



An  
Bord  
Pleanála

## Inspector's Report ABP-318908-24

### Development

Retention of 2 no. loading bays to existing portal frame buildings (Warehouse 2 & 3) together with permission for extensions to Warehouse 1, consisting of 6 bay extension to rear and extension to side with 3 no. loading bays and associated site works.

### Location

Corrasmongan, Bawnboy, County Cavan.

### Planning Authority

Cavan County Council

### Planning Authority Reg. Ref.

2360075

### Applicant(s)

Joe McGovern Transport.

### Type of Application

Permission and Permission to Retain.

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

An Taisce.

### Observer(s)

N/A.

**Date of Site Inspection**

14<sup>th</sup> of August 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 5.27 ha, is located within the townland of Corrasmongan c. 600m east of the village of Bawnboy. The site is currently occupied by Joe McGovern Transport, a storage, warehousing and logistics company. Existing development on sites includes an office building, 3 no. warehouse storage buildings, refuelling area and associated parking and hardstanding area. Access to the site is provided via the LT50391-0.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
- Permission to retain 2 no. loading bays to existing portal frame buildings at Warehouse 2 and 3;
  - Permission for extension to Warehouse 1 comprising 6 bay extension to the rear and extension to the side to provide 3 no. loading bays;
- 2.2. The proposed extension to Warehouse 1 is 2,429 sq.m. as illustrated on Drawing no. 3423/01 "Plan, Sections and Elevations – Warehouse 1". The total gross floor area of this warehouse would increase from 2,404 sq.m. to 4,833 sq.m.
- 2.3. The following documentation was submitted in support of the planning application:
- Application Form and Public Notices
  - Application Drawings
  - Letter of Consent from Joe McGovern Transport permitting Michael Maguire Architects Ltd. to act as agent on the application
  - Application Cover Letter
- 2.4. The following documentation was submitted in conjunction with the applicant's response to Cavan County Council's request for further information.
- Further Information Response Cover Letter prepared by Michael Maguire Architects Ltd.
  - Revised Drawings: Drawing no. 3423/04A (site Layout Plan & Site Section EE)

- Further Information Response prepared by Traynor Environmental Ltd which includes:
  - EPA Sewerage Loading Sizing Chart
  - Site Assessment in accordance with EPA Code of Practice prepared under PA Ref: 17/79
  - Certificate of compliance in respect of the existing wastewater treatment facility

2.5. The applicant's response to Cavan County Council's request for further information provides details in relation to the existing and proposed use of the existing warehouse units on site. This outlines the following:

- The existing buildings are used for warehousing mainly for short-term storage before it is dispatched to the end-user.
- The proposed extension is for the same purpose.
- No manufacturing is carried out on site.
- There is no discharge from the facility such as air, noise, odour or effluent. There is surface water from the roof which is connected to the existing drainage system.

2.6. The main storage items on the site are:

- Plastic(empty) containers from Boxmore Plastics, Ballyconnell, Co. Cavan.
- Glass Bottles(empty) for Encirc, Derrylin, Co. Fermanagh.
- Assembly line parts, microchips, trunking from Intel.

2.7. The applicant's FI response outlines that materials being stored on site are empty and therefore no risk of contamination.

2.8. Water supply is provided from an existing deep bore well as illustrated on the Site Layout Plan (drawing no. 3423/04). Waste water discharges to the existing treatment system on site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Cavan County Council issued a notification of decision to grant permission for the development subject to conditions. The following conditions attached to the decision are of relevance.

- Condition 4: Waste disposal receipts shall be obtained for all wastes removed and shall be retained for a period of at least 12 months after completion of the development.
- Condition 8: Prior to commencement of the development the applicant shall apply to the Environment Section of Cavan County Council for a Section 4 (Local Government Water Pollution Acts) Discharge Licence.
- Condition 9: Uncontaminated surface run-off from roofs and clean paved areas within the development shall be collected and disposed of in accordance with the application documents submitted.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

##### Initial Planner's Report (16/08/2023)

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

- The planner's report refers to the planning history pertaining to the site which relates to a long-established building at this location. The report outlines that the principle of the proposal on an established light industrial site is acceptable.
- In terms of Layout and Design, the report outlines that the application site can accommodate the proposed extension and is contained within the established boundaries of a well screened site.
- The report cross refers to the internal report from the Environment Section and the observation from An Taisce and the issues raised therein in relation to

the intensification of use and surface water run-off. The report outlines that the application has provided insufficient detail in relation to the proposed use and requirement for same.

