out within Section 2.1 of the CDP. Section 2.2 of the Plan sets out the LAP for Cavan Town. Development Objectives for the town include the following:
- CTE 07: Promote and facilitate the sustainable growth of Cavan Town as the Key Town of the County, in terms of economic, housing and services. Support the development of strategic employment lands.
  - CTT03 “Promote and harness the potential of Cavan Town as a tourist destination”.
  - Map based objective 10 of the Plan seeks to *“Support Cavan Equestrian Centre as an events centre and through the creation of permeability, linkages to the town centre and old railway greenway line and an adequate road/cycle and pedestrian network”*.

### *Tourism:*

- 5.1.6. Section 9 of the Development Plan relates to Tourism within the County. Section 9.3 outlines that Cavan Equestrian Centre, outside Cavan town, is the biggest

equestrian centre in Ireland with 450 permanent stables and hosting a year round programme of championship events and horse sales.

- 5.1.7. Development Objective T 01 seeks to: *“Promote the development and strengthening of the overall value of Cavan as a tourist destination by encouraging the enhancement and development of sustainable and high-quality visitor attractions, activities and infrastructure, enabling an increase in the overall capacity and long-term development of the county’s tourism industry, subject to appropriate siting and design criteria and the protection of environmentally sensitive areas”*.

*Development Management*

- 5.1.8. Chapter 13 of the Plan sets out development management objectives for the County. The following development objectives of the Plan are of relevance:

- RCWM 05: All relevant development proposals shall include a Construction Environmental Management Plan (CEMP) with planning application documentation.
- RCWM 06: In the case of development which requires the removal of either greenfield or brownfield waste material, such removal requires suitable waste collection permits with subsequent disposal to appropriately authorised licenced/permitted facility.

- 5.1.9. Chapter 8 of the Development Plan relates to Environment, Water and Drainage. The following Development Objectives are of relevance:

- *Development Objective GW 01 It is a Development Objective of Cavan County Council to: “Ensure that groundwater is protected by ensuring compliance with the following:  
  
The appropriate control of development in areas of high groundwater vulnerability”.*
- *Development Objective GW 06: Ensure that in assessing applications for development, that consideration is given to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021, and any subsequent local or regional plans.*

## 5.2. Natural Heritage Designations

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) – 1.3km
- Lough Oughter Complex SPA (004049) – 2.4km
- Drumkeen House Woodland pNHA (000980) – 0.62km
- Lough Oughter and Associated Loughs pNHA (000007) – 1.4km

## 5.3. EIA Screening

The development proposed for retention relates to a storage compound and yard associated with an established equestrian centre.

The need for Environmental Impact Assessment and the preparation of an EIA was considered by the planning authority. Cavan County Council's request for further information requested the applicant to submit Schedule 7A information on the basis of the nature and scale of waste activities undertaken on the site in accordance with Class 11 (b) of part 2 of schedule 5 of the Regulations, namely:

*'installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'.*

The applicant's FI response includes an EIR Screening Assessment. The document sets out an outline of the description of the development and outline of characteristics of the proposal. The Screening report outlines that the compound is for the sole use of Cavan Equestrian Centre for regular maintenance of activities on the site. On the basis of information set out within the submitted EIA Screening Report, Cavan County Council concluded that the development does not require an Environmental Impact Assessment.

Having regard to the information submitted in conjunction with the application and FI response, I consider that the development does not propose an *'installations for the disposal of waste'* or fall within any other class of development which requires mandatory EIA in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal has been received from Barry Galligan in respect of the notification of decision of Cavan County Council to grant permission for the development. The following provides a summary of the grounds of appeal:

- Works have been carried out on site prior to the granting of permission.
- The storage area and yard are negatively affecting the residential amenities of the area.
- Waste is being stored on the site.
- Material is being stored within 1m of the site boundary when it should not be positioned within 10m of site boundaries.
- Surface water run-off from the site is not being managed and is spilling over from the site boundaries and causing issues.
- Excavation and construction works associated with the development is negatively impacting on the amenity of the surrounding residential areas. Noise pollution and visible waste decrease both the quality of life and value of homes in the vicinity.
- An oral hearing is requested.

