



An
Bord
Pleanála

Inspector's Report ABP-318032-23

Development	Construction of 10 houses
Location	Chapel Road & Widow's House Lane, Belturbet, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	22377
Applicant(s)	Mark Lawlor.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Cathal and Maura Hughes.
Observer(s)	N/A.
Date of Site Inspection	22 nd May 2024.
Inspector	Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.19ha, is located at the junction of Chapel Road and Widow's House Lane in Belturbet town centre. The site is primarily vacant and overgrown, with 2 no. derelict sheds located on the north-east corner fronting Chapel Street. Site levels fall from north south. A gated access to the site is provided from Widow's House Lane.
- 1.2. Existing development within the vicinity of the site includes commercial and residential buildings which front onto The Diamond to the northwest, the Church of the Immaculate Conception and associated car park to the southwest and a 3 storey apartment building at the opposite side of Chapel Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of existing out buildings on site, the construction of 10 no. 3 bed, 2 storey dwellings, entrance, landscaping, connection to existing services and site development works. Access to the development is proposed via Widow's House Lane. The development is served by 10 no. parking spaces and includes connection to water service and wastewater infrastructure.

3.0 Planning Authority Decision

3.1. Decision

Cavan County Council issued a notification of decision to grant permission for the development subject to 23 no. conditions. The following conditions are of note:

- Condition no. 1 (a) outlines that this permission is for a total of 9 no. residential units (5 no. apartments/maisonettes and 4 no Terrace houses).
- Condition no. 2: relates to submission of revised plans and elevations for written agreement of CCC illustrating omission of unit 5 and provision of open space in its place, changes to the building line of units 1-4, revisions to elevation of unit 6 to provision overlooking of open space and provision of bin storage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (07/11/2022)

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

- The site is zoned for town centre purposes and the principle of its development for residential purposes is acceptable.
- The proposed would result in a density of 53 units per ha and is deemed to be overdevelopment. The density of the development should be reconsidered in light of adherence to other design considerations and minimum standards i.e. car parking and public open space.
- The proposed building heights are deemed acceptable.
- The report outlines that elements of the proposed public open space are fragmented and questions their usability.
- Private open space should be provided in accordance with minimum standards.
- The report outlines that the proposed 2 storey development will not result in overlooking or overshadowing of adjacent properties.
- The Appropriate Assessment Screening set out within the planner's report outlines that the development is not likely to have a significant effect, either individually or in combination with other plans and projects, on any European Site, in view of the site's Conservation Objectives.
- The planner's report recommends a request for further information in respect of the following:
 - Item 1: Revised proposals illustrating adherence to development management standards set out within the CCDP including public open space, private open space, boundary treatment details and detail of materials for windows and doors and compliance with lifetime design.

- Item 2: Invasive Species Survey and Invasive Species Management Plan if required.
- Item 3: Submission of a Traffic Report and Road Safety Audit, details of on street parking and interface with pedestrian crossing on Widows House Lane, provision of parking in accordance with Development Plan Standards.
- Item 4: Details of Compliance with Part V.

Planner's Report on Further Information (22/08/2023)

The report provides a summary and assessment of the applicant's FI response and cross refers to the reports received from internal CCC departments. The report outlines that the Items raised in the FI request have been satisfactorily resolved and recommends a grant of permission subject to conditions.

The report recommends some amendments to the layout i.e. omission of Unit no. 5 and set back of the building line for Unit 1-4. The report outlines that this can be addressed by means of condition.

3.2.2. Other Technical Reports

Cavan – Belturbet Municipal District Engineer (27/10/2022)

The report recommends a request for further information in respect of sightlines at the proposed vehicular entrance, insufficient car parking, details of on street parking, impact on pedestrian crossing and submission of a traffic report/road safety audit.

Waste Management Section

The report recommends a request for further information in relation to submission of an Invasive Species Survey and Invasive Species Management Plan in the instance of the presence of invasive species on site.

Environment Section

No objection to the development subject to conditions.

Cavan – Belturbet Municipal District Engineer (21/08/2023)

No objection subject to condition.

3.3. Prescribed Bodies

Uisce Éireann (14/09/2022)

The report recommends further information in relation to a pre-connection enquiry to determine feasibility of connection to water/waste infrastructure.

3.4. Third Party Observations

The appellant (Cathal and Maura Hughes) made observations on the application during the initial public consultation period and on the applicant's FI response. The concerns raised reflect those within the grounds of appeal.

4.0 Planning History

The following planning history relates to the appeal site:

- PA Ref: 8112438: Outline permission granted in April 1981 for development of 2 housing sites.