- Under the heading of Appropriate Assessment, the report outlines that the application site is located within buffer area of Lough Oughter & Associated Loughs Special Area of Conservation and Special Protection Area. It is considered that proposed development is of sufficient distance from any Natura 2000 sites (nearest being approx. 6.7km) not to have an impact on the qualifying interests of any Natura 2000 site and therefore a full Appropriate Assessment is not required.
- The report recommends a request for further information on the basis of the items raised within the report on the application from the Environment Section in CCC.

#### Planner's Report on Further Information (13/12/2023)

The planner's report dated 13/12/23 provides a summary and assessment of the applicant's further information (FI) response. The report recommends a grant of permission subject to conditions.

The following provides a summary of the key points raised:

- The planner's report refers to the applicant's FI response and the report received from the Environment Section in Cavan County Council (CCC). The applicant's response and principle of the proposal is deemed acceptable.

#### 3.2.2. Other Technical Reports

##### Environment Section (20/07/2023)

The report outlines that there is insufficient information within the application in relation to the nature of activities on site and potential emissions associated with same. The report further outlines that details of water supply are not clear and no details are provided in relation to surface and waste water infrastructure.

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

- Item 1: Submit details of existing and proposed activities on site and details of on any discharges including air, noise, odour, effluent and surface water associated with same.
- Item 2: Submit detail of the hydraulic and biological loading from the premises and the hydraulic and biological capacity of the existing wastewater treatment facilities.
- Item 3: Submit site assessment in accordance with the EPA Code of Practice and details of wastewater treatment facilities proposed.
- Item 4: Confirmation of drinking water supply for the facility.
- Item 5: submit a revised site layout map demonstrating the surface water drainage system, foul/trade effluent drainage system, any air/odour management system, any noise abatement infrastructure, etc., including all infrastructure serving same and all associated emission points as well as proposed monitoring point from/at the facility.
- Item 6: Submit details on the exact materials to be utilised and stored on site as well as the proposed activities to take place on site.
- Item 7: Submit a revised surface water drainage system if the materials proposed to be used and stored on site are likely to contribute contaminants to the surface water drainage system. A revised site layout map demonstrating further appropriate infrastructure (silt trap(s), interceptor(s), etc.) serving the surface water drainage system must be submitted if deemed necessary.

#### Environment Section (04/12/2023)

The report recommends a grant of permission subject to conditions in relation to (1) obtaining a discharge licence from CCC and (2) provision of surface water run-off in accordance with application documentation.

The report cross refers to the lorry wash and refuelling area referenced on site and outlines that the discharges from the lorry wash facilities require licensing in accordance with Section 4 of the Local Government (Water Pollution) Acts, 1977 & 1990.



### 3.3. Prescribed Bodies

An Taisce (01/08/2023)

The submission raises concern in relation to potential impact on water quality and impact of the development on the surrounding road network. The report recommended a request for further information.

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

The following planning history relates to the appeal site.

- PA Ref: 17/79: Permission granted in June 2017 to erect detached split level administration block, new sewerage treatment facilities, alterations to site layout, and all ancillary works at Joe McGovern Transport.
- PA Ref: 06/1537: Permission granted in September 2007 to erect a storage warehouse on existing site, upgrade existing entrance with security gates / barriers fencing and associated yard services and connect to existing services.
- AP Ref: 02/1101: Permission granted in December 2002 to erect extension and connect to existing services.
- PA Ref: 02/479: Permission granted in July 2002 to erect replacement garage/shed with new fully serviced garage/workshop and associated yard services.
- PA Ref: 01/754: Permission granted in August 2001 to erect fully serviced warehouse for storage and associated services at existing site.
- PA Ref: 99/867: Permission granted in October 1999 to erect extension to existing store, offices, toilets, septic tank and percolation area.
- PA Ref: 98/624: Permission granted in June 1998 to erect storage and service buildings and associated services.

## 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. The appeal site is located within an unzoned rural area outside of any settlement boundary within the Development Plan.

Chapter 12: Rural

- 5.1.2. Section 12.4 of the Plan relates to Rural Enterprise and Economy. The following Development Objectives are of relevance:

- REE 01 Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with.
- REE 02 Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable, and that the proposal would not be viable at an alternative location.
- REE 03 In accessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application.
  - Positive contribution that the proposed development will make to the rural economy
  - Nature and scale of the proposal.
  - Is the business more suitably accommodated at the proposed location than an urban setting.
  - Potential impacts on public health, environment and amenity.
  - Potential traffic impact on the road network in the area.

- REE 04 Support the location of medium to large scale rural enterprises where it is demonstrated to the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and in compliance with development management standards.