### 6.2. Applicant Response

The following provides a summary of the key points raised within the applicant's response to the grounds of appeal.

- The appeal response outlines that the storage compound and yard area is ancillary space for the storage of materials associated with the maintenance of the equestrian centre.
- The types of materials stored are fully described within the application documentation and will vary in volume depending on ongoing works.

- Recent works comprised of change of the arena surfaces from 2 no. grass to 2 no. sand arenas. Such works constituted exempted development. These works are now practically complete. None of the stockpiles are within 20m of the appellants property.
- The surface of the compound is gravel and has no runoff. A perimeter drain is in place which collects any runoff and diverts it to an existing watercourse.
- The compound yard is not overlooked by existing properties and forms part of the Cavan Equestrian Centre landholding. The appellant's property is within and surrounded by the Equestrian Centre and comprises out buildings backing onto the compound and yard.
- The appellant no longer resides within the vicinity of the Equestrian Centre.

### 6.3. Planning Authority Response

Cavan County Council provided a response to the grounds of appeal. The following provides a summary of the key points raised:

- The PA's response refers to the zoning of the site for General Enterprise and Employment purposes within the Cavan County Development Plan 2022-2028. The site forms part of the Equestrian Centre and the existing works and storage area is considered compatible with the land uses permitted in principle in this zone.
- The Planning Authority, in consideration of this application for retention of permission, deemed it necessary to issue conditions which would ensure the protection of amenities of existing adjacent residential development within the vicinity of the site. These include type of materials, extent of stockpiling and proximity of stockpiles to the boundary of the site.
- The Board is requested to uphold the decision of the planning authority.

## 7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Impact on Residential Amenity
- Impact on Water Quality
- Appropriate Assessment

## 7.2. Principle of Development

- 7.2.1. The subject site has a stated area of 1.6ha and is situated at the northern end of Cavan Town, in the townland of Latt. The site forms part of the Cavan Equestrian Centre landholding. The equestrian centre site contains a range of indoor and outdoor facilities, including indoor and outdoor arenas, car parking areas, stables, a shop and office buildings. The appeal site is located to the north of the equestrian centre.
- 7.2.2. The appeal site and wider Equestrian Centre is zoned for General Enterprise and Employment purposes within the Cavan Local Area Plan. This zoning objective seeks to: *“Provide for and improve general enterprise and employment generating uses”*. The Development Plan identifies the Cavan Equestrian Centre as a tourism asset of the town. Development Objective T01 of the CCDP supports the development and strengthening of the tourism offer of the County.
- 7.2.3. The development seeks retention permission for a storage compound and yard area as ancillary space for equestrian use, including stock piling of materials, equestrian props, storage containers, surplus lorry parking and associated works at Latt, Cavan.
- 7.2.4. A rationale for the development is set out within the applicants EIAR Screening Assessment submitted in support of the application. This outlines that the equestrian centre has indoor and outdoor arenas with events taking place all year round which require regular maintenance involving the renewal of surfaces and installation of drainage in order to keep sand and grass surfaces level for show jumping events. The application outlines that the storage of building materials is essential in the regular maintenance of equestrian activity.
- 7.2.5. The appeal site forms part of an existing and established equestrian centre and I am satisfied that the development of a storage yard and compound associated with the equestrian centre is in accordance with the “General Enterprise and Employment”

zoning objective pertaining to the site and the provisions of the Cavan County Development Plan 2022-2028.

### **7.3. Impact on Residential Amenity**

7.3.1. The primary grounds of appeal relates to the impact of the development on the residential amenity of existing properties in the vicinity of the site. The Drumgola Wood housing development is located to the north and west of the existing appeal site.