5.0 Policy Context

5.1. Development Plan

Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028

Chapter 1 – Core Strategy

- 5.1.1. Belturbet is designated as a Medium Town within the Cavan Settlement Hierarchy (Table 5). Medium Towns are described as follows within the Plan: *“Towns with a varied employment base and can be reliant on other areas for employment and/or services but which play an important role in supporting the social, economic and cultural life within rural communities”*.
- 5.1.2. Table 11 Core Strategy Table outlines that the town had a population of 1,369 in 2016 and is envisaged to grow to 1,778 by 2028.
- 5.1.3. Section 2.15 of the Plan relates to Residential Density. This outlines that generally the number of units provided on site should be determined with reference to the

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The Plan outlines that due to the difficult topography of County Cavan, there are many instances where specified densities cannot be achieved. The densities outlined in Section 13.4.1 of this Plan indicate approximate key residential outputs over the lifetime of the plan and site density will be determined on a case by case basis.

5.1.4. The following Residential Density Development Objectives are of relevance:

- RD 01: Encourage the densities in accordance with Section 13.4.1 of this Plan throughout the County in accordance with the Core Strategy.
- RD 03: Ensure densities of proposed developments reflect the key attributes and character of the surrounding/ adjoining area.

5.1.5. Section 2.16 relates to Core Strategy Development Objectives. The following are of relevance:

- CSD 03: Facilitate the delivery of sustainable, compact, sequential growth and regeneration of town and village centres by consolidating the built footprint through a focus on regeneration and development.
- CSD 08: Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the county.

Chapter 2 – Settlement Strategy

5.1.6. Chapter 2 of the CDP sets out the settlement strategy for the County. Section 2.1.1 relates to Settlement Consolidation Sites and Development Objective SCZ 01 seeks to: *“Support the regeneration of underused town centre and brownfield/infill lands, promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements in the County in order to achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the County”.*

- 5.1.7. Section 2.9 relates to Belturbet. A density of 12-16 units per ha is recommended for future developments within Belturbet. The Strategy and Vision for Belturbet as set out within Section 2.9.3 of the Plan outlines that the town is envisaged to grow to 1,778 over the plan period and it is stated that *“this will be provided in town core, mixed use and brownfield sites in Belturbet”*.
- 5.1.8. Development Objective BTG 01 seeks to: *“Promote the development of Belturbet to fulfil its role as a designated Medium Town”*.
- 5.1.9. Section 2.9.4 relates to Physical Infrastructure and outlines that Belturbet is served by the Belturbet Public WSS. sourced by the River Erne. It is also served by an existing wastewater treatment plant located to the north of the town centre.
- 5.1.10. Section 2.9.7 relates to Sustainable Communities and seeks to accommodate the future needs of the town in a consolidated fashion, which will assist in the delivery of sustainable communities comprising of a mix of housing types, densities and tenure. The following Development Objectives are of note:
- BTC 02: Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Belturbet.
 - BTC 03: Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up areas.
- 5.1.11. Section 2.9.10 relates to Heritage within the Belturbet. 2 no. designated Architectural Conservation Areas are identified within the town namely The Lawn ACA and The Diamond ACA. The appeal site is not located within the designated ACA's.
- 5.1.12. The Plan outlines that Belturbet lies within an archaeological zone, indicating zones of archaeological potential, within which archaeological deposits may exist as well as surviving upstanding pre-1700 AD remains. The site is located within the identified zone of archaeological potential.
- 5.1.13. The following Heritage Development Objectives are of relevance:
- BTH 08 *“Conserve, protect and enhance the built heritage of Belturbet including all Protected Structures and attendant grounds, the Diamond ACA and the Lawn ACA, Records of Monuments and Places in accordance with best conservation practice”*.

- BTH 13: *Ensure an archaeological assessment is carried out as required and promote 'preservation in situ of archaeological sites and /or features.*

Chapter 7: Transport and Infrastructure

5.1.14. Table 7.4 sets out Parking Standards – A maximum requirement of 2 parking spaces per units is set out for residential developments.

Chapter 13: Development Management

5.1.15. Section 13.4 of the Plan relates to Residential Density and outlines that generally, the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The densities outlined in the table below indicate approximate key residential outputs over the lifetime of the plan and site density will be determined on a case-by-case basis.

5.1.16. A density range of 20 to 25 units per ha is identified for town/village core sites within medium towns. The Plan outlines that “*density ranges are targets and should not be read as maxima*”. The following Development Objectives are of relevance:

Density:

- RD 01: Encourage densities in accordance with the above table throughout the County in accordance with the Core Strategy.
- RD 03: Ensure densities of proposed developments reflect the key attributes and character of the surrounding/ adjoining area.

Site Coverage & Plot Ratio:

5.1.17. Section 13.4.3 of the Plan relates to Site Coverage and Section 13.4.4 relates to Plot Coverage. The following Development Objectives are of relevance:

- SCDO 01: Individual development proposals will be assessed on performance-based criteria dependent on location and individual site characteristics in accordance with the provisions of national policy NPF NPO 13.
- PR 01: Individual development proposals will be assessed on performance-based criteria dependent on location and individual site characteristics in accordance with the provisions of national policy NPF NPO 13.

Private Open Space

- POS 02: Require the following minimum open space requirements for new dwelling houses - One/Two bedroom, 48sqm-55sqm and 3/4/5 bedroom unit, 60 sqm-75sqm.