### Chapter 13: Development Management

- 5.1.3. Section 13.6.11 of the CCDP relates to Enterprise and Employment development and outlines the following:

*The Planning Authority encourages high quality design, materials and finishes and good quality landscaping for all commercial and industrial developments.*

*In assessing planning applications a number of considerations will be taken into account:*

- *Conformity with relevant Development Plan land use policies and objectives*
- *The intensity and nature of the proposed use*
- *Achievement of an appropriate density and scale of development*
- *Provision of open space and high-quality landscaping plans*
- *High quality design*
- *Potential impact of traffic movement and parking provision.*
- *Impact on amenities of the surrounding areas*
- *Energy efficiency and overall sustainability of the development*
- *Waste Management measures*

## **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) – 6.7 km
- Lough Oughter Complex SPA (004049) – 13.6 km
- Cuilcagh - Anierin Uplands SAC (000584) – 8.6km
- Slieve Rushen Bog NHA (000009) – 2.1 km

- Lough Oughter and Associated Loughs pNHA (000007) – 6.7 km

### 5.3. EIA Screening

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal from An Taisce was submitted in respect of Cavan County Council's notification of decision to grant permission for the development. The following provides a summary of the main grounds of appeal:

#### Appropriate Assessment Screening:

- The appeal outlines that the site is highly constricted in site boundaries and in proximity to watercourses. The site accommodates a HGV lorry washing and refuelling facility in the southwest corner as well as extensive buildings and hard standing areas with consequent surface water run off issues. The Board is requested to review the AA Screening on this basis.

#### Compliance on Site Development:

- The appeal refers to the site photographs on the Traynor Environmental Report submitted in support of the FI response which illustrates a recently extended and compacted hard surface area with no drainage separation from the sloping ground with scrub woodland to the south (ENCL 1). The appeal recommends preliminary site investigation to determine if there is any unauthorised development outside of the boundary of that permitted under PA Ref: 17/79.

### Compliance with Cavan County Development Plan (Rural Development):

- The appeal refers to the incremental development of a light industrial use on the site and cites the relevant provisions of the Development Plan including Development Objectives REE 01, REE 02 and REE 03.
- The appeal questions the compatibility of the development with Development Objective REE 01. The appeal refers to the storage location of Boxmore Plastics Ballyconnell, Derrylin Glass Bottle in Fermanagh and Intel Kildare. The appeal outlines that storage generation is best at the operational sites rather than generating movement to another location. The appeal refers to the unzoned and unserved nature of the site and outlines that alternative locations in Cavan town and other serviced locations should be considered.
- The appeal furthermore outlines that if a de-novo assessment of the totality of the development on site was considered the development would not comply with the requirements of Development Objective REE 03 of the CCDP in relation to site-based suitability or location need. The case has not been made for further development on the site as proposed.

### Surface Water Run-Off Issues:

The appeal outlines that there are multiple surface water issues associated with the development including:

- (1) HGV lorry washing and refuelling facility: The application doesn't identify the level of HGV's movements to and from the facility and the level of use associated with the proposed extended development.
- (2) A development of this scale creates large volumes of rainwater run-off. There are no details in the application in relation to the management of this rainwater including its separation from the yard area to avoid contamination.
- (3) The drawings submitted are inadequate in detail to indicate the drainage management in the area around the fuel tank and wash facility.
- (4) The appeal refers to the large hard surface/concrete area and limited hydraulic capacity of the receiving stream. The appeal refers to the lack of surface water inception measures to try and control storm surface water

flow and questions the capacity of the stream to absorb large hydraulic loads.

- The appeal outlines that the issues of surface water are left to be resolved by a future discharge licence and no information is provided regarding whether an existing licence is in place.

#### Wastewater Treatment Issues:

- The appeal refers to the site suitability assessment submitted in support of the application under PA Ref: 17/79. This outlines that the site has “*very poor soil and subsoil percolation characteristics*” and recommended the installation of a treatment system and sand polishing filter.
- The applicant’s FI response outlines that the system installed is a 9PE Premier Tech EN Certified Treatment System. The appeal outlines that the treatment system installed is not in compliance with the development permitted under PA Ref: 17/79 as the sand polishing filter was not installed.
- The appeal refers to Condition no. 3 of PA Ref: 17/79 which referred to the submission of site improvement works and groundworks and wastewater treatment system to be submitted for agreement of the PA. The appeal outlines that no compliance details of site improvement details are evident.
- The appeal outlines that the applicant’s failed to respond appropriately to Item 3 of CCC’s request for further information. It is questionable if the currently wastewater treatment system is compliant with EPA CoP 2021.
- The appeal refers to the report from Traynor Environmental submitted in response to the FI request. This outlines that a purpose-built sand polishing filter will be installed but no details are provided in relation to its implementation, location or dimensions. The appeal outlines that there is no space within the current site boundary to construct the polishing filter.

#### Traffic Safety:

- The appeal outlines that the proposal if approved, has the potential to exacerbate an adverse impact on a national road where the maximum speed limit applies. The appeal outlines that no traffic impact or safety audit was

provided. The application should have been referred to TII for comment because of impact on safety of the junction with the N87.