7.3.2. The appellant's property is located immediately to the south of the appeal site. The 2 storey dwelling fronts onto the equestrian centre grass arena and outbuildings adjoining the appeal site. Access to the dwelling and associated outbuildings is provided via the access wayleave runs to the north of the dwelling and connects to the appeal site. The existing boundary treatment is defined by timber fencing.

7.3.3. The appeal raises concern in relation to the following:

- Works commenced on site in advance of planning permission;
- Visual Impact and Overspill of Waste;
- Operational Impact of Development;
- Surface water run-off from the site;
- Depreciation in Value;

#### Works Commenced on Site

7.3.4. The appeal outlines that works commenced on site in the absence of planning permission. In this regard, I note the development seeks to retain permission for the existing storage yard on site. The application is assessed on its merits.

#### Visual Impact of Waste

7.3.5. The appeal raises concern in relation to the visual impact of the waste stored on site, its proximity to the appellants dwelling and overspill to adjoining areas. The appellants dwelling directly adjoins the southern boundary of the appeal site. The northern elevation of the dwelling overlooks existing outbuildings on the site.

7.3.6. On site inspection I note that materials including road planings, crushed stone and gravel are arranged in stockpiles on the site. The applicants FI response outlines

that the existing materials stored on site are associated with maintenance works to the equestrian centre and the requirement for stockpiling of same will reduce on completion of the works. In terms of proximity to the appellants property, I note that the Site Layout Plan submitted in response to CCC's request for further information illustrates that the closest stockpile to the appeal site is c.40m from the appellants dwelling.

- 7.3.7. I refer to the requirements of condition no. 2 of CCC's notification of decision to grant permission for the development which imposes conditions in relation to the nature, height and position of materials on site and condition No. 3 which relates to landscaping at site boundaries.
- 7.3.8. I consider that subject to compliance with the above conditions, the visual impact of the storage compound within the established equestrian centre would be acceptable.

#### Operation Impact of Development

- 7.3.9. The appeal raises concerns in relation to the operational impact of activities on site on the residential amenity of surrounding areas. Specific concerns in relation to noise are raised.
- 7.3.10. I consider that there are information deficiencies within the application in relation to the management of the compound and mitigation measures to be adopted within the site to negate against impact on adjoining residential properties. Details such as hours of operation, noise and dust mitigation measures are not specified. I consider that this can be addressed by means of condition requesting the submission of a Management Plan for the development in the instance that the Board is minded to grant permission for the development.

#### Surface Water

- 7.3.11. The appeal outlines that the development has resulted in overspill of surface water run-off from the site to the appellants property.
- 7.3.12. The Site Layout Plan (Drawing no. 36-19-2) illustrates that surface water from the development diverts to the existing road gully to the south of the site and a dry drainage ditch is indicated along the western boundary of the appeal site.
- 7.3.13. While I consider that there information deficiencies within the application in relation to volumes of surface water run-off from the site, I am satisfied that surface water



outflow from the site would be limited and note that the site is served by the existing surface water drainage network infrastructure. I note that Cavan County Council have raised no objection to the principle of the surface water drainage proposals and I similarly have no objection.

#### Depreciation in Value

7.3.14. The appeal outlines that the development is resulting in a depreciation in the value of existing residential dwellings within the vicinity of the site. I am satisfied that the development, subject to conditions, would not have an adverse impact on the residential amenities of the area.

#### **7.4. Impact on Water Quality**

7.4.1. Groundwater Protection Scheme Maps illustrate that the appeal site is located in an area designated as a Poor Aquifer with Low to High Vulnerability. Development Objective GW 01 of the Cavan County Development Plan outlines that:

*“It is a Development Objective of Cavan County Council to: “Ensure that groundwater is protected by ensuring compliance with the following:*

*The appropriate control of development in areas of high groundwater vulnerability”.*

7.4.2. I note the concerns raised within CCC’s Waste Section and Environmental Section reports in relation to the nature of materials stored on site and potential contamination associated with same. Condition no. 4 of Cavan County Council’s notification of decision to grant permission for the development outlines that uncontaminated surface water within the development shall be managed in accordance with the submitted site layout plan. Condition no. 2 of the permission furthermore restricts the nature of materials to be stored on site to those directly associated with the maintenance and upkeep of the equestrian facility and outlines that no waste shall be stored on site.