Public Open Space

- PCOS 01 Ensure public open spaces in new residential developments comply with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual (2009) or any updates thereof.
- PCOS 2: Ensure public open space is well designed, of a high visual standard, generally flat, retain natural features and proposes appropriate landscaping or wetland and has a high level of surveillance and overlooking.

Overlooking and Overshadowing

- OO 01: A minimum distance of 22 metres of separation between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units shall generally be observed.
- OO 06: Require daylight and shadow projection diagrams to be submitted in all proposals where buildings of a significant height are involved or where new buildings are located very close to adjoining buildings. This will provide an element of control in situations where overlooking occurs.
- OO 07: Daylight and sunlight levels should generally be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R. 209, 2011) and any updates thereof.

Design and Layout

- DL 01 Require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), the Urban Design Manual- A Best Practice Guide 2009 and the Urban Development and Buildings Heights Guidelines for the Planning Authorities (2018), or any updates thereof.

- DL 08: Terraced/townhouses schemes shall include appropriate design measures for refuse bins, details of which shall be shown at planning application stage. Bins shall not be situated immediately adjacent to the front door or ground floor window, unless adequate screened alcoves or other such mitigation measures are providing innovative design solutions shall be required in this regard.

5.1.18. Section 13.5.2 relates to Infill Sites and outlines that the Planning Authority will support infill development on appropriate sites that make the most sustainable use of serviced land and existing urban infrastructure. The following Development Objectives are of relevance:

- ISUA 01 Proposals for infill development shall accord with the Sustainable Development in Urban Areas-Guidelines for Planning Authorities (DEHLG, 2009) and the accompanying document Urban Design Manual or any updates thereof; and the Design Manual for Urban Roads and Streets, 2013, DoECLG or any updates thereof.
- ISUA 02 Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways.

Chapter 14 Land Use

Zoning Objective:

5.1.19. The appeal site is zoned for town core purposes within the CCDP with an objective to: *“Protect and enhance the special physical and social character of the town and village core while providing and/or improving town/village centre facilities”.*

5.1.20. The vision for this zoning objective as set out within the Development Plan is to: *“Maintain and build on accessibility, vitality and viability of the existing town and village centres in the County. Develop and consolidate these town/village cores with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop their urban fabric in accordance with the principles of urban design, conservation and sustainable development. Refurbishment, renewal, reuse and regeneration of existing buildings and derelict sites will be encouraged. Retail provision will be in accordance with County Retail Strategy. All Town Core*

zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration and residential purposes where appropriate”.

- 5.1.21. Residential is listed as a use which is “permitted in principle” on lands zoned for town core purposes.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 5.1.22. Section 3.3.4 of the Sustainable Residential Development and Compact Settlement Guidelines relates to Settlement, Area Types and Density Ranges for Small and Medium Sized Towns (1,500 – 5,000 population). According to the 2022 Census Belturbet had a population of 1,610 in 2022. The town therefore falls within this category. Section 3.3.4 of the Guidelines describes the towns as follows:

Small to medium sized towns outside of metropolitan areas vary considerably in terms of population, employment and service functions and the level of public transport provision. Some small to medium sized towns have a district-wide service and employment function and are largely self-sustaining. Others, particularly those within commuting distance of cities, have experienced rapid residential expansion in recent decades based on population growth that is generated by economic drivers in larger urban centres. Many of these ‘commuter’ type towns have a high population but are reliant on other centres for employment and services and tend to be heavily car-dependent.

The recommended approach for small to medium sized towns will be to plan for growth arising from economic drivers within and around the settlement and to offer an improved housing choice as an alternative, including serviced sites, to housing in the countryside. Given the range of settlement types in this tier, planning authorities will, as part of the statutory plan making process, need to refine the density standards set out in Table 3.6 to respond to local circumstances.

- 5.1.23. The Guidelines outlines that the strategy for all small to medium sized towns is to support consolidation within and close to the existing built-up footprint. The Guidelines outline that:

“The key priorities for compact growth in smaller to medium sized towns in order of priority are to: a) strengthen town centres, b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality, c) realise opportunities for adaption, reuse and intensification of existing buildings and for backland, brownfield and infill development, and d) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement”.

- 5.1.24. Table 3.6 relates to Areas and Density Ranges Small to Medium Sized Towns and outlines that: *In many cases, the town centre comprises a main street and streets immediately adjoining, while the inner urban neighbourhood consists of the early phases of residential development around the centre, and may include local services and inter-dispersed commercial, industrial and institutional uses. Backland, brownfield and infill sites will generally be in the town centre or inner urban neighbourhoods. It is a policy and objective of these Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure).*
- 5.1.25. Table 3.6 outlines that *“It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns”.*
- 5.1.26. Section 3.2 of the Guidelines relates to Tailoring Policy to Local Circumstances. This outlines that while densities should generally be within the ranges set out in Section 3.3 it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area.
- 5.1.27. The following SPPR's as set out within the Guidelines are of relevance:

SPPR 1 – Separation Distances

SPPR 1 - Separation Distances It is a specific planning policy requirement of these Guidelines that statutory development plans¹⁵ shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

SPPR 2: Minimum Private Open Space Standards for Houses

SPPR 2: It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

1 bed house 20 sq.m

2 bed house 30 sq.m

3 bed house 40 sq.m

4 bed + house 50 sq.m

A further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below). The planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves.....