- The appeal outlines that the application requires a TIA and Road Safety Audit.

## 6.2. Applicant Response

A response to the third-party appeal was submitted on behalf of the applicant. The appeal includes a response from Michael Maguire Architects Ltd. and a separate response from Traynor Environmental Ltd. The following provides a summary of the key points raised:

### Response from Michael Maguire Architects Ltd.

#### Appropriate Assessment Screening:

- The appeal response outlines that Cavan County Council screened out the requirement for an appropriate assessment screening report.

#### Compliance of Site Development:

- The appeal response cross refers to the separate response by Traynor Environmental.

#### Provision for Rural Development:

- The appeal response outlines that the business is well established and commenced operation in 1992. The business has expanded to accommodate additional warehouse and offices on site and currently employs 50 people. The business is a valuable addition to the local economy.
- The business has a diverse range of customers both nationally and locally.
- The purpose of the warehouse expansion is for better utilisation of the fleet of vehicles. Additional storage will facilitate better distribution of goods by maximising full lorry loads being delivered to end users rather than half lorry loads.
- The appeal response addresses compliance with the Development Objective of the CCDP as follows:

- REE 03: The development is well established in the area, employs 50 people from the locality and has no impact on public health, environment or amenity. There will be no increase in traffic associated with the extended warehouse. The business will be in a position to better manage the fleet through the provision of additional storage by delivering full lorry loads to customers.
- REE 04: aims to support the location of medium to large scale enterprises where it is demonstrated that the enterprise can be readily accommodated in a rural setting rather than a designated settlement centre.
- REE10: The business has been in operation since 1992. The scale of the extension is appropriate for the site and there is no other suitable location for the development.
- REE 11: seeks to promote economic development in rural areas. The facility employs 50 people.
- REE 16: The facility delivers animal feed and fertilisers to local farmers.

#### Surface Water Run Off

The appeal response confirms the following in relation to surface water run off:

- Surface Water from Warehouse Units 2 and 3 is currently directed into an underground tank and connected to fire hydrants for use in the event of a fire.
- Surface water from the roof of Warehouse Unit 1 is directed to a nearby semi-dry drain along the southern boundary.
- Run off from HGV wash and re-fuelling areas is collected by existing interceptors as detailed by Traynor Environmental.

#### Wastewater Treatment Issues

- The appeal response cross refers to the separate response by Traynor Environmental.

#### N87 Traffic Junction Safety

- The appeal response outlines that there is no records of accidents at the junction of the LT50391-0 with the N87. The proposed development will not



increase traffic to or from the site. The increased storage will enable the business to better manage its fleet of vehicles.

- The existing business is established on site and has expanded over the past 25 years under various permissions.

Response from Traynor Environmental Ltd.

- The Environmental Reports submitted by Traynor Environmental have fully addressed all environmental concerns relating to effluent generated from the proposed development.
- The treatment system and Ecoflo Coco Filter with associated 60 m<sup>2</sup> gravel bed (instead of a sand polishing filter) which provides tertiary treatment (high quality treated effluent) as part of the FI response. The treatment system and filter is provided >10 m from the drain and comply fully with EPA Guidelines.
- A soakway will be installed in accordance with BRE Digest 365.

### **6.3. Planning Authority Response**

- None received within statutory timeframe.

## **7.0 Assessment**

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

- Principle of Development/ Compliance with Development Plan Policy
- Surface Water and Wastewater Proposals – Impact on Water Quality
- Traffic and Transportation
- Other issues

In addition to the above, the issue of Appropriate Assessment Screening is addressed in Section 8 of this report.