7.4.3. I consider that limited information is provided within the application in relation to measures which will be implemented to ensure that there is no contaminated run-off from the site to reduce impact on local water quality (i.e. silt traps, interceptors). I recommend that this should be addressed by means of condition in the instance that the Board is minded to grant permission for the development.

#### **7.5. Appropriate Assessment**

#### 7.5.1. *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.

#### 7.5.2. *Background*

An Appropriate Assessment Screening Report prepared by Whitehill Environmental Consultants was submitted in response to Cavan County Council's request for further information.

The Report concludes that *"an AA of the proposed development is not required as it can be excluded, on the basis of the objective information..., that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, the proposed project does not need to proceed to Stage II of the Appropriate Assessment Process i.e. Natura Impact Statement (NIS)".*

#### 7.5.3. *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.

#### 7.5.4. *Project Description and Site Description.*

The development is described in section 3.1 of the applicant's Appropriate Assessment Screening Report. The AA considers the development for a storage compound and yard area and a concurrent application submitted by the applicant under PA Ref: 21/636 for a steel framed and clad building for farm and equestrian use and associated works.

Section 3.2 of the applicants Screening Report sets out a description of the site location and surrounding environment. This outlines that the dominant habitat on site is buildings and artificial surfaces. No habitats of biodiversity value are identified within the site. No watercourses are identified within or immediately adjacent the site.

#### 7.5.5. *Submissions and Observations*

The planner's report which informs the decision of CCC to grant permission for the development outlines that the proposed development alone or in conjunction with the existing or permitted development would not have an impact on the qualifying interests on any Natura 2000 site and a Stage II Appropriate Assessment is not required.

#### 7.5.6. European Sites

The development site is not located in a European site. A summary of European Sites that occur within a possible zone of influence (15km) of the proposed development is presented in the Table below.

I note that the applicants Screening Report identifies that there are no watercourses on site and on this basis, there are no hydrological connections to the designated site. However, I would highlight that there is a hydrological connection to the sites via surface water from the site.

<b>European Site (Code)</b>	<b>Qualifying Interests</b>	<b>Distance</b>	<b>Connections</b>	<b>Considered further in Screening</b>
Lough Oughter and Associated Loughs SAC (000007)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation. Bog woodland. Lutra lutra (Otter)	1.3 km north west (c.8km downstream)	Hydrological Connection via surface water.	Yes
Lough Oughter Complex SPA (004049)	Great Crested Grebe (Podiceps cristatus). Whooper Swan (Cygnus cygnus). Wigeon (Anas penelope).	2.4 km west (c.8.8km downstream)	Hydrological Connection via surface water.	Yes

	Wetland and Waterbirds.			
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7.5.7. *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.

7.5.8. *Identification of likely effects*

The applicant’s Screening Report outlines that there is no hydrological connection between the appeal site and either the Lough Oughter and Associated Loughs SAC (000007) and the Lough Oughter Complex SPA (004049). In terms of potential impacts, the AA Screening Report outlines the following:

*“Having regard to the lack of connectivity between these sites and these protected areas, the distance is sufficient to ensure that impacts and significant effects upon the site did not arise in the past, nor will they arise in the future”.*

On review of the contents of the applicants Screening Report, I note that the applicant’s conclusions on no likely effects is based on the assumption that there is no hydrological connection between the appeal site and the closest Natura 2000 sites. However, I note that the appeal site is hydrologically connected to the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA via surface water connections which connect to the watercourses to the south of the site. EPA mapping illustrates that water flows in a westerly direction towards the Cavan River which flows to the loughs within the SPA and SAC.

I consider that potential impacts associated with the development relate to potential deterioration of water quality as a result of potential for run off of contaminated surface water run-off from site and potential for contamination of groundwater. Water quality is important to a number of the qualifying interests of the SAC and SPA.