For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity.

- 5.1.28. Policy and Objective 5.1 of the Guidelines relates to Public Open Space and outlines that it is a policy and objective of these Guidelines that statutory development plans include an objective(s) relating to the provision of public open space in new residential developments (and in mixed-use developments that include a residential element). The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances.
- 5.1.29. Section 4.4 relates to key indicators of quality urban design and placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form.

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 – 0.3km.
- Proposed Natural Heritage Areas: Lough Oughter and Associated Loughs – 0.3km.
- Lough Oughter SPA – 3.7km

5.3. EIA Screening

- 5.3.1. The proposed development falls within the categories 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) (i) Construction of more than 500 dwelling units.

(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.

5.3.2. The subject development comprises demolition of existing sheds and construction of 10 no. residential units on a site with a stated area of 0.19ha. The proposed development falls well below the development threshold and mandatory EIA is therefore not required.

5.3.3. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for sub-threshold environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted in respect of Cavan County Council's notification of decision to grant permission for the development. The appeal was submitted on behalf of Cathal and Maura Hughes, Churchview Guest House, 8 Church Street, Belturbet. The following provides a summary of the grounds of appeal:

- The appellant owns a property which shares a common boundary with the subject site. The shared boundary is stated to be 22m in length and runs in a northwest direction (behind proposed houses 1 and 2).
- The appeal outlines that the proposal constitutes an overdevelopment of the site even with the removal of 1 unit. It is stated that the density, site coverage and plot ratio of the development are all in excess of minimum development plan standards.
- The appeal outlines that the overdevelopment of the site results in a detrimental impact on public open space, private open space and car parking standards. The appeal outlines that both the public and private open space

don't comply with minimum standards. The appeal outlines that the further information response fails to address the concerns in relation to overdevelopment raised within Cavan County Council's FI request.

- The appeal outlines that the public open space is fragmented and does not result in quality usable open space due to the number of houses provided. The appeal outlines that the open space should be overlooked to negate against anti-social behaviour and have lighting.
- The appeal questions the format of the development proposed i.e. apartments or houses. The appeal outlines that any proposed apartments comply with the standards for new apartments set out within the Sustainable Urban Housing: Design Standards for New Apartments. Proposals for housing should comply with the standards set out within the Quality Housing for Sustainable Communities guidelines. The appeal refers to the requirements for a 1.5m set back of ground floor windows from the public footpath to provide a privacy strip.
- The appeal outlines that no dwelling mix is provided. A mix of 1 bed, 2 bed and 3 bed apartment types should be provided.
- The appeal raises concern in relation to set back of units 1 to 4 as required by Condition no. 2. Any further reduction in width of the public open space will further reduce its usability.
- The appeal outlines that car parking provision is 50% below the required standards. The appeal questions the accessibility of the site, public transport provision and the proximity and availability of parking within the vicinity.
- The appeal outlines that the road network in the vicinity of the site serves 4 no. schools and can be congested at peak times. The appeal raises concern in relation for potential of overflow of parking within the development and parking on footpaths. The appeal raises concern in relation to the impact of construction traffic on existing congestion levels and impact of increased congestion on emergency vehicles.
- The appeal refers to the Conditions attached to Cavan County Council's notification of decision to grant permission for the development. The appeal

outlines that some conditions have critical information to be addressed including Condition no's 2,5,9,16,18,22 and 23. It is stated that 3rd parties have no opportunities to comment on compliance with these conditions.

- The appeal refers to the requirement for a contribution in lieu of shortfall for public open space and car parking for improvements to open space and parking in the area.
- The appeal raises concern in relation to non-compliance of the development with the following standards set out within the development plan: density, site coverage, house types, private open space, public open space, car parking and suitability of the roads network.

6.2. Applicant Response

- None received.

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 Planning Authority consider that the application was duly assessed in the Planner's Reports dated 7th of November 2022 and 22nd of August 2023 in all matters pertaining to layout and design, density, provision of open space, traffic safety/parking and proposal for terrace houses and apartments/maisonette on this infill site.
- The appeal response outlines that the application was evaluated and considered to be in compliance with the minimum floor areas and standards in accordance with the Planning Guidelines "Sustainable Urban Housing: Design standards for New Apartments".
- The report refers to the requirements of Conditions 1 and 2 of the permission relating to the reduction in the number of units from 10 to 9, additional provision of public open space and provision of increase open space. These items were considered having regard to the third-party submission.