## **7.2. Principle of Development/ Compliance with Development Plan Policy**

- 7.2.1. The appeal site is located within an un-zoned rural area outside any town or village within the settlement hierarchy of Cavan. The nearest settlement is Bawnboy which is located c. 0.6km to the west of the site.
- 7.3. The site is currently occupied by Joe McGovern Transport which provides warehousing and logistics storage. The site is currently occupied by 3 no. warehouse units, an office and ancillary development. The application documentation outlines that the existing buildings are used for warehousing mainly for short-term storage before it is dispatched to the end-user. The main storage items on the site include plastic(empty) containers from Boxmore Plastics, Ballyconnell, glass bottles(empty) for Encirc, Derrylin and assembly line parts, microchips, trunking from Intel.
- 7.3.1. The proposed development seeks permission to extend the gross floor area of Warehouse Unit no.1 from 2,404 sq.m. to 4,833 sq.m., to provide loading bays for Warehouse Unit 1 and to retain existing loading bays at Warehouse Units 2 and 3.
- 7.3.2. The 3<sup>rd</sup> party appeal questions the principle of the development and compliance of existing development with Development Objectives REE 01, REE 02 and REE 03 of the Cavan County Development Plan (CCDP) which collectively relate to the establishment and suitable expansion of small-scale businesses within rural areas. The appeal outlines that the incremental development of a light industrial use on the site is contrary to the provisions of the Cavan County Development Plan and that the development should be located within an existing settlement.
- 7.3.3. The proposed development seeks 2 distinct elements namely:
- (1) Permission to retain for existing loading bay entrances to Warehouse Units 2 and 3.
  - (2) Permission to extend Warehouse Unit no. 1 from 2,404 sq.m. to 4,833 sq.m. and provide loading bay entrance to the side.
- 7.3.4. In terms of Item 1, on-site inspection I note that the loading bay entrances are located to the rear of Warehouse Units 2 and 3 at the locations indicated on the submitted plans. The loading bays were in use on date of site inspection. I consider that there is sufficient space in the vicinity of the loading bay to facilitate access and egress to the warehouse units. On an overall basis, I consider that the provision of

loading bays to the rear of the premises is a minor intervention to the premises and I consider that the principle of the development is acceptable.

7.3.5. The development also seeks permission for a 2,429 sq.m extension to the rear of Warehouse Unit 1 and provision of loading bays to serve the unit. I have considered the proposed extension in light of the provisions set out within the Cavan County Development Plan 2022-2028. The 3<sup>rd</sup> party appeal relates to the incremental establishment of a light industrial use on the site and outlines that a development of this scale should be located on appropriately zoned land within a settlement boundary. The appeal also questions compliance of the overall development on site with Development Objectives REE 01, REE 02 and REE 03 of the CCDP. I have considered the proposal in accordance with the cited Development Objectives as follows.

7.3.6. Development Objective REE 01 relates to the establishment and suitable expansion of small-scale businesses in rural areas where the development would serve as a valuable addition to the local economy and complies with applicable development management requirements. In considering the principle of the proposed development I note that the proposal relates to an existing, permitted and established transport operation. The appeal response outlines that the business has been in operation since 1992 and employs 50 people and that the existing business is established on site and has expanded over the past 25 years in accordance with relevant permissions. I consider the principle of the development is acceptable subject to compliance with development management standards.

7.3.7. Development Objective REE 02 of the CCDP seeks to *“Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable, and that the proposal would not be viable at an alternative location”*.

7.3.8. The proposal seeks permission to retain existing loading bays and permission for extension of a warehouse premises at an existing transport depot. The works are site specific, and, in this regard, I do not consider that the development as proposed would be viable at an alternative location.

7.3.9. I refer to the case made within the appeal that alternative sites for the siting of the overall development should be considered. However, I note that this is not a matter

before the board for adjudication within the current application. I have considered the proposal for extension and works on their individual merits. On an overall basis I consider that the provision of loading bays for Units 2 and 3 are minor interventions and I consider that there is sufficient space on site to accommodate the proposed extension to Warehouse Unit 1. I am satisfied that the proposal is in accordance with Development Objective REE 02 of the CCDP.

7.3.10. Development Objective REE 03 of the Cavan County Development Plan sets out criteria to be taken into consideration in assessing the establishment or extension of small-scale business in the rural area as detailed below:

*In accessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application.*

- *Positive contribution that the proposed development will make to the rural economy*
- *Nature and scale of the proposal.*
- *Is the business more suitably accommodated at the proposed location than an urban setting.*
- *Potential impacts on public health, environment and amenity.*
- *Potential traffic impact on the road network in the area.*

7.3.11. The third-party appeal outlines that if a de-novo assessment of the totality of the development on site was considered the development would not comply with the requirements of Development Objective REE 03 of the CCDP in relation to site-based suitability or locational need. The applicant's appeal response outlines that the existing business has been in operation for 25 years and provides employment for 50 people. In this regard it is stated that the development provides employment in the rural area. As earlier detailed, I note that the proposed works and extension are site specific in that they relate to a permitted and established transport depot. In this regard, I do not consider that the works as proposed would be viable at an alternative location.

7.3.12. The proposal seeks permission for a single storey 2,429 sq.m. extension to Warehouse Unit 1, located to the south of the site. I consider that there is sufficient space on site to accommodate the proposed extension and consider that the development is sufficiently set back from site boundaries and the existing watercourse. The proposed use of the extended warehouse is for storage in accordance with the established uses on site. I consider that the nature and scale of development proposed is acceptable having regard to the existing scale of development established on site. I also consider that the provision of loading bays to serve Warehouse Units 2 and 3 is a minor intervention to the development and is acceptable.