A reduction in water quality has the potential to affect the aquatic habitats and natural conditions that are required to maintain or achieve the specific attributes and targets of the qualifying interests associated with the SAC and SPA. Deterioration in water quality could result in impacts on the qualifying interests of the SAC including the Natural eutrophic lakes and lutra lutra. Any deterioration in water quality in the Erne system could indirectly affect the SPA bird species and the habitats that they depend on.

Although a source-pathway-receptor linkage exists between the application site and the designated habitats of the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, I note the distance of the site from the designated Natura 2000 sites and urban nature of urban development between it and the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA. While the site is hydrologically linked to these sites, having regard to the effect of dissipation, dilution and biodegradation, of potential pollutants in their movement through soil/water at a distance of c.8 – 8.8km, significant adverse effects on water quality in the European sites are unlikely.

#### *7.5.9. Cumulative Impacts*

The AA considers the development for a storage compound and yard area and a concurrent application submitted by the applicant under PA Ref: 21/636 for a steel framed and clad building for farm and equestrian use and associated works.

As there are no impacts to the SAC or SPA arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.

#### *7.5.10. 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.

#### *7.5.11. 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 carried out Screening for Appropriate Assessment of the project, it has been concluded that the

project individually or in combination with other plans and projects would not be likely to give rise to significant effects on European sites European Sites Lough Oughter and Associated Loughs SAC 000007 and Lough Oughter Complex SPA 004049 or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore not required.

## 8.0 Recommendation

8.1. I recommend that permission is GRANTED to retain the development in accordance with the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028, to the location of the site within the established equestrian centre, the scale and nature of development, it is considered that subject to compliance with the conditions set out below, the development proposed to be retained would not affect the residential or visual amenities of the area, would not be prejudicial to public health, would constitute an acceptable use at this location and would be in accordance with the provisions of the development plan and the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 13 <sup>th</sup> of September 2022 except as may otherwise be required in order to comply with the following conditions.  Reason: In the interest of clarity.
2.	The storage compound and yard shall be managed in accordance with the following requirements of the Planning Authority:  (a) Material storage on site shall be restricted to those materials which are ancillary to the operation of the equestrian centre and materials required for

	<p>the general maintenance and upkeep of the facility. Materials acceptable in this regard shall include top-soil, sand, gravel, stone, building materials or similar.</p> <p>(b) The height of any materials stored on site shall not exceed 3m above ground level and shall not be positioned within 10 metres of the site boundaries.</p> <p>(c) The maximum area to be covered by such material shall not exceed 30% of the site.</p> <p>(d) No waste shall be stored on site including construction and demolition waste.</p> <p>Reason: In the interest of orderly development and visual and residential amenity.</p>
3.	<p>Within 3 months of this decision, the developer shall submit a management plan for the site for written agreement of the planning authority. This shall address measures for the management of the compound including the following:</p> <ul style="list-style-type: none"> <li>- Access arrangements,</li> <li>- Hours of operation</li> <li>- Water Quality Mitigation Measures</li> <li>- Noise and Dust Mitigation Measures</li> </ul> <p>Reason: In the interest of public health and the residential amenity of the area.</p>
4.	<p>Within 3 months of this decision, the developer shall submit a comprehensive landscaping and boundary treatment scheme for the site for written agreement of the planning authority, which shall include the following:</p> <ul style="list-style-type: none"> <li>• Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</li> </ul>

	<ul style="list-style-type: none"> <li>The retention of existing trees on site, except those required to facilitate the physical development of the site.</li> </ul> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Within 3 months of this decision, the development shall liaise with the planning authority in order to ascertain their requirements in relation to the disposal of surface water from the site. Surface water run-off from the site shall be managed in accordance with the detailed requirements of the planning authority.</p> <p>Reason: In the interest of public health.</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.

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Stephanie Farrington  
Senior Planning Inspector

9<sup>th</sup> of November 2023