- The appeal response outlines that the PA is satisfied that the proposal is not at variance with the policies and objectives of the Cavan County Development Plan, incorporating the Cavan Town Local Area Plan 2022-2028.
- The Board is requested to uphold the decision of the PA and grant permission for the development.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the observations 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
- Site Development Standards, Design and Layout
- Impact on Residential Amenity
- Access and Transportation
- Other Issues

7.2. **Principle of Development – Compliance with Policy**

- 7.2.1. The appeal site is located within Belturbet town centre at the junction of Chapel Road and Widows House Lane. The site is currently occupied by 2 no. shed structures, is inaccessible, overgrown and contributes little to the character of the area. The proposed development seeks the demolition of the existing sheds on site and construction of 10 no. residential units.
- 7.2.2. The site is zoned for town core purposes within the Cavan County Council Development Plan with an objective to *“Protect and enhance the special physical and social character of the town and village core while providing and/or improving town/village centre facilities”*. Residential use is listed as a use which is permitted in principle on lands zoned for town core purposes. The Development Objectives of the Cavan County Development Plan support the redevelopment of infill and centrally located sites for residential purposes within Belturbet including Development Objective BTC 03 which seeks to *“Encourage the appropriate redevelopment of*

brownfield and infill sites for residential uses within the footprint of the existing built-up areas". The redevelopment of infill/brownfield sites in also support in Development Objectives CSD 03, CSD 08 and SCZ 01 of the Development Plan.

7.2.3. I am satisfied that the proposed development is in accordance with the town core zoning objective pertaining to the site and development plan core strategy and is also in accordance with the guidance set out within National Policy Objectives 6 and 11 of the NPF, which together seek to encourage more people and activity within town centres.

7.2.4. In conclusion, I consider that the principle of the development of town core zoned lands within the settlement boundary of Belturbet for residential purposes is acceptable subject to appropriate design, layout, residential amenity and access considerations.

7.3. Site Development Standards, Design and Layout

Site Development Standards

7.3.1. The third-party appeal raises concern in relation to the scale and density of development on the site and asserts the development constitutes an overdevelopment of the site. The appeal outlines that even with the reduction in the proposed number of units from 10 to 9 as required in accordance with Condition no. 2 of CCC's notification of decision to grant permission for the development the proposed density, site coverage and plot ratio is over and above the relevant standards set out within the Cavan County Development Plan (CCDP) in this regard.

7.3.2. I refer to the requirements of Development Objectives SDDO 01 and RR 01 of the CCDP which relate to Site Coverage and Plot Ratio which outline that *"individual proposals will be assessed on performance-based criteria dependent on location and individual site characteristics"*. No quantitative standards for site coverage or plot ratio are set out within the plan. Having regard to the infill nature and town centre location of the site I consider the proposal in accordance with Development Objective ISUA 02 which outlines that infill development shall take account of the character of the area. In this regard I consider that the scale and format of development successfully responds to the existing pattern of development within the vicinity of the site.

- 7.3.3. The proposed development seeks permission for 10 no. residential units on a 0.19ha site yielding a density of 52.6 units per ha on site. I refer to the requirements of Condition no. 2 of CCC's notification of decision to grant permission for the development which relates to omission of unit 5 of the development to provide public open space within the scheme. On the basis of the omission of this unit a density of 47.3 units per hectare is provided on the site.
- 7.3.4. Development Objective RD 01 of the Cavan County Development Plan seeks to *"Encourage the densities in accordance with Section 13.4.1 of this Plan throughout the County in accordance with the Core Strategy"*. Section 13.4 of the Development Plan recommends a density range of 20-25 units per ha on lands within the town core. The Plan outlines that density ranges are targets and should not be read as maxima.
- 7.3.5. Section 3.3.4 of the Sustainable Residential Development and Compact Settlement Guidelines relates to Settlement, Area Types and Density Ranges for Small and Medium Sized Towns (1,500 – 5,000 population) and outlines that *"It is a policy and objective of these Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure)"*. The Guidelines recommend densities in the range of 25 to 40 units per hectare at the edge of Small and Medium Sized Towns.
- 7.3.6. In this regard I consider that the proposed density is acceptable on an infill town centre site subject to consideration of impact on the existing character of development. I furthermore consider that density is just one of many factors which influence the quality of a development.

Design and Layout

- 7.3.7. Development Objective DL 01 of the Development Plan *"Require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), the Urban Design Manual- A Best Practice Guide 2009 and the Urban Development and Buildings Heights Guidelines for the Planning Authorities (2018), or any updates thereof"*.

- 7.3.8. The application Design Statement outlines that the proposal has been designed in accordance with the criteria set out within the Urban Design Manual, A Best Practice Guide, A Companion Document to the Planning Guidelines on Sustainable Residential Development in Urban Areas' DEHLG, 2009. I note that the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009. Section 4.4 of the Guidelines relates to Key Indicators of Quality Urban Design and Placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form.
- 7.3.9. Key principles for Sustainable and Efficient Movement as identified within the Guidelines include the creation of connections to the wider urban street and transport networks and improved connections between communities. I consider that the proposal is well connected to Belturbet town centre and the provision of a public footpath along Chapel Road and Widow's House Lane and pedestrian connections through the site will provide a well-connected development.

Built Form

- 7.3.10. In terms of built form, the proposed development comprises 10 no. 2 storey 3 bed dwellings in 2 no. blocks. The development forms a streetscape to Chapel Road and Widow's House Lane and includes an internal courtyard layout which accommodates parking. The development includes the provision of public footpath along the perimeter of the site fronting Chapel Road and Widow's House Lane and provides for dual access to both streets.
- 7.3.11. The Sustainable Residential Development and Compact Settlements Guidelines outline that the layout, position and composition of buildings and to how buildings address streets and open spaces is a key element in ensuring the creation of attractive and well-designed settlements. Internally within the development I have concern in relation to the siting and usability of public open space, the lack of provision of private open space and I consider that the siting and alignment of proposed units 9 and 10 of the development may impact on the residential amenity of proposed units 7 and 8.

Public Open Space Provision

- 7.3.12. The appeal raises concern in relation to the quality and quantity of public open space to serve the development and non-compliance with development plan standards. I note that such concerns were raised within Cavan County Council's request for further information. I am not satisfied that the applicant sufficiently addressed this within the FI response.
- 7.3.13. In terms of public open space, the Sustainable Residential Development and Compact Settlements Guidelines recommend that public open space at a rate of 10% of the net site area should be provided and public open space form an integral part of the overall design. I consider that the development as proposed comprises fragmented, unusable and insufficient public open. I note the requirements of Condition no. 2 of CCC's notification of decision to grant permission for the development which relates to the omission of proposed unit 5 and provision of public open space to serve the development in its place. However, as an alternative to this I consider that there would be merit in omitting proposed units 9 and 10 of the development and provision of public open space at this location.
- 7.3.14. In conclusion, I share the concerns raised by the appellant in relation to the lack of public open space serving the development. However, I consider that such concerns can be appropriately addressed by means of condition. On an overall basis, I consider that the scale and format of development successfully responds to the existing pattern of development within the vicinity of the site.

7.4. Impact on Residential Amenity

Impact on Residential Amenity of Existing Development

- 7.4.1. The appeal raises concern in relation to the impact of the development on the residential amenity of their property located to the northwest of the site. Concerns in relation to overlooking, overshadowing and the shared boundary treatment are raised in this regard. Having reviewed the application drawings and carried out a site inspection and noted that location of existing adjacent development relevant to the appeal site and having regard to the 2-storey height of the proposed residential units I am satisfied that the development will not result in overlooking or overshadowing of adjacent properties.

- 7.4.2. While the appellant outlines that the separation distance between the proposed development and their property is not clear on the application drawings, I am satisfied that a separation distance of 16m is achieved between opposing 1st floor windows as set out within SPPR of the Compact Settlement Guidelines. I recommend the inclusion of a condition outlining that window openings to bathrooms are permanently maintained in obscure glass in the instance that the Board is minded to grant permission for the development.
- 7.4.3. In conclusion, I do not consider that the proposal would negatively impact on the residential amenity of the appellants property or any other development within the vicinity of the site.

Proposed Residential Amenity

- 7.4.4. The appellant questions the nature of the proposed residential units i.e. houses or apartments and questions compliance of the proposed units with relevant applicable quantitative standards. I refer to the requirement of Condition no. 1 (a) of CCC'S notification of decision to grant permission for the development which outlines that permission is for 9 no. residential units 5 no. apartments/maisonettes and 4 no terraced houses. Notwithstanding this, I refer to the Architectural Design Statement submitted in support of the application which outlines that the proposed units are houses. The units are labelled as houses in the planning application form and on the application drawings.
- 7.4.5. I have assessed the proposal as housing units in accordance with the relevant guidance set out within the "Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)". I refer to the Schedule Areas set out within the Architectural Design Statement and have reviewed the submitted floor plans. While each of the proposed houses exceed the gross floor area and minimum living area targets set out within Table 5.1 of the guidelines, I note that a number of the dwellings do not meet a number of standards as set out within Table 5.1 and Section 5.3.2 of the guidelines in relation to aggregate living area and aggregate bedroom area and minimum living room widths. However, given the size of the units I am satisfied that this can be addressed by means of condition in the instance that the Board are minded to grant permission for the development.

Private Open Space

- 7.4.6. I refer to the requirements of Development Objective POS 02 of the Cavan County Development Plan which sets out the following standards for private open space for housing units: *Require the following minimum open space requirements for new dwelling houses - One/Two bedroom, 48sqm/55sqm and 3/4/5 bedroom unit, 60 sqm-75sqm.*
- 7.4.7. The proposed development includes the construction of 10. No. 3 bed houses on site with private open space provision ranging from 42.22 sq.m. in House 1 to 8.02 sq.m. in House 5. The development therefore does not comply with the minimum private open space standards set out within Development Objective POS 02 of the Cavan County Development Plan. I refer to the requirement of Condition no. 2 of CCC'S notification of decision to grant permission for the development which outlines that the building line of Units 1 to 4 shall be brought forward by 1m. I note that this would increase the level of private open space from proposed Units 1 to 4 but consider that the private amenity space for unit nos. 5 to 10 comprising backyards are restricted in size and are of poor quality.
- 7.4.8. I refer to the requirements of SPPR 2 of the Compact Settlement Guidelines which sets put minimum private open space standards for houses including 40 sq.m. for 3 bed houses. The guidelines outline that a further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1). Table 5.1 identifies a max semi-private private (in lieu) open space of 20 sq.m.
- 7.4.9. SPPR 2 furthermore outlines that *"for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space"*. The appeal site is a town centre infill site with a stated area of 0.19ha. In this regard there is scope for relaxation in private open space standards *"subject to overall design quality and proximity to public open space"*.
- 7.4.10. As earlier detailed, I have concern in relation to the overall quantum and usability of public open space within the scheme and consider that the layout is dominated by

the courtyard parking. Having regard to the nature of the development, 3 bed houses, I consider that substandard private amenity space and limited public open space would impact on the residential amenity of future occupants of the development. On review of the layout, I consider that having regard to the format of development (3 bed houses) that improvements can be made to accommodate private open space and I consider that this can be satisfactorily resolved via condition.

- 7.4.11. I note the requirements of Condition no. 2 of CCC's notification of decision to grant permission for the development which relates to the omission of proposed unit 5 and provision of public open space to serve the development in its place. However, as an alternative to this I consider that there would be merit in omitting Unit no. 9 and 10 of the development and provision of public open space at this location. I also reduction in the overall quantum of parking on site to a maximum of 1 per unit and provision of additional private amenity space to serve Units 5 to 8 to the rear of the units. I recommend that this is addressed via condition requesting revised drawings for written agreement of the planning authority in the instance that the Board is minded to grant permission for the development.

7.5. Access and Transportation

- 7.5.1. Access to the site is proposed via Widow's House Lane to the south of the site. Widows House Lane runs in a straight alignment in the vicinity of the site and operates within a speed limit of 50 km/ph. Sightlines at the proposed entrance of 36 m to the east and 41 m to the west are illustrated on Drawing no. 54-21-2B.
- 7.5.2. The proposed development includes widening of Widows House Lane in the vicinity of the site from 4.3m to 6m. The development also includes the provision of public footpaths along Chapel Lane and Widows House Lane in the vicinity of the site. I consider that the provision of public footpaths and road widening will enhance the accessibility of the site. Details of improvement works shall be submitted to the planning authority for written agreement.
- 7.5.3. The appeal outlines that insufficient car parking is provided on site to serve the development and not in accordance with minimum Development Plan standards. The appeal raises concern in relation for potential of overflow of parking within the development and parking on footpaths and questions the overall accessibility of the

site. In this regard, I note the town centre location of the site. Table 7.4 of the Cavan County Development Plan set out a parking standard of a maximum requirement of 2 parking spaces per units for residential developments. The proposed development includes the provision of 10 no. car parking space within a centrally located courtyard. Parking is provided at a rate of 1 space per unit. I note that the Compact Settlement Guidelines support reduced parking in central locations such as the appeal site. In view of the site's central location within Belturbet town centre, I do not consider that there is an under provision of parking.

7.5.4. The appeal raises concern in relation to traffic impact associated with the development and outlines that the road network in the vicinity of the site serves 4 no. schools and can be congested at peak times. In considering the grounds of appeal I do not consider that the proposed development would represent a scale or format of development which would result in significant traffic movements on the adjoining road network. I refer to the RSA submitted in response to CCC'S request for further information which addresses visibility at the proposed junction. I recommend that all improvement detailed within the RSA are implemented.

7.5.5. The appeal raises concern in relation to the impact of construction traffic on existing congestion levels and impact of increased congestion on emergency vehicles. I note that the construction phase of the development would be limited. I recommend that a Construction Management Plan is submitted for written agreement of the planning authority prior to the commencement of development.

7.5.6. In conclusion, I consider that the proposed access arrangements to the development and the proposed parking provision are acceptable in principle. I do not consider that the proposed development would represent a scale or format of development which would result in significant traffic impact.

7.6. Other Issues

Proposed Store

7.6.1. The public notices refer to the alterations to the existing entrance, provision of a new single storey store and roofed entrance to existing commercial entrance, I note that the public notices referred to the alterations to the existing site entrance to the site from Chapel Road and provision of new single storey store and roofed yard to adjoining commercial premises. I consider that there are significant information

deficiencies within the application in relation to this element of the proposal. However, I note that the application site boundary was revised in response to Cavan County Council's request for further information and these elements of the development were omitted from the application boundary. For the purposes of clarity, I have considered the proposal as revised in response to CCC's request for further information.

Conditions

7.6.2. The appeal refers to the Conditions attached to Cavan County Council's notification of decision to grant permission for the development. The appeal outlines that some conditions have critical information to be addressed including Condition no's 2,5,9,16,18,22 and 23. It is stated that 3rd parties have no opportunities to comment on compliance with these conditions.

7.6.3. I have reviewed the requirements of the cited conditions as summarised below:

- Condition no. 2 – revisions to internal design.
- Condition no. 5 – lighting proposals.
- Condition no. 9 – Compliance with measures set out within submitted Invasive Species Management Plan.
- Condition no. 16 – Construction and Operational Environmental Management Plan
- Condition no. 18 – Finishes to surfaces
- Condition no 22 – Waste Management Plan
- Condition no. 23- Compliance with CCC's Taking in Charge Document.

7.6.4. I am satisfied that the conditions relate to detailed design agreements and compliance with same will not impact on the amenity of properties in the vicinity.

Proposed Additional Condition - Archaeology

7.6.5. The site is located within a zone of archaeological potential as identified within the Belturbet zoning map. I recommend the inclusion of an archaeological condition in the instance that the Board is minded to grant permission for the development.

8.0 AA Screening

- 8.1. I have considered the proposed residential development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within Belturbet town centre where the closest Natura 2000 site is the Lough Oughter and Associated Loughs SAC which is located c. 300m from of the appeal site.
- 8.2. The development is summarised at Section 2 of this Report. In summary, permission is sought for demolition of existing structures on site and construction of 10 no. residential units. The site is served by the public water and foul water networks. Foul drainage is proposed to drain to the public network. Surface water is stated as draining via the public drain. No nature conservation concerns were raised in the planning appeal with respect to Natura 2000 sites.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The small-scale nature of the development.
 - The location of the site within an urban area and proposed connections to existing public infrastructure.
 - The nature of intervening development between the appeal site and closest Natura 2000 site and the lack of direct connections between same.
- 8.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the 'Town Core' zoning objective pertaining to the site under the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028, under which residential development is permissible, the Development Objectives of the Plan which support infill development, the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would be in accordance with the provisions of the Cavan County Development Plan, in keeping with the character of the area, would not seriously injure the residential or visual amenities of the area or the amenities of properties in the vicinity and would not constitute a traffic hazard and would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted on 13th of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit revised plans for written agreement of the Planning Authority which illustrate the following:
 - (a) Proposed Units 9 and 10 shall be omitted from the development and public open space shall be provided in their place.
 - (b) Revised elevation for proposed house 8 which includes windows at ground floor level overlooking to public open space;

- (c) Revised plan illustrated internal layout in accordance with the standards set out within the “Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)”;
- (d) The building line for Proposed Units 1-4 shall be brought forward by 1m to increase rear garden sizes;
- (e) Revised proposals for increased private open space for proposed Units 5 to 8;
- (f) Revisions to the car parking area to provide for 8 no. car parking spaces;
- (g) Details for provision of bin storage within the development;
- (h) All W.C.’s, bathroom and ensuite windows shall be fitted and permanently maintained with obscure glazing;

Reason: In the interest of residential amenity

3. This permission is for a total of 8 no. residential units.

Reason: In the interest of clarity

4. 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.

Reason: In the interests of visual amenity.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity.

6. Prior to commencement of development, the developer shall carry out all recommendations contained in the Invasive Alien Plan Species Management Plan submitted on the 13/07/2023.

Reason: In the interest of public health.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Water supply and drainage arrangements, which shall include SuDS measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

9. 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).

Reason: In the interests of pedestrian and traffic safety.

10. Prior to the commencement of development, the developer shall liaise with Cavan County Council to ascertain their requirements relating to traffic management improvement works to the adjoining road network, road widening and provision of public footpaths to facilitate the development. Any such agreed works shall be implemented at the developer's expense.

Reason: In the interest of orderly development and to ensure traffic safety.

11. The recommendations set out within the Stage 1 Road Safety Audit submitted to the planning authority on the 13th of July 2023 shall be implemented in full by the developer.

Reason: In the interest of traffic safety and proper planning.

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. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

14. The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

15. 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.

Reason: In the interests of visual amenity.

16. 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.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

17. 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.

Reason: In the interest of sustainable waste management.

18. 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, pollution control and contingency plan, hours of working, and noise/dust management measures.

Reason: In the interests of public safety and residential amenity.

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in

connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the “Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November 1998 and Cavan County Council’s Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

22. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. 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.

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

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

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

Stephanie Farrington
Senior Planning Inspector
21st of June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318032-23		
Proposed Development Summary	Construction of 10 houses, access and associated site development works.		
Development Address	Chapel Road & Widow's House Lane, Belturbet, Co. Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10(b) of Schedule 5 to Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes	X	Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318032-23	
Proposed Development Summary	Construction of 10 houses, access and associated site development works.	
Development Address	Chapel Road & Widow's House Lane, Belturbet, Co. Cavan	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No. The development is located within an existing urban context.</p> <p>No significant waste, emissions or pollutants are envisaged.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing</p>		<p>No</p> <p>No</p>

and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No	No No
<div style="text-align: center;"> • Conclusion </div>		
There is no real likelihood of significant effects on the environment. EIA not required. X	• There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: _____

Date: _____