7.3.13. I consider potential impacts on public health and traffic impact as cited in Development Objective REE 03 in the following sections of this report.

#### *Conclusion*

7.3.14. In conclusion, I consider that the principle of the proposed works and works proposed for retention to the existing warehouse/logistics company are acceptable and in accordance with the provisions of REE 01, REE02 and REE 03 the Cavan County Development Plan subject to consideration of environmental, infrastructure and traffic impact considerations as detailed further in this assessment.

#### **7.4. Surface Water and Wastewater Proposals – Impact on Water Quality**

7.4.1. The appeal raises concern in relation to existing and proposed surface and wastewater proposals and potential impact on water quality. I consider the issues raised in turn as follows.

- *Surface Water and Run Off*

7.4.2. The applicant's appeal response outlines that surface water from Warehouse Units 2 and 3 is currently directed into an underground tank and connected to fire hydrants for use in the event of a fire. Surface Water from the roof of Warehouse Unit 1 is directed to a nearby semi-dry drain along the southern boundary. The proposal seeks permission for an extension to Warehouse Unit 1 and will therefore outfall to the existing watercourse to the south of the site. On site inspection, I observed limited water flow in this drain. At present the area of the proposed extension is hard

surface. I do not consider that the construction of an extension in this area will lead to increased levels of surface water run-off from the site.

7.4.3. The appeal raises concern in relation to lack of surface water infrastructure including silt traps etc. to treat the surface water prior to outfall to the adjoining drain and raises concern in relation to potential surface water pollution in this regard. I refer to the requirements of Condition no. 9 of CCC's notification of decision to grant permission for the development which outlines that uncontaminated surface water run off from the roofs and paved areas shall be collected and disposed of in accordance with the application documents submitted. I recommend the inclusion of this condition in the instance that the Board is minded to grant permission for the development.

7.4.4. 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.

- *Wastewater Proposals*

7.4.5. The existing development on site is currently served by a wastewater treatment system located to the south of the site. The applicant's response to CCC's request for further information outlines that the existing system was permitted under PA Ref 17/79 and that a site assessment in accordance with the EPA Code of Practice was conducted under planning reference 1779. The FI response outlines that there is an existing 9PE Premier Tech EN Certified Treatment System, Ecoflo Coco filter and 60m<sup>2</sup> gravel bed on site and outlines that the current PE loading on the site is 6.6 PE. The FI response includes a certificate of compliance stating that existing wastewater treatment facilities complies with the EPA Code of Practice.

7.4.6. The appeal raises a number of concerns in relation to compliance of this system with the relevant permission. The appeal outlines that the treatment system installed is not in compliance with the development permitted under PA Ref: 17/79 as the sand polishing filter was not installed.

7.4.7. In considering the grounds of appeal, I note that the issue of enforcement and compliance with the terms of the parent permission pertaining to the site is a matter for the planning authority in terms of compliance with other codes and not for the

Board. What is currently before the Board is the proposed development as described within the public notices and annotated within the application drawings and the effects of that development on the surrounding area. In this regard I note that permission is sought to retain existing loading bays and extend an existing storage warehouse building. Having regard to the characteristics of the proposal I do not envisage additional loading on the wastewater treatment system.

- *Truck Wash and Refuelling Area*

7.4.8. The appellant raises concern in relation to the impact of outfall from the existing truck wash and refuelling area on the adjoining watercourse. On site inspection I noted that water run-off from the refuelling area outfalls to an existing holding tank. The applicant's appeal response outlines that run off from the existing HGV wash and refuelling area is collected by existing interceptors. No works are proposed to existing truck wash and refuelling area within the subject application and the applicant has confirmed that there will be no increase in HGV's accessing the site. In this regard I do not consider that the proposal will lead to pollution of the adjoining watercourse.

7.4.9. The report on file from the Environment Section in CCC raises no objection to the proposal subject to conditions including obtaining a discharge licence prior to the commencement of development. This is attached as Condition no. 8 of CCC's notification of decision to grant permission for the development. Such licences are only granted where the local authority is satisfied that the development will not have adverse impacts on the environment in the vicinity of the site and issues relating to the management of the site would be addressed by conditions attaching to the permit. I recommend the inclusion of this condition in the instance that the Board is minded to grant permission for the development.

## **7.5. Traffic and Transportation**

7.5.1. The appeal raises concern in relation to the existing access to the development and traffic impact associated with the proposal. Access to the site is currently provided via the LT50391-0 located to the west of the site. No revisions to the existing access arrangements are proposed as part of the development. On site inspection, I noted no restrictions to visibility at the site entrance. The appeal response furthermore

outlines that the business has been in operation since 1999 and there has been no record of accidents at the junction onto the N87.

- 7.5.2. The issue of traffic impact associated with the development is addressed within the applicant's response to the 3<sup>rd</sup> party appeal. The appeal response outlines that the proposal seeks additional space for storage of goods on site and that no additional traffic over and above that currently existing will be generated by the development. The appeal response outlines that the business will be in a position to better manage the fleet through the provision of additional storage by delivering full lorry loads to customers.
- 7.5.3. The proposed development seeks permission for the provision of loading bays at Warehouse Unit 1 and permission to retain existing loading bays at Warehouse Units 2 and 3. On site inspection I note that the existing and proposed loading bays are removed from the site entrance, and I consider that sufficient circulation space is provided within the vicinity of the existing and proposed loading bays. I have no objection to this element of the proposal in this regard.
- 7.5.4. On the basis of the information submitted in conjunction with the application and appeal and having regard to existing access arrangements and the nature of development proposed, I am satisfied that the proposed development would not generate significant additional traffic on the local road network or result in a traffic hazard.

## **7.6. Other issues**

### *Compliance with permission*

- 7.6.1. The appeal recommends preliminary site investigation to determine if there is any unauthorised development outside of the boundary of that permitted under PA Ref: 17/79. The appeal refers to the site photographs on the Traynor Environmental Report submitted in support of the FI response which illustrates a recently extended and compacted hard surface area with no drainage separation from the sloping ground with scrub woodland to the south (ENCL 1).
- 7.6.2. In considering the grounds of appeal, I note that the issue of enforcement and compliance with the terms of the parent permission pertaining to the development is



a matter for the planning authority in terms of compliance with other codes and not for An Bord Pleanála. I have assessed the proposed development on its individual merits.

## 8.0 AA Screening

### *Compliance with Article 6(3) of the Habitats Directive*

- 8.1. The requirements of Article 6(3) 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.
- 8.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

### *Screening for Appropriate Assessment- Test of likely significant effects*

- 8.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

### *Proposed Development*

- 8.5. The development is described at Section 2 of this Report. The proposal relates to development at Joe McGovern Transport, an existing storage, warehousing and logistics company. The proposed development seeks permission to extend the gross floor area of Warehouse Unit no.1 from 2,404 sq.m. to 4,833 sq.m. and to retain existing loading bays at Warehouse Units 2 and 3.

### *Submissions and Observations*

- 8.6. The third-party appeal raises concerns in relation to the impact of the proposal on water quality of the adjoining watercourse which is hydrologically linked to Natura 2000 sites. The appeal raises specific concern in relation to the operation of the HGV

lorry washing and refuelling facility in the southwest corner of the site as well as surface water run off associated with extensive buildings and hard standing areas.

#### *European Sites*

- 8.7. The subject site is not located within a designated European site. The closest Natura 2000 site to the appeal site is the Lough Oughter and Associated Loughs SAC which is located c. 6.7 km to the east. Beyond this the Cuilcagh - Anierin Uplands SAC (000584) is located 8.6km to the west and the Lough Oughter Complex SPA is located 13.6km to the east.
- 8.8. A summary of European Sites that occur within a possible zone of influence (15km) of the proposed development is presented in the Table below.

<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)	6.7km	Hydrological connection via surface water.	Yes
Cuilcagh - Anierin Uplands SAC (000584)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	8.6km	No	No

	<p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>			
Lough Oughter Complex SPA (004049)	<p>Great Crested Grebe (<i>Podiceps cristatus</i>).</p> <p>Whooper Swan (<i>Cygnus cygnus</i>).</p> <p>Wigeon (<i>Anas penelope</i>).</p> <p>Wetland and Waterbirds.</p>	13.6km	Distant hydrological connection via surface water.	Yes

- 8.9. There is no connection between the appeal site and the Cuilcagh - Anierin Uplands SAC (000584). I am satisfied that this site can be excluded from further consideration.
- 8.10. An existing drain/watercourse runs to the south of the appeal site boundary. Surface water proposals for Warehouse 1 outfall to this drain. Mapping available on the EPA website does not identify the direction of flow of this watercourse. The watercourse connects to the Templeport Stream to the east and the Bawnboy Stream to the west. EPA mapping illustrate that both of these watercourse's flow in a southern direction towards Templeport and Bellaboy Loughs respectively. Both of these Lough have a potential distant hydrological connection to the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA (over 30km via watercourses).

*Identification of likely effects*

- 8.11. 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, run off from the HGV wash and refuelling area and potential for contamination of groundwater at construction and operational phase of the development. The appeal raises specific concern in relation to run off from the HGV refuelling area, however as noted in Section 7.4 of this report run off from this area is collected by existing interceptors. Foul water connects to the existing on site wastewater treatment system. No new wastewater facilities are proposed as part of the application.
- 8.12. Water quality is important to a number of the qualifying interests of the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex 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 could also indirectly affect the SPA bird species and the habitats that they depend on.

- 8.13. 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 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 over 30 km, significant adverse effects on water quality in the European sites are unlikely.
- 8.14. I also have regard to the provision of interceptors on site which collect run off from the HGV wash and refuelling area.

#### *Cumulative Impacts*

- 8.15. 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.

#### *Mitigation Measures*

- 8.16. 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.

#### *Planning Authority Screening Determination*

- 8.17. Cavan County Council's AA Screening Determination concludes the following:

*"The application site is located within buffer area of Lough Oughter & Associated Loughs Special Area of Conservation and Special Protection Area. It is considered that proposed development is of sufficient distance from any Natura 2000 sites (nearest being approx. 6.7km) not to have an impact on the qualifying interests of any Natura 2000 site and therefore a full Appropriate Assessment is not required".*

#### *Screening Determination*

- 8.18. 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 the Lough Oughter and Associated Loughs SAC (000007) and the Lough Oughter

Complex SPA (004049) or any other European Site. The reason for this conclusion is as follows:

- The nature and scale of the proposed development.
- The lack of proximity between the appeal site and any Natura 2000 site and the nature of intervening development.

8.19. 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.

8.20. 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 and permission to retain is granted in accordance with the following reasons and considerations.

## **10.0 Reasons and Considerations**

Having regard to the established use of the site, it is considered that the proposed development and development proposed to be retained, subject to compliance with the conditions set out below, would be in compliance with the provisions of the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028, would not affect the amenities of the area, would not be prejudicial to public health or constitute a traffic hazard. The proposed development 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 plans and particulars received on the 29<sup>th</sup> of November 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. All goods and materials shall be stored within the building and shall not be stored/stockpiled within the curtilage of the site, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of public health, traffic safety, public safety and amenity.

3. Prior to commencement of the development the applicant shall apply to the Environment Section of Cavan County Council for a Section 4 (Local Government Water Pollution Acts) Discharge Licence.

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

4. Drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority. Uncontaminated surface run-off from roofs and clean paved areas within the development shall be collected and disposed of in accordance with the application documents submitted.

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

5. The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic

management plan, hours of working, measures to ensure the protection of the adjoining watercourse and noise management measures.

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

6. A plan containing details for the management and disposal of waste within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in the interest of protecting the environment.

7. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. 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.

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Stephanie Farrington  
Senior Planning Inspector

16<sup>th</sup> of December 2024

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	318908-24		
<b>Proposed Development Summary</b>	Permission to retain 2 no. loading bays to existing portal frame buildings at Warehouse 2 and 3 and permission for extension to Warehouse 1 comprising 6 bay extension to the rear and extension to the side to provide 3 no. loading bays.		
<b>Development Address</b>	Corrasmongan, Bawnboy, County Cavan		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	√	
	<b>No</b>	Tick if relevant. No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	√	Class 10 (a) – Industrial estate development projects, where the area would exceed 15 hectares. Class 10 (b) (iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	√		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	√	Existing Site Area: 5.27ha  Class 10 (a) – 15ha  Class 10 (b) (iv) – 20ha	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	√	<b>Pre - Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP 318908-24</b>	
<b>Proposed Development Summary</b>	Permission to retain 2 no. loading bays to existing portal frame buildings at Warehouse 2 and 3 and permission for extension to Warehouse 1 comprising 6 bay extension to the rear and extension to the side to provide 3 no. loading bays.	
<b>Development Address</b>	Corrasmongan, Bawnboy, County Cavan	
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> 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 proposal relates to extension to an established warehouse unit and retention of existing loading bays. The proposed development and development proposed to be retained would not be exceptional having regard to the existing site context.</p> <p>No. No manufacturing is carried out on site and there is no discharge from the facility such as air, noise, odour or effluent. Surface water from Warehouse Unit 1 will outfall to the existing on-site drainage system.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>	No
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>No. The proposed extension to Warehouse 1 is 2,429 sq.m. The total gross floor area of this warehouse unit would increase from 2,404 sq.m. to 4,833 sq.m. and would be consistent in scale with Warehouse Units 2 and 3 on site. The size of the development is not</p>	No

Are there significant cumulative considerations having regard to other existing and / or permitted projects?	exceptional in the context of the existing environment.  No.	
<b>Location of the Development</b> Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	The development would not have the potential to significantly impact on an ecologically sensitive site or location as detailed in Section 8 of this assessment. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from the existing permitted warehouse/logistics company.  Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. The site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.	No
<b>Conclusion</b>		
There is no real likelihood of significant effects on the environment.  √  EIA is not required.	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.  EIA required.-

Inspector:

Date: