



An
Bord
Pleanála

Inspector's Report

ABP-319134-24

Development	Construction of 36 dwelling units, new vehicular entrance, internal access road, car parking, connections to public water services networks, on-site pumping station, SuDS with a stormwater discharge, landscaped public open spaces, a graded slope, an amenity walkway, and all associated site works.
Location	Creighan, Cavan, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	23/60299
Applicant(s)	Latt Properties Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party vs Decision
Appellant(s)	<ol style="list-style-type: none">1. Barry Phair2. Liam Devine
Observer(s)	<ol style="list-style-type: none">1. Mary Smith and Phyllis Brady

2. Una Phair
3. Hughie Cosgrave
4. Yvonne Sheridan and Joe Tully

Date of Site Inspection

9th August 2024

Inspector

Phillippa Joyce

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Planning History.....	9
5.0 Policy Context.....	10
6.0 The Appeal	17
7.0 Planning Assessment	24
8.0 Appropriate Assessment.....	52
9.0 Recommendation.....	52
10.0 Reasons and Considerations.....	52
Appendix 1: AA Screening Determination	55
Appendix 2: EIA Pre-Screening.....	62
Appendix 3: EIA Preliminary Examination.....	63

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Creighan in Cavan town, approximately 1.2km south of the town centre. The site is greenfield in nature comprising two agricultural fields with well-defined hedgerow and treeline boundaries. The site is also backlands/ infill in character being within the town's built-up area and adjacent to/ surrounded by other residential development fronting onto public roads.
- 1.2. To the east of the site are residential properties in Creighan Drive estate and road frontage onto Ballinagh Road (R935). To the north of the site are detached residential properties on Park Lane, and Breffni Park GAA grounds. To the south of the site is Creighan Manor estate, a new residential estate under construction/ initial occupation. The site's western boundary is defined by a watercourse, Green Lough Stream, a tributary of Cavan River (source: <https://gis.epa.ie/EPAMaps/>, with information correct as of the date of this report).
- 1.3. The topography of the site is notable, with ground levels falling steeply from the eastern site boundary (c.117m OD), adjacent to the rear of properties in Creighan Drive, in a westerly direction towards the stream (c.100m OD).
- 1.4. The site is rectangular in configuration and indicated as measuring 2.31ha. The site corresponds with the area under the control of the applicant (blue line boundary). Access to the site is gained from Ballinagh Road via a strip of land to the south of the Creighan Drive estate.

2.0 Proposed Development

- 2.1. The proposed development comprises construction of the following (described in greater detail in section 7.0 Planning Assessment of this report below):
 - 36 dwelling units (26 houses and 10 duplexes¹) laid out in linear formation along the eastern site boundary.

¹ Note: These units are not expressly described as duplexes, being described instead as single storey units at ground/ first floor levels in specific building types. In identifying these units as duplexes, I have had regard to the definition for same in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024 (see section 5.0 Policy Context of this report).

- New vehicular entrance in the southeast corner of the site onto Ballinagh Road (on the western side of the public road).
- Internal access road (in an 'L' configuration, with a single footpath on the northern/ eastern side of the access road).
- Car parking (mix of on-street and off-street/ in-front curtilage spaces).
- Connections to existing public water services networks of water supply, surface water, and wastewater (the latter requiring an on-site pumping station).
- SuDS features (attenuation tank with stormwater discharge to Green Lough Stream).
- Landscaped public open spaces, a graded slope, and an amenity walkway.
- All associated site works (including ground reprofiling with construction of retaining walls).

3.0 Planning Authority Decision

3.1. Summary of Decision

3.1.1. The application was lodged with the planning authority on 6th December 2023, and the planning authority granted permission for the proposed development on 7th February 2024, subject to 43 conditions. This appeal comprises two third party appeals against the planning authority's decision to grant permission.

3.1.2. The attached conditions are procedural, financial, technical, construction, and operational in nature. Conditions of note or specific to the appeal include the following:

Condition 4: requires revised elevation drawings for House Types A and A1 indicating a revised pitch to the front roof gable features.

Conditions 5, 6: requires revised entrance sightlines (distance to be measured for 85th percentile speed of the road) and junction design as per DMURS (raised crossing, priority for vulnerable users).

Conditions 7, 8, 9, 10, 11, 14, 15, 16, 17, and 19:

Several conditions relating to traffic items, design requirements, and construction standards.

Condition 20: implementation of all measures in the Construction Environmental Management Plan (CEMP).

Condition 21:

The applicant shall adhere to Inland Fisheries Ireland's "Planning for watercourses in the urban environment" guidelines and any other Inland Fisheries Ireland guidelines relevant to the proposed development. The following measures are required to be carried out in the course of construction and operation of the development:

- *Where fuels, oils, greases and hydraulic fluids etc. are stored onsite, this shall be done well away from the watercourse, in a bunded, lined and lockable storage area.*
- *Refuelling of machinery, etc., shall be carried out in bunded areas.*
- *Any servicing or maintenance of vehicles to be carried out in bunded areas.*
- *Washing of vehicles and machinery should be done away from the watercourse.*
- *Drip-trays to be used for generators, pumps or similar.*
- *Stockpile areas for sands and gravel and other materials should be kept to minimum size, well away from any watercourses, with separation distance to be agreed in writing with the Planning Authority prior to the commencement of development.*
- *Runoff from machine service, concrete mixing areas and stockpiles must not enter the watercourse.*
- *Spill kits shall provided on site during the entire duration of the works and staff trained in their correct use.*
- *Silt curtains shall be used where there is a risk of suspended solids entering the watercourse.*

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

Conditions 22, 23, 24, 25, 26, 27, 28, and 29:

Several conditions requiring surface water and groundwater pollution prevention, protection and mitigation measures, and reporting processes governing same.

Condition 30: requires preparation, submission and agreement of a Resource Waste Management Plan (RWMP) with the planning authority.

Condition 42: development carried out and implemented to the taking in charge standards of the planning authority, maintained by the developer until taken in charge by the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report includes an assessment of the proposed development in respect of the following considerations:

- Principle of Development
- Layout and Design
- Density/ Site Overage/ Plot Ratio
- Public and Private Open Space
- Boundary Treatment
- Refuse and Construction Waste Management
- Car Parking
- Traffic Safety/ Access
- Services
- Part V
- Public Lighting

The planning authority found the proposal to be generally acceptable under all headings (subject to conditions including an amendment to the front elevation design of building Types A and A1, revised design of the entrance and sightlines on R935), concluding that the proposed development complies with the local statutory context, and is of an appropriate scale and nature that would not adversely affect the residential amenities the area.

3.2.2. Other Technical Reports

Environment Section: no objection subject to condition.

Waste Management: no objection subject to condition.

Road Design: no objection subject to condition.

Municipal District Engineer: no report received.

Water Services: no report received.

3.3. Prescribed Bodies

3.3.1. Submissions received from prescribed bodies as follows:

Inland Fisheries Ireland: raises concerns in respect of construction phase impacts on the Cavan Town River (excellent salmonid habitat, suitable for lamprey habitat) and operational phase impacts (unclear responsibility for the maintenance and management of the pumping station). Critical measures for preserving water quality and aquatic habitats are identified if planning approved. Concludes by stressing the importance of the river and its tributaries as sensitive salmonoid habitat, and that extreme care and diligence are required to prevent adverse impacts on same.

Uisce Eireann: no report received.

3.4. Third Party Observations

3.4.1. I identify that 16 observations were received by the planning authority from third parties during the assessment of the application, each in objection. The planning authority report summarises these by identifying eight areas of key concern.

3.4.2. I have reviewed the objections on file, and confirm the issues raised in these continue to form the basis of the third party appeals and observations in the appeal (adverse impact on adjacent residential amenity, wildlife, biodiversity, and Cavan River, opposition to linkages to and to connections to services through Creighan Drive, and concerns about the scale of ground works and traffic volumes and congestion). These are outlined in detail in section 6.0 The Appeal of this report below.

4.0 Planning History

Eastern Portion of the Appeal Site

PA Ref. 23/176

Permission refused to the applicant on 12th October 2023 for 36 no. dwelling houses complete with access road forming new junction with Ballinagh Rd (R395), pumping station, connection to existing services and all associated site works and developments.

Permission was refused for one reason, that the proposed development was a substandard form of development in terms of its design and configuration and would contravene Objective DL03 of the Cavan County Development Plan 2022-2028 and the provisions of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DoECLG, 2009).

Appeal Site

ABP PL 02.231271, PA Ref. 07/2418

On 28th May 2010, the Board upheld the decision of the planning authority and granted permission to P. & P.Fay for 42 dwelling houses with a new access road (from Ballinagh Road), open spaces, roads, paths and all associated works all on lands. This permission was not implemented and has expired.

Adjacent Lands to the South/ Southeast (Creighan Manor)

PA Ref. 22/406

Permission granted to Galrane Developments on 6th January 2023 for three detached houses (two as permitted under PA Ref. 10/42), connection to existing services and all associated and ancillary works at development known as Creighan Manor.

There is a long planning history for Creighan Manor including parent permission PA Ref. 04/2604 which was amended by PA Ref. 10/42.

These permitted houses are located on the southern side of the access road in the proposed development. PA Ref. 22/406 permits a total of c.81 dwelling units in the estate.

North of the Site (Cavan Town)

ABP 319306-24 (decision pending at the time of this assessment)

Cavan County Council applied on 11th March 2024 to the Board for the development of Cavan Town Sports Campus in the townlands of Kilnavara, Lurganboy (Loughtee Upper By), Creighan and Rosscolgan in Cavan Town.

The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

ABP 319750-24, PA Ref. 24/60067

Permission granted to Drumlark Investments Ltd on 5th September 2024 for a large-scale residential development consisting of a total of 145 no. residential units with a childcare facility, and all ancillary site development/ construction works in Drumlark townland, Cavan town.

The application is accompanied by a NIS.

Southeast of the Site (Cavan Town)

ABP 316387-23, PA Ref. 22/344

Permission granted to Lidl Ireland on the 16th April 2024 for the demolition of existing discount foodstore and construction of new discount foodstore supermarket at Ballinagh Road, Cavan Town.

The application is accompanied by a NIS.

5.0 Policy Context

5.1. National Planning Context

5.1.1. The national policy context guiding future growth in Cavan town is determined by the National Planning Framework (NPF), Housing for All, and applicable section 28 Ministerial Guidelines.

5.1.2. These require the compact growth of existing settlements through the delivery of new homes in the existing built-up footprints of the settlements, and for both greenfield and infill sites, the consolidation of future residential development through increased densities and building heights.

National Planning Framework, Project Ireland 2040 (NPF)

5.1.3. Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within a built-up area of a county town. I identify objectives NPO3c, NPO4, NPO13, and NPO35, which support development (consolidated development on infill, backlands sites) in existing settlements such as Cavan town, as being applicable to the proposed development.

Housing for All

5.1.4. Identifies four pillars by which to achieve universal access to quality housing options. The proposed development contributes to the achievement of Pillar 1, increasing new housing supply.

Section 28 Ministerial Planning Guidelines

5.1.5. Certain national planning guidelines are applicable to the proposed development, and include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy includes:
 - Section 3.3: contains Table 3.5 which defines categories of urban areas within 'Key Towns'. 'Key Town – Suburban/ Urban Extension' describes suburban areas as comprising low density car orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential development. For such locations (particularly if also

categorised as 'intermediate and peripheral'), the guidelines state that densities in the range of 30dph-50dph should be applied.

- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (as per definitions in Table 3.8) and secondly on site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further, where appropriate, using the criteria set out in Section 3.4.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.
 - SPPR 2 – Minimum Private Open Space specifies new standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm) and private open space standards for duplexes remain as per the Apartment Guidelines (1 bed 5sqm, 3 bed 9sqm).
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
 - SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in 'intermediate and peripheral' locations to 2 no. spaces per dwelling (exclusive of visitor spaces).

- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per duplex bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the duplexes includes:
 - SPPR 1 specifies that new residential schemes (with duplexes) can contain up to 50% 1 bedroom units and no minimum % of 3 bedroom units (of the total number of units), unless otherwise indicated in a CDP HNDA.
 - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-3 bedroom units), SPPR 4 (33% to be dual aspect units in accessible urban areas), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height), and SPPR 6 (maximum of 12 apartments per floor level per core).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines). Includes:
 - Table 3.1 which provides a classification of vulnerability of different types of development (e.g. residential as highly vulnerable, amenity open spaces as water compatible).
 - Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).

5.2. Regional Planning Context

Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 (RSES)

- 5.2.1. The RSES provides a development framework for the northern and western region. The counties of Cavan/ Monaghan/ Leitrim form a sub-region, and Cavan town is designated as a 'Key Town'.

The regional policy context for which is to support targeted growth in population, and accordingly certain regional policy objectives are applicable to the proposed development. I identify applicable objectives as RPO3.1 and RPO3.2(c).

5.3. Local Planning Context

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

- 5.3.1. Cavan County Development Plan 2022-2028 incorporating the Cavan Town Local Area Plan 2022-2028 (for ease of reference, I refer to same as CDP) determines the local policy context guiding future growth in Cavan town. The CDP contains policy in several chapters which establish the context for the proposal. The Cavan Town LAP is contained within Chapter 2 Settlement Strategy, Section 2.2 Key Town Cavan.

- 5.3.2. I identify other specifically relevant CDP policies and objectives include the following:

Chapter 1: Core Strategy

- In Table 11: Core Strategy indicates for Cavan Town: Population 2022 as 11,794 persons, and Population 2028 as 12,674 (an increase of 1,760 persons). During this period, the associated housing unit yield on residential zoned lands (47.15ha, this quantum includes an identified surplus of 14.55ha from that indicated in the RSES) is 943 houses (which reflects a density of 20dph).
- Section 2.15: Residential Density states that densities are to be determined as per the applicable planning guidelines, notes the 'difficult topography of County Cavan', and indicates 'approximate key residential outputs over the life time of the plan and site density will be determined on a case by case basis'.

Chapter 2: Settlement Strategy

- Section 2.1.1 Settlement Consolidation Sites includes Objective SCZ01 which seeks to ‘Support the regeneration of underused town centre and brownfield/ infill lands...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’.

Chapter 7: Transportation and Infrastructure

- Section 7.6 Car Parking includes Table 7.4 which indicates maximum car parking for residential uses as 2 spaces per unit (with smaller bedroom units to be examined on a case-by-case basis) and bicycle standards are ‘to be agreed’.

Chapter 10: Natural Heritage

- Section 10.7 Natural Heritage Areas includes Objectives NHDS2 and NHDS4 which both require appropriate assessment (AA) to be carried out in respect of a project that may, either individually or in-combination with other plans or projects, be likely to have a significant effect on the integrity of a European site(s) in view of the site’s conservation objectives.
- Objective NHDS4 requires the AA is to be undertaken in accordance with applicable legislation, guidelines, and guidance on the matter.

Chapter 13 Development Management

- Section 13.4.1 Residential Density for Cavan Town indicates a density of development on Proposed Residential zoned lands as 18-22 dph with a caveat that density ranges are targets and should not be read as maxima.
- Section 13.4.8 Public Open Space, includes Objective PCOS01: Ensure public open spaces in new residential developments comply with the standards in residential planning guidelines in force, i.e. defers to the Compact Settlement Guidelines standards.
- Section 13.4.10 Design and Layout includes Objectives DL01 and DL03 which require schemes to comply (with requirements of/ achieve standards in) several named national planning guidelines and that the scale, design, layout

and density of residential schemes to respond to the individual character of the respective town.

- Section 13.4.14 Apartments (applicable to schemes with duplex units) includes Objectives APT01-04 which relate to design standards and facilities, including communal amenity space, storage (refuse/ bulky items) provision, cycle parking.
- Section 13.7.1 Flood Zones and Appropriate Uses describes the flood zones, classifies types of developments, and outlines the instances where a detailed Flood Risk Assessment is required (highly vulnerable development (residential) is appropriate in Flood Zone C).

Chapter 14 Land Use

- For each zoning objective, permitted in principle and not permitted use classes are listed.
- In the applicable Proposed Residential and Existing Residential zoning objectives, the residential and open space use classes are permitted in principle. In the applicable Amenity and Open Space zoning objective, open space use class is permitted in principle.

Map Based Designations

- Book of Maps, Map 1: Cavan Town and Environs, Cavan Town Local Area Plan 2022-2028 applies (note: I advise the Board that I have consulted this referenced map and also the online 'Land Use Interactive Zoning Maps' viewer for more precise mapping).
- Zoning Objectives:
 - 'Proposed Residential' which seeks to 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'.
 - 'Existing Residential' which seeks to 'Protect and enhance the amenity of developed residential communities'.
 - 'Amenity and Open Space' which seeks to 'Protect and provide for amenity and open space areas'.

- Appeal site is located within a wider ‘Consolidation Site’ designation (incorporates additional lands to the north and south).
- Flood Zone A and Flood Zone B apply to sections of Green Lough Stream, along the western boundary of the site.

5.4. Natural Heritage Designations

5.4.1. The appeal site is not located in or immediately adjacent to a European site (Natura 2000 site), a Natural Heritage Area (NHA) or a proposed NHA (pNHA).

5.4.2. The European site designations in proximity to the appeal site include (measured at closest proximity):

- Lough Oughter and Associated Loughs SAC (site code: 000007) is c.4.45km to the northwest.
- Lough Oughter SPA (site code: 004049) is also c.4.45km to the northwest.

5.4.3. The pNHA designations in proximity to the appeal site include:

- Drumkeen House Woodland pNHA (site code: 000980) is c.3.4m to the north.
- Lough Oughter and Associated Loughs pNHA (site code: 000007) is c.4.19km to the northwest.

5.5. Screening for Environmental Impact Assessment

5.5.1. In undertaking pre-screening for EIA, the proposed development is identified as a class of development Class 10(b)(i) and/ or Class 10(b)(iv) (see Appendix 2 below of this report) for which preliminary examination for EIA is required.

5.5.2. In undertaking preliminary examination for EIA (see Appendix 3), I have concluded that by reason of the nature, size, and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development, and that an EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals have been made against the planning authority's decision to grant permission. The appeals are made by Barry Phair, 5 Creighan Drive and Liam Devine, 1 Creighan Drive (and stated owner of 35 Creighan Drive). Several grounds of appeal are cited, the key points of which can be summarised as follows:

Existing Residential Amenity

- Direct overlooking will occur between existing properties in Creighan Drive and future residents that will adversely impact the privacy of all residents.
- Proposal is in the direct view of the rear private space of Creighan Drive, which is an area of natural beauty, and will significantly adversely affect the views and enjoyment of the existing residents.
- Light pollution will be created, and noise pollution (residents and cars) will significantly increase, and cause adverse effects to surrounding properties, on human health, and residential amenity.
- Construction period (long hours and days) will have a severe impact on neighbouring residents' lives.
- Proposal will depreciate the value of Creighan Drive properties.

Future Residential Amenity

- Direct overlooking will occur between existing properties in Creighan Drive and future residents that will adversely impact the privacy of all residents.
- Future residential amenity is poor as rear gardens are not usable due to overlooking, and poor access to daylight and sunlight.
- Future residents will have a very short time of direct sunlight (afternoons) due to the height of surrounding drumlins, existing houses and poor orientations which will lead to poor amenity and high energy consumption.
- Lack of detail plans for the private open space, unclear if proposed houses meet required minimum standards.

Access Road and Loss of Open Space

- Access road to proposed development is on lands adjacent to the only safe public open space serving Creighan Drive.

- This space (taken in charge by the council, not under the control of the applicant) has been used by residents for over 20 years, is peaceful, safe, landscaped.
- Other areas of open space are not as safe, useable, pleasant due to noise and traffic pollution.
- Due to site levels, the extent of cut and the embankment required for the proposed access road, the entire green area would be removed and replaced by concrete stanchions and barriers.
- Refers to previous planning history (PA Ref. 18/803, others 1990s) which required the green open space to the south of Creighan Drive be retained.

Safety and Stability of Development

- Proposal requires a significantly large amount of excavation into a steeply sloped drumlin, which Creighan Drive sits on top of.
- Proposal will create a significant risk of weakened building foundations for properties in Creighan Drive.
- Extensive excavation works are necessary and will create an exceptionally steep and dangerous gradient (indicated as over 5m deep).
- Proposal poses a structural and safety risk to existing properties in Creighan Drive and future residents due to the excavation work, local topography, proximity to Cavan River, and increased flood risk.
- Concern that the excavation works for the access road will cause structural damage to No. 35 Creighan Drive.

Wildlife and Biodiversity

- Proposal will endanger the habitat (Cavan River, a protected fisheries habitat) of the lamprey, an endangered fish species.
- Proposal will endanger the habitat of the pine marten, an endangered mammal species.
- Proposal requires the loss of mature trees and hedgerow which are of local ecological significance.

- Light pollution will be created and cause adverse effects to the natural environment including biodiversity and ecosystems.

Traffic and Services

- Proposal joins the R935, which is already a site of major congestion.
- Another access onto the N55 will exacerbate existing traffic safety issues for drivers and pedestrians.
- There are a significant number of local cars (residential areas) using the road and those travelling to the nearby Lidl store.
- Proposal would further increase traffic and harmful air pollution.
- Concerns for proposed connection to the existing sewerage system at Creighan Drive as this requires urgent repair works and has capacity issues.

6.2. Applicant's Response

- 6.2.1. A response to the two third party appeals has been received from the applicant, including a rebuttal of the appeal grounds (organised under eight headings). The key points of which can be summarised as follows:

Principle of Development

- Lands zoned for new residential development.
- Appeal grounds opposing the development of a housing estate (creation of light, noise, activity, and loss of view and natural beauty of lands) are not sufficient to withhold permission.
- Benefits of provision of new dwellings, at the time of national housing crisis, outweigh minor losses of residential amenity.

Loss of Open Space

- Refutes that the southern open space area in Creighan Drive will be removed to construct the access road (refers Board to the site location map which shows the extent of works and that all lands are under the applicant's control (red and blue line boundaries)).

- Misunderstanding by appellants as no encroaching onto lands under the control of the planning authority and/ or associated with Creighan Drive.

Residential Amenity

- Rejects claims of overlooking, particularly that of the future residents overlooking Creighan Drive properties due to these dwellings being on higher ground levels.
- Extent of overlooking not considered to be sufficiently detrimental to warrant refusing consent (zoning, separation distances, extent of existing overlooking from upper floors of Creighan Drive to neighbouring properties).
- Rejects claims of poor access to daylight and sunlight due to orientation as rear gardens of proposed dwellings aligned on north-south orientation and will benefit from direct morning/ early afternoon light, same as enjoyed by Creighan Drive properties; and due to ground levels as higher western drumlins are at a notable separation distance to cause overshadowing save possibly at sunset.
- Rejects opposition to noise disturbance as construction noise is acceptable given the temporary nature of same, impacts can be controlled by condition.

Garden Area

- Rejects claims of substandard provision for proposed dwellings, describes as unsubstantiated, refers to planning authority's assessment (finds acceptable as per CDP standards), and refers to compliance with new standards in the Compact Settlement Guidelines.

Sewerage Capacity

- Rejects claims of constraints in capacity, describes as unsubstantiated, refers to planning authority's assessment, and states issue can be addressed by condition.

Access Arrangements

- Appeal grounds do not raise concerns for traffic safety per se, opposition to the access road/ entrance is linked to the claim of loss of open space.

- Refutes the claim that the proposal will increase already excess levels of traffic and opposition to another entrance onto the public road.

Structural Concerns

- Appeal grounds relating to the extent (significantly large amount) and location of excavation works (access road in proximity to properties in the south of Creighan Drive) can be addressed by the requirements of Conditions 10, 13, 20, and 28 of the planning authority's decision.

Ecology

- Considers that 'the conditions which have been drafted by the Planning Authority provide an adequate degree of protection for the Cavan River...'
- The watercourse flows through a built-up area, not a pristine landscape, and the requirements of Condition 12 (sic, note: Condition 21 quoted) will suffice.
- Refutes claims of the extent vegetation loss (as too excessive) and of the site being of local ecological significance (without evidence).

6.3. Planning Authority Response

- 6.3.1. A response has been received from the planning authority in respect of the third party appeals. The response states the contents of both have been noted (heading referred to) and that these matters were addressed in the planning assessment. The Board is requested to uphold the planning authority's decision to grant permission.

6.4. Observations

- 6.4.1. Four observations have been received on the appeals. The observers, with stated addresses also in Creighan Drive, include Mary Smith (32 Creighan Drive) and Phyllis Brady (21 Creighan Drive), Una Phair (5 Creighan Drive), Hughie Cosgrave (3 Creighan Drive), and Yvonne Sheridan (20 Creighan Drive) and Joe Tully (4 Creighan Drive).
- 6.4.2. In addition to the grounds of appeal outlined above, the observations raise the following issues:

Residential Density and Population Increase

- Proposal will result in a large increase of persons, a higher population density to that of the long established estate, adversely affecting the character of the area.

Green Spaces and Proposed Infrastructure

- A proposed sewerage connection is located through the green area between 8 and 11 Creighan Drive which belongs to the estate and should not constitute part of the proposal.
- Concerns regarding health, safety and maintenance issues of such a connection through an area of open space used by residents.
- Objects to the applicant proposing (grossly unfair) and the Council allowing the green spaces used by the residents (taken in charge, maintained by residents on a voluntary basis) to be used to serve the proposed development.

Security

- The existing sense of security will be greatly impinged by having a development of 36 houses built directly behind the existing properties (personal safety, security of properties, noise pollution, and anti-social behaviour).

Application Drawings

- Site layout plan omits two bungalows No.s 35 and 36, which directly face the proposed access road, giving the misleading impression that the area of open space is a larger area and the proposal will not have such a great impact on the residents.

6.5. Further Responses

- 6.5.1. Two further responses have been received on the appeal case. These can be summarised as follows:

Third Party Response on the other Third Party Appeal

- Appellant Liam Devine made a response on Barry Phair's third party appeal.

- The response highlights a mapping omission by the applicant, relative to the proposed access road, whereby No.s 35 and 36 are not indicated on the site layout plan.

Planning Authority Response to An Bord Pleanála Request for Documentation

- The planning authority's report (under heading 'Services', pg. 21) refers to 'A Foul Water, Surface Water, Attenuation Calculations & Details Report' prepared by Alan Traynor Consulting Engineers Ltd.
- The Board noted this report was not part of the case file and requested (10th September 2024) that the planning authority provide a copy of same to the Board.
- In response (2nd October 2024), the planning authority states:

'The reference in the Planners' report to a services report, in this instance refers to the Services Drawing lodged with this application: Dwg. Ref. 23-028-100, dated April 2023. The drawing details specifications of Site Services Layout & proposed foul & Surface Water Sewers.

I note that the history file 23/176 for this site, which was REFUSED, did include a detailed report: Foul Water, Surface Water Attenuation Calculations & Details – prepared by Alan Traynor. However, this was not re-lodged with the new application and the assessment was based on the information submitted. Therefore, the reference to the above report in the Planning assessment is stated in error.'

7.0 Planning Assessment

7.1. Introduction

7.1.1. Having examined the appeals and all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider the main issues in the appeal to be as follows:

- Zoning and Use Class
- Residential Density

- Design and Layout
- Existing Residential Amenity
- Future Residential Amenity
- Biodiversity
- Traffic and Access
- Water Services Infrastructure

I propose to address each item in turn below.

7.1.2. In respect of the proposed development, I have carried out a screening determination for Appropriate Assessment (AA) and a pre-screening and preliminary examination for Environmental Impact Assessment (EIA). These are presented, respectively, in section 8.0 below and subsection 5.5 above and are to be read in conjunction with the applicable appendices at the end of this report.

7.2. Zoning and Use Class

- 7.2.1. The proposed development comprises a smallscale residential scheme in a backlands site with landscaped open spaces, new access arrangements, connections to services, ground reprofiling (including the development of a graded slope towards Green Lough Stream), and a pedestrian route adjacent to the stream (referred to in the case documentation as an amenity walkway).
- 7.2.2. In the interests of clarity for the Board, I note some discrepancies in the planning authority's report. The appeal site is stated as measuring 1.37ha (e.g. on pgs. 1, 17), described as being zoned as Proposed Residential, and that Fig. 2 (pg. 2) indicates a different redline boundary for the site from that of the current appeal case. These references appear to arise from the previous application at the site (PA Ref. 23/276, see section 4.0 Planning History above).
- 7.2.3. In respect of the site's zoning, on review of the CDP I confirm to the Board that the site is subject to three zoning objectives, Proposed Residential, Existing Residential, Amenity and Open Space, and within part of a Consolidation Site designation (see section 5.0 Policy Context above).

- 7.2.4. Further, I confirm to the Board that I have compared the planning authority's online Land Use Interactive Zoning Maps with the applicant's Site Layout Plan Dwg No. De-103. Specifically, I identify that the dwelling units, majority of the internal access road, and two of the open spaces to serve the proposal are sited within the Proposed Residential zoning. The proposed entrance and part of the internal access road along the site's southeastern boundary are located on lands zoned as Existing Residential. While the graded slope, amenity walkway and an area of open space sited along Green Lough Stream, are primarily within the Amenity and Open Space zoned lands (with minor elements of the ground reprofiling works being located in the Proposed Residential zoning).
- 7.2.5. In terms of use class, residential use (within which I am including ancillary components such as access, services, and open space) is permitted in principle in the Proposed Residential and Existing Residential zoning objectives. I consider the graded slope and amenity walkway to come within the open space use class in their own rights (i.e. in addition to the ancillary open spaces within the Proposed Residential zoning). Open space use class is permitted in principle in both the Proposed Residential and Amenity and Open Space zonings.

Conclusion

- 7.2.6. In conclusion, I find that the proposed development would be acceptable in terms of zoning and use class under the provisions of the CDP, and that the development of the site for residential purposes would also be consistent with Objective SCZ01 in respect of achieving consolidated development in suitable locations.
- 7.2.7. However, as is discussed in greater detail in subsection 7.7 Biodiversity and concluded in section 8.0 Appropriate Assessment below, at this point I highlight to the Board that the applicant has failed to adequately demonstrate that the proposed development would not have likely significant effects on, nor adversely affect the integrity of, the European sites at Lough Oughter. In such circumstances, the Board is precluded from granting permission for the proposed development.

7.3. Residential Density

- 7.3.1. The appeal grounds and observations include the proposed development being inappropriately high in density, and the associated population increase having

adverse implications for the area in terms of traffic growth and demands on services. Related, I identify compliance with national planning policy on residential density as a relevant planning consideration.

Density Calculations and Justifications

7.3.2. The proposed development comprises 36 dwelling units on a site indicated as measuring 2.31ha. In the Design Statement submitted with the application, the applicant indicates the proposal has a density of 16dph (pg. 6). The applicant identifies the applicable CDP density range as being between 18-30dph (refers to Section 13.4.1 of the CDP, citing the density range for lands zoned as Proposed Residential as 18-22dph and for infill sites as 22-30dph). The applicant describes the proposed density (as calculated) as being 'outside the parameters' of the CDP requirements and justifies the lower density due the steep gradient of the site and established pattern of development in the area.

7.3.3. The planning authority's report states the scheme has a density of c.26dph. As I referred to in the previous subsection, this appears to be based on use of an incorrect site area (i.e. 1.37ha). The report identifies the applicable CDP density range as being that for lands zoned as Proposed Residential (i.e. 18-22dph), which the scheme is found to comply with. The planning authority report continues to consider the requirements of national planning guidelines and refers to a density range of 35-50dph (this residential density standard is included in previous national planning guidelines). With reference to the site's topography and characteristics, the planning authority concludes the proposed density (i.e. less than that required in the previous guidelines) is acceptable at this location.

Compact Settlement Guidelines

7.3.4. In considering the residential density of the proposed development, in this assessment I have had regard to the requirements of the Compact Settlement Guidelines which came into force in January 2024 (see section 5.0 Policy Context above).

7.3.5. I highlight to the Board that the applicant's Design Statement (dated December 2023), the planning authority's report (February 2024), and the applicant's appeal response 'Planning Submission' (March 2024) do not refer to or consider the density

requirements in the Compact Settlement Guidelines (which were in draft form at the time the application was lodged). Instead, the applicant and planning authority refer to the previous national planning guidelines and the local planning context (e.g. CDP Section 13.4.1, which predate the Compact Settlement Guidelines).

- 7.3.6. Appendix B of the Compact Settlement Guidelines (Table 1, pg. 68) indicates how to calculate the net site area of a development. I am satisfied that the majority of elements in the proposal can be included in the calculation (proposed dwellings, internal road and parking areas, ancillary open space). However, the guidelines state that lands which cannot be developed 'due to environmental sensitives, topographical constraints (i.e. steepness) and/ or are subject to flooding' can be excluded from the calculation.
- 7.3.7. In this regard, I consider that the graded slope (i.e. all lands between the eastern bank of Green Lough Stream and the western edge of the linear area of public open space) can be excluded from the net site area. These lands are characterised by a steep gradient and are partially within Flood Zone A and Flood Zone B associated with the stream, which renders them unsuitable for development. Further, these lands largely coincide with the Amenity and Open Space zoning objective within the site.
- 7.3.8. From a review of the plans and particulars, I consider that the site area of 2.31ha, as indicated by the applicant, corresponds with the gross site area. I calculate that the area of the graded slope, which can be excluded from the gross site area, measures c.1.12ha (c.11,980sqm). I therefore calculate that the site's net developable area is c.1.19ha. Accordingly, I find the proposed development has a net residential density of c.30dph.

Refining Residential Density: Steps 1 and 2

- 7.3.9. These guidelines require a two-step refining process for residential density (i.e., Policy and Objective 3.1). The first step depends on a proposal's site location and accessibility, the second step on a consideration of five site-specific conditions. The provisions of the guidelines on these matters now supercede similar policies/ standards in other planning guidelines and the CDP (which indicates a density range of 18-22dph for lands such as the appeal site, though, as stipulated in CDP Section 13.4.1, this is not to be interpreted as an upper limit).

- 7.3.10. As neither the applicant nor the planning authority (nor indeed an appellant or observer) referred to the Compact Settlement Guidelines, no party to the appeal has undertaken the two-step refining process for the proposed development. I undertake same below.
- 7.3.11. In Step 1 of the process, I categorise the site as being within a 'Key Town – Suburban/ Urban Extension' (based on location from town centre, RSES designation of Cavan, greenfield, surrounding suburban development, and zoning). Following review of available information on public transport in the vicinity (TFI local link, planning authority, Bus Eireann, google maps, with information correct as of the date of this report), I consider the site displays accessibility features of a peripheral location (i.e. proximity to bus stops, number and frequency of services). For such locations, the guidelines state that densities in the range of 30dph-50dph shall generally be applied.
- 7.3.12. In Step 2 of the refining process, I have analysed the impact of the proposed development on the five site-specific criteria. These include the character of the area, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity. I find that two of the site-specific criteria are sensitive components of the receiving environment and would cause the site to be vulnerable to a denser form development than is being sought in the proposed development (i.e. a density towards the upper end of the applicable density range of c.50dph).
- 7.3.13. These criteria are the character of the area (steep topography, urban extension location, restricted backlands/ infill site conditions, adjacent low rise low density residential development), and protected habitats and species (immediate proximity to Green Lough Stream, a tributary of Cavan River (with salmonid and lamprey habitat), which has indirect hydrological and ecological connections to the European site designations at Lough Oughter and associated loughs).
- 7.3.14. As such, in completing the two-step density refining process, I consider a residential density of c.30dph, as is proposed, to be appropriate for the appeal site. While this density is at the lower end of the applicable density range, I consider this aligns with the direction in the guidelines, and is consistent with the flexibility allowed for in applicable density policy in the CDP (Sections 2.15 and 13.4.1 confirm the Core

Strategy allocations are targets and residential density is to be determined subject to the applicable planning guidelines, site conditions, and on a case-by-case basis).

- 7.3.15. Further, the density as proposed can be absorbed at the site without causing a negative impact on existing residential amenity (see subsection 7.5 Existing Residential Amenity below), and there is capacity in the water services systems to manage the increased demand arising from the smallscale residential scheme (see subsection 7.9 Water Services Infrastructure below). However, the applicant has failed to adequately demonstrate that the proposed development will not adversely impact on the protected habitats and species at and in the vicinity of the site.

Population Increase

- 7.3.16. In considering the impact of the proposal on the receiving area, I note that in the 2022 Census, the population of Cavan town is 11,741 persons (Census website, with information correct as of the date of this report). For the proposed development, I estimate there to be a population increase of between c.98-128 persons (c.0.83%-1.09% increase in the town's population). This range is based on the 2022 Census average household size for Cavan town (c.2.73 persons) and the total number of bedspaces in the scheme (c.128 bedspaces if all occupied). Having regard to the unit mix, and the proportion of 1 and 2 bedroom units in the overall scheme (c.67%), I consider a population increase nearer the town's household average to be more likely (i.e., c.98 persons, c.0.83% increase).
- 7.3.17. While the appellants and observers oppose the increase of people to the area and associated increase in traffic generation and demand on services, I consider this proportion to be well within acceptable parameters for Cavan town which comprises several services and facilities, and to be in line with national and local policy for planned and targeted growth for the town.

Conclusion

- 7.3.18. In conclusion, I consider that the proposal would represent a suitable form of new residential development at an appropriate density (as guided within both the national and local policy context) on zoned and serviced lands and would contribute to an increased provision of new homes and a greater mix and variety of residential typologies available in Cavan town. However, the applicant has failed to adequately

demonstrate that the proposed development would not adversely impact on one of the site-specific criteria, the protected habitats and species at and in the vicinity of the site.

7.4. Design and Layout

- 7.4.1. The proposed development is a smallscale residential scheme featuring modestly designed buildings (one and two storeys in height, 1-3 bedroom units in scale) in conventional groupings of detached, semi-detached, and terrace rows.
- 7.4.2. The proposed dwellings (houses and duplexes) are laid out in a linear formation along the eastern boundary of the site. The dwellings front onto the internal access road with a westerly outlook towards the open space and Green Lough Stream, and are sited back-to-back with the properties in Creighan Drive.
- 7.4.3. I identify two key issues arising in relation to the design and layout for the proposal. Firstly, appeal grounds include opposition to the proposed dwellings due to their being in and adversely affecting the existing views from the rear private spaces of the Creighan Drive properties. Secondly, Condition 4 attached by the planning authority requires revisions be made to the design of the front elevations of House Types A and A1.

Adverse Visual Impact

- 7.4.4. With regard to the appeal ground of negatively impacted views, I have reviewed the CDP and relevant Appendices 14, 16, and 18, and confirm that the appeal site is not within a protected landscape nor is the westward view across the site from the Creighan Drive properties a designated scenic view. As such, there is no reason from a policy context to prevent the development of the site, i.e. the loss of a protected view.
- 7.4.5. Further, I consider that the layout of the scheme, its linear formation, alignment along the site's eastern boundary, and proximity to the Creighan Drive properties arises from compliance with the underlying Proposed Residential zoning. The nature and extent of the zoning objective governs the potential design and layout options for the development of the site.
- 7.4.6. I highlight to the Board that the dwellings in Creighan Drive are notably higher than the proposed dwellings, with differences in the finished floor levels of the proposed

and existing dwellings being between c.6.5m-8m (as per Site Sections Dwg No.s De-105 and 106). I consider that at these elevated levels, the one and two storey proposed dwellings (which are between c.5.69m-c.8.63m in principal heights) would not cause any sense of overbearance or result in any undue visual impact on the amenities of the Creighan Drive properties.

- 7.4.7. As outlined previously in subsection 7.3 Residential Density, while I find the character of the area to be vulnerable to a denser form of development, I consider that the design approach taken for the proposed development (use of single and two storey buildings, arranged in linear formation adjacent to the existing developed-edge of the Creighan Drive properties) has had regard to the nature of the site (adapting to the steep topography, reprofiling of lands to create open spaces and the graded slope) and character of the receiving area (consistent in design, layout, scale and massing of the adjacent low rise, low density residential development).
- 7.4.8. As such, while there will be a change in outlook from the Creighan Drive properties, I do not consider the change to be obtrusive or injurious. Accordingly, I consider the proposed development to be a measured, reasonable and acceptable design response for the site.

Building Design

- 7.4.9. With regard to Condition 4 attached to the grant of permission, the applicant is required to *'[s]ubmit elevation drawings for House Types A & A1 which shall include a revised pitch to the front roof gable features'*. The planning authority's report (pg. 18) states that *'the design of the 2-storey semi-detached units (House Type A & A1) would benefit from a revised pitch to the front roof gable features – this detail may be agreed by way of a prior to commencement condition'*. The reason given for the condition includes being in the interests of visual amenity.
- 7.4.10. Of the condition, having reviewed the plans and particulars, I am unclear as to the requirement for and the intent of the condition. The Type A1 unit is a detached building, not a semi-detached unit (as described in the planner's report). Both Type A and A1 units have pitched roof features over first floor windows at the roof line on the front elevation which (if these are what are being referred to), I consider to be acceptable in terms of their design. Type A units do not have any gable (side) features with front roof elements. The Type A1 unit does include gable features (on

the southern side elevation, for the access arrangements to the two duplexes within) which have flat roof designs which (if these are what are being referred to), I similarly consider to be acceptable in terms of their design. Having regard to the above, I do not find Condition 4 to be precise or necessary, and do not recommend the Board attach same in the event of a grant of permission.

Conclusion

7.4.11. In conclusion, I consider that the design and layout of the proposal, in terms of building height, scale, and massing, would be acceptable, would not cause injury to the visual amenities of adjacent properties or the area, nor negatively impact on the quality of the landscape.

7.5. Existing Residential Amenity

7.5.1. The appeal grounds and observers' issues centre on the adverse impact the proposed development has on the residential amenity of the adjacent dwellings in Creighan Drive. Further, I identify the impact on dwellings to the south/ southeast of the site in Creighan Manor (extant/ under construction/ recently constructed) as a relevant planning consideration.

7.5.2. Potential impacts on existing residential amenity as raised in this appeal case include those relating to overlooking, overshadowing, overbearance, disruption (e.g. noise, light, traffic) and structural damage associated with construction and/ or operation phase activities.

7.5.3. Creighan Drive No.s 1-8 (dormer detached dwellings) and 11-26 (two storey semi-detached dwellings) are located adjacent to the site's eastern boundary. These properties are aligned on (approximate) east-west orientations with west/ southwest facing rear garden spaces.

7.5.4. The rear gardens of the proposed dwellings are sited adjacent to those of the Creighan Drive properties referred to above. I calculate separation distances in the range of c.27.2m (from the rear wall of 2 Creighan Drive to that of Unit 1), c.30.7m (7 Creighan Drive to Unit 9), c.26m (11 Creighan Drive to Unit 13) and c.23.9m (26 Creighan Drive to Unit 33).

7.5.5. I consider these distances to be notable which, by way of comparison, are all in excess of the 16m separation distance recommended to be achieved by SPPR 1 of

the Compact Settlement Guidelines between the rears of residences. The separation distances and favourable orientations also ensure that the existing properties are outside of the zone of influence of (and thereby avoid potential overshadowing on rear elevation windows and private amenity spaces) the proposal.

- 7.5.6. Further, as considered in subsection 7.4 Design and Layout above, in the context of potential visual impact and overbearance, due to the topography of the site and the design approach taken for the proposed dwellings, the Creighan Drive properties are notably higher than the proposed dwellings (finished floor levels differences in the range of c.6.5m-8m, modest single and two storeys in scale). The elevated positions of the Creighan Drive properties also result in their not being subject to overlooking and/ or overshadowing by the proposed dwellings. I consider that further protection of residential amenity is achieved through the proposed boundary treatments (as per Typical Boundary Treatment Dwg No. De-108, with a retaining wall, post and rail fencing).
- 7.5.7. While I acknowledge the concerns raised by the appellants and observers, for the reasons outlined above, I do not consider that the proposed development would result in any adverse impact on the Creighan Drive residences in terms of overlooking, overshadowing and/ or overbearance.
- 7.5.8. In respect of construction phase impacts, I consider that the likely anticipated impacts on residential amenity (e.g. increases in noise, dust, traffic) would be primarily mitigated by measures included in the outline Construction and Environmental Management Plan (CEMP, and that any additional items could, as necessary, be required by condition in the event of a grant of permission).
- 7.5.9. Appellants and observers raise specific concerns regarding the extent of the proposed ground works and implications for the structural integrity of the Creighan Drive properties. However, there is no evidence presented demonstrating same. I note the applicant's position in the first party appeal response, referring to several conditions attached by the planning authority which are stated as being sufficient to address the issue.
- 7.5.10. I consider that structural impacts arising from construction activities are outside the scope of the planning process, would be a matter of civil law, and the responsibility of the developer to prevent. I consider the applicant has provided sufficient details of

the retaining walls (along the eastern boundary (rear garden walls), and southeastern boundary (internal road and entrance)), and indicated that construction techniques could be employed along the boundaries to ensure that there would be no structural impacts.

- 7.5.11. Appellants and observers also oppose the manner in which the proposed development is to be accessed and serviced. It is stated that the access road to the entrance with Ballinagh Road (southeast of the site) and the rising main connecting the pumping station to the existing foul sewer in Creighan Drive (centre/ east of the site) traverse through existing open spaces in Creighan Drive which should belong to and are maintained by residents in the estate. Concerns are expressed that these areas will be removed, replaced, rendered unsafe, and left with maintenance issues.
- 7.5.12. I have reviewed the relevant plans and particulars in the appeal case and compared same with those of the previous planning application at the site, PA Ref. 23/176 (see section 4.0 Planning History). In respect of the access road, I confirm to the Board that the previous proposal had included the area of open space in the south of Creighan Drive. In this area, a ramped pedestrian walkway had been proposed from Ballinagh Road (as per Site Layout Plan Dwg No. De-102 of PA Ref. 23/176). The current proposal does not include this southern open space as the ramped pedestrian walkway has been omitted (the applicant states due to opposition from residents of Creighan Drive). As such, I consider the concerns expressed in relation to the southern open space appear to be associated with/ arise from the previous application. As is apparent from the current Site Layout Plan Dwg No. De-103, the redline boundary has been amended from that of the previous application and the southern open space in Creighan Drive remains intact.
- 7.5.13. Related, I confirm to the Board that while I note the omission of Houses 35 and 36 Creighan Drive from the Site Layout Plan (i.e., the building footprints) as raised in the appeal grounds and observations, this omission has not prevented my assessment of this issue.
- 7.5.14. In respect of the wastewater connection through the central open space in Creighan Drive, I consider that once consent has been agreed with the relevant parties (i.e. the planning authority for access to land, and Uisce Eireann for connection to infrastructure, it is wholly reasonable for the applicant to seek connections to public

water networks to service new residential development on zoned and serviceable lands in the interests of the common good. The onus would be on the developer to make good any disturbance to the central open space in Creighan Drive to the satisfaction of the relevant parties.

- 7.5.15. In respect of operation related impacts (increases in residential activity, noise, light, and traffic), I anticipate that such impacts would likely be well within acceptable parameters for a smallscale, low-density development such as the proposal (with a potential population increase of c.98 persons), in an outer suburban/ urban extension location such as the appeal site (zoned lands and services available).
- 7.5.16. Finally, I have considered the potential impact on the residential amenity of other adjacent properties. Creighan Manor, located to the south of the site, is a new residential estate at varying stages of development. I have reviewed the planning history and site layout plans associated with Creighan Manor. I confirm that while there are permitted dwellings under construction located to the south/ southwest of the proposed dwellings, there are more recently extant dwellings nearer the southern side of the proposed access road. The proposed boundary treatment at this location involves the construction of a fence wall (as per Site Sections Dwg No. 23-028-104, opposite to the retaining wall adjacent to Creighan Drive). I consider the most proximate extant dwellings (as permitted under PA Ref. 22/406) would continue to have adequate levels of residential amenity due to the separation distances, siting and orientation of the extant dwellings, and the boundary treatments.
- 7.5.17. I positively note the proposed extension of the amenity walkway as permitted in the Creighan Manor scheme into the proposed development in the southwest of the site. I consider the continuation of the pedestrian route would be beneficial for the existing and future residents of the schemes. I do not anticipate any issues in respect of the residential amenity of residents in Creighan Manor.

Conclusion

- 7.5.18. In conclusion, I have considered the impact of the proposal on the residential amenity of existing residents with regard to several construction and operation phase activities. I find that the proposed development is of a nature, scale and extent that would not unduly injure the residential amenity of adjacent properties or amenities in the wider area.

7.6. Future Residential Amenity

- 7.6.1. The appeal grounds include concerns for the residential amenity of future residents because of overlooking from the Creighan Drive properties, overshadowing due to adverse site conditions, and poor access to daylight and sunlight due to the orientation and siting of the dwelling units. I also identify compliance with and achievement of residential design standards at national and local policy level as relevant planning considerations.
- 7.6.2. In response to the appeal grounds, I find that the indicated separation distances and proposed boundary treatments would be sufficient to prevent undue overlooking. The proposed dwelling units would have a favourable orientation for securing adequate daylight and sunlight, particularly from midday through to the evenings. Fundamentally, the part of the site where the dwellings are proposed (i.e. to the rear of the Creighan Drive properties) has been deemed appropriate for residential development by the planning authority through the applicable zoning objective.
- 7.6.3. Other key considerations in determining the level of amenity for future residents of the scheme include the accommodation design and standards, of particular relevance to the residents of the duplex apartments, and the qualitative and quantitative provision of open space in the scheme.

Accommodation Design and Standards

- 7.6.4. As outlined in section 2.0 Proposed Development, the 36 dwellings units comprise 26 houses and 10 duplexes. The proposed houses are a mix of single storey and two storey units with 1-3 bedrooms arranged in semi-detached pairs and terrace rows (referred to as Types A, B, B1, C, C1, and D). The duplexes are a mix of 1 and 3 bedroom single storey own-door units arranged in a detached two storey block (Type A1) and within two storey blocks (Types E, and F) at the end of the terrace rows attached to two storey house units.
- 7.6.5. Table 1 below presents an overview of the proposed residential unit mix.

Table 1: Summary of Residential Unit Mix

Houses (26 units, 72% of the scheme)				
Unit Type	1 bed	2 bed	3 bed	Total

Total	6	10	10	26
% of Type	23%	38.5%	38.5%	100%
% of Total	17%	27.5%	27.5%	72%
Duplexes (10 units, 28% of the scheme)				
Unit Type	1 bed	2 bed	3 bed	Total
Total	8	0	2	10
% of Type	80%	0%	20%	100%
% of Total	22%	0%	6%	28%
Overall Unit Mix as % of Total				
	1 bed	2 bed	3 bed	Total
Total	14	10	12	36
% of Total	39%	28%	33%	100%

7.6.6. In respect of the duplexes, these are not expressly described as such by the applicant, described instead as single storey units at ground and first floor levels in specific building types/ blocks. Neither the applicant nor the planning authority provides analyses and/ or assessments of the duplex units in terms of qualitative and quantitative standards. Indeed, in the interest of clarity for the Board, the planning authority appears to have interpreted the dwellings units as being conventional houses (e.g., the description of Type A1, pg.16, and reference to 'House Types' in Condition 4).

7.6.7. Notwithstanding, I identify that the proposed development (new residential scheme of houses and duplexes) is subject to the requirements of national policy in the Compact Settlements Guidelines, the Apartment Guidelines, both of which include mandatory SPPRs, and the Commercial Institutional Investment Guidelines. The proposal is also subject to applicable CDP requirements and standards (CDP Objectives APT01-04) in addition to the mandatory national ones.

- 7.6.8. With regard to amenity levels of future residents of the scheme, I note that a detailed Housing Quality Assessment (HQA) does not accompany the application, and in undertaking my assessment I have had regard to the statistics/ measurements stated in the Design Statement and/ or provided on the relevant plans.
- 7.6.9. For the most part, I find that the proposed development materially complies with the national and local standards for residential development (cited in section 5.0 Policy Context). In respect of the proposed houses, these achieve minimum standards in terms of unit floor areas, room dimensions, and private open space. It is with regard to the duplex units that the extent of compliance with required standards is not clear and/ or not achieved. While the duplexes appear to achieve minimum standards in terms of unit floor areas, room dimensions, head height, and dual aspect, this is not definitive. It is also not clear from the plans whether firstly, the required quantum of storage space is provided in each unit and secondly, whether Unit 36 (the first floor 3 bedroom duplex in Type A1) has the requisite quantum of private open space (balcony area of 9sqm).
- 7.6.10. By incorporating duplex units into the proposed development, the applicant is required to provide communal services and facilities to ensure future residents have an acceptable level of residential amenity. These include communal open space (discussed below), refuse storage, and cycle parking spaces. These items have been omitted by the applicant and their omission has not been referenced by the planning authority.
- 7.6.11. Notwithstanding, due to the design of the buildings, layout of the scheme, and nature of the site, I consider that these matters and those identified above (in respect of the internal storage provision for duplexes and private open space for Unit 36) are not refusal reasons in and of themselves, and could be addressed by condition in the event of a grant of permission (e.g., require a revised scheme indicating the provision of same in agreement with the planning authority, and the applicant to submit a HQA indicating the achievement of CDP Objectives APT01-04 and compliance with the Apartment Guidelines).
- 7.6.12. I consider that the proposed residential unit mix (outlined in Table 1 above) is acceptable and will meet the housing needs of a variety of household types in the town to balance the existing housing stock. I am also satisfied that the applicant has

demonstrated in the relevant plans and particulars that the proposed development would (subject to conditions) provide future residents with acceptable levels of amenity, in what would be a well-designed, serviced, and managed development.

Open Space

- 7.6.13. The qualitative and quantitative provision of open space in the scheme is an important consideration for future residential amenity. I have reviewed the applicant's Site Layout Plan Dwg No. De-103 and Landscape Site Plan Dwg No. De-104. The applicant refers to three areas of usable recreational open space. I identify these as Area 1 in the northwest of the site (c.414sqm, vegetation to be removed, developed as a grassed viewing area over the watercourse), Area 2 extending along the centre of the site (c.774sqm, constructed, levelled and grassed), and Area 3 between proposed dwellings Unit 12 and Unit 13 (c.294sqm, grassed strip, route of rising main connecting the pumping station to the existing foul sewer in Creighan Drive).
- 7.6.14. I find that Area 1 and Area 2 come within the scope of public open space in that these are accessible, overlooked, and functional as active and/ or passive recreational use. I consider that Area 3 is an incidental, inaccessible, narrow strip of land between dwellings and does not constitute public open space. Accordingly, I calculate that the quantum of public open space serving the scheme as 1,188sqm, which is c.10% (i.e. 9.91%) of the net developable area of c.1.19ha. I am satisfied that the extent of the provision complies with the requirements of the Compact Settlement Guidelines (range of 10%-15%, with exceptions in instances of landscape features).
- 7.6.15. As referred to above, a notable omission from the proposed development is an area of communal open space required to serve the 10 duplexes (1 and 3 bedroom units). In accordance with the requirements of the Apartment Guidelines, I estimate that an area of c.58sqm is outstanding. The guidelines also provide direction on the optimum design and siting of such communal open space. I consider that the omission from the scheme could be addressed by condition in the event of a grant of permission (require a revised scheme indicating an appropriate qualitative and quantitative provision of communal open space in agreement with the planning authority).

Conclusion

- 7.6.16. In conclusion, I have considered future residential amenity and find that, in the event of a grant of permission and only subject to amending conditions, the future residents would be provided with accommodation of an acceptable standard and enjoy acceptable levels of amenity in a well-designed and managed scheme.
- 7.6.17. Should the Board decide to serve a notice on the applicant (as is discussed in the following subsection 7.7 Biodiversity) requesting the applicant to undertake an AA for the proposed development, for the purpose of enabling a determination of the appeal, the Board may also decide to advise the applicant of the identified requirements in respect of the duplex units, and request the applicant to address same (the Board may consider this to be a new issue for the parties to the appeal as neither the applicant nor the planning authority provided analyses and/ or assessments of the duplex units in terms of qualitative and quantitative standards).

7.7. Biodiversity

- 7.7.1. The appeal grounds include the loss of wildlife, mammal species, trees and hedgerows of local importance, and the adverse impact on protected habitats and fish species in Cavan River. I identify the issues raised by Inland Fisheries Ireland (IFI) in respect of the proposal, and the implications for water quality and the appropriate assessment (AA) of the proposed development as relevant planning considerations.

Green Lough Stream and Cavan River

- 7.7.2. As identified in section 1.0 Site Location and Description above, the western boundary of the site is formed by a watercourse, Green Lough Stream². The site is part of a drumlin with notable changes in ground levels from the stream to higher lands along the eastern boundary (differences of up to c.17m). The site drains to the stream, which is lined with dense bank vegetation.

² In the case documentation, the watercourse is referred to under different names. The applicant refers to the watercourse as both Cavan River (architectural plans, Design Statement, and CEMP) and Green Lough Stream (also in the applicant's CEMP), the planning authority's reports refer to the Cavan River, and the IFI refers to the Cavan Town River and its tributaries. For the Board's clarity, I have relied on information from the EPA and identify the watercourse as Green Lough Stream (<https://gis.epa.ie/EPAMaps/>, with information correct as of the date of this report).

- 7.7.3. The proposed development comprises notable site excavation works, removal of vegetation, ground reprofiling, development of a graded slope and landscaped open spaces, construction of an amenity walkway along the course of the stream (c.3m separation distance at closest points as per Site Layout Plan Dwg No. De-103), and the installation of a surface water drain connecting the attenuation tank to an outfall point on the eastern bank of the stream (which includes construction of a headwall).
- 7.7.4. Green Lough Stream is a tributary of Cavan River, and the watercourses merge c.700m upstream of the site, in proximity to Breffni Park GAA grounds. Cavan River flows in a northerly direction to the lake complex of Lough Oughter and associated loughs (European site designations). Specifically, I identify that Cavan River enters Coalpit Lough (Lough Oughter and Associated Loughs SAC) c.6.9km upstream of the confluence point (i.e., c.7.6km upstream of the site), and Derrygid Lough (Lough Oughter SPA) c.7.8km upstream of the confluence point (c.8.5km upstream of the site).
- 7.7.5. As such, I identify there are indirect hydrological and ecological connections between the proposed development and both Lough Oughter and Associated Loughs SAC and Lough Oughter SPA.
- 7.7.6. The planning authority received a submission on the proposal from the prescribed body, IFI (17th January 2024, see subsection 3.3 Prescribed Bodies above). Of particular relevance to this subsection, is the request from the IFI that *'all watercourses (including streams and ditches) within or adjacent to this property should be protected in terms of water quality, topography and habitat. There must be no discharge of suspended solids or any other deleterious matter to watercourses'*.

Adequacy of Applicant's Information

- 7.7.7. I have reviewed the case file and that of the relevant planning history (including at the site, in the vicinity of the site, and similar types of applications in Cavan town, see section 4.0 Planning History above).
- 7.7.8. In respect of information provided by the applicant, I identify the main technical document accompanying the application is the CEMP, supported by the architectural Design Statement.

- 7.7.9. In respect of the CEMP, I note that limited site-specific environmental data is provided. This includes the identification of the site as being within the Cavan_010 River Water Body, classified as Moderate Ecological Status, and deemed at risk of not achieving the required target status by 2021 (information sources not stated, pg. 14).
- 7.7.10. Otherwise, in the CEMP I identify some key omissions and/ or inconsistencies. For example, regarding the ground works, I cannot identify any specific details on the amount of material being excavated and necessary for reprofiling (it is proposed to provide details in a post-consent Resource Waste Management Plan (RWMP)). I cannot identify any reference to or information on the construction of the proposed amenity walkway, which in places appears to be c.3m from the eastern bank of the stream. I also cannot identify any information on the laying of the surface water drain and the construction of the outfall point (with a headwall) directly discharging to the stream. I cannot identify any detailed measures to protect the stream from construction phase pollution incidents (i.e. those specific to the proposal (based on the construction of the amenity walkway, outfall pipe with headwall, graded slope and open spaces), and not just of general application from the Environmental Control Register in Appendix A of the CEMP). Related, I highlight to the Board that the CEMP table of contents includes a 'Section 8.5 Silt Curtains and Interceptors', however, this section (which would be of fundamental importance given the nature of the site and proposed works) does not exist in the main report.
- 7.7.11. Of inconsistent/ conflicting information in the CEMP, this includes details provided on the proposal (e.g. Figure 2.3, pg. 12) and distances from the stream (Section 4.5, pg. 14) which do not accurately describe the proposed development (appear to be associated with the previous application, PA Ref. 23/176). Also, whether or not excavated material will be reused onsite or removed (as noted by the Waste Management section of the planning authority).
- 7.7.12. In the applicant's Design Statement, I note that there is a heading entitled 'Amenity Walkway' (pg. 7), under which no information is provided (again, which would be of fundamental importance given the nature of the site and proposed works).
- 7.7.13. Overall, I note that the application is not accompanied by supporting documents on biodiversity which, had they been, may have provided sufficient information to allow

for an assessment of the proposal's impact on same. This is of particular relevance for the appropriate assessment (AA) of the proposed development.

7.7.14. These documents include the following:

- Ecological Impact Assessment (EclA)
- Site Specific Flood Risk Assessment (SSFRA)
- Appropriate Assessment Screening Report (AASR)
- Natura Impact Statement (NIS)
- Water Services Engineering Report (see subsection 6.5 Further Responses above)
- Resource Waste Management Plan (RWMP)

7.7.15. Having regard to the submission from the IFI and the nature of the AA process, I consider that information on these elements of the proposal, and any potential mitigation measures associated with same, are required. In not having provided same, the applicant has failed to adequately demonstrate that the proposed development could be constructed and, by association, operated without having an adverse impact on biodiversity at and in the vicinity of the site.

7.7.16. In the interest of clarity and to assist the Board in determining the appeal, I have considered whether the inadequacy of information provided on biodiversity could be addressed. Above, I have identified several documents that have not been provided by the applicant. However, in undertaking the Stage 1 AA screening determination of the proposed development (see section 8.0 and Appendix 1 below of this report), I consider that the pertinent issue (i.e., whether adverse impacts would be caused to biodiversity at and in the vicinity of the site (including of the European sites)) could be addressed by the applicant undertaking AA of the proposal and providing the necessary outstanding information (i.e., a sufficiently robust AASR and, as relevant, a NIS for the proposal).

7.7.17. An AASR and/ or a NIS (prepared in accordance with the 'Appropriate Assessment of Plans and Projects in Ireland: Guidelines for the Planning Authorities', DoEHLG, February 2010) would include a desk top study and field survey (establish presence of protected habitats and/ or species, i.e., salmon, lamprey, otter), description of the

development (specific details of the components unique to the proposal), the identification of the European sites (conservation objectives and qualifying interests), and an outline of the potential effects on same (construction and operation phase impacts) with descriptions of targeted mitigation measures (identified, tested, and demonstrated as being effective in the prevention of significant effects on, or adversely affecting the integrity of, the European sites).

Planning Authority Decision

- 7.7.18. In respect of the planning authority's decision, I highlight some items which are of relevance to the consideration of biodiversity. The planning authority cites two submissions received from the IFI (I highlight the submission received on the 17th January 2024, is available on the public file). However, in the planning authority's report, I cannot identify an explicit assessment of the issues raised by the IFI, which conversely, I find to be material to the appeal case.
- 7.7.19. The planning authority screened out the need for an AA of the proposed development (pg. 22) through reliance on the AA screening decision made for PA Ref. 23/176, with which the proposed development is described as having '*the same footprint and physical parameters*'. Nine conditions (No.s 21-29) are attached to the grant of permission which relate to surface water and groundwater pollution prevention, protection and mitigation measures, and reporting processes governing same.
- 7.7.20. I do not concur with the AA screening undertaken by the planning authority as I do not find the proposed development to be the sufficiently similar to the previous application PA Ref. 23/176 (i.e., the proposal has a larger redline boundary reflecting wider extent of development, in particular closer to Green Lough Stream, newly proposed ground reprofiling, graded slope, and creation of landscaped open spaces, and newly proposed construction of the amenity walkway adjacent to the stream).
- 7.7.21. The screening determination does not identify or consider the implications of the indirect hydrological and/ or ecological connection, the conservation objectives and/ or qualifying interests of the European sites, nor is there any reference to in-combination impacts with other plans and projects.

Precautionary Principle

- 7.7.22. In AA, the precautionary principle means that a likelihood of significant effects exists if it cannot be determined beyond reasonable scientific doubt, and on the basis of objective information, that such a likelihood does not exist. In the case of reasonable doubt, or uncertainty as to the absence of significant effects, a Stage 2 AA must be undertaken.
- 7.7.23. As outlined above, I have identified several omissions and/ or inconsistencies in the information provided by the applicant in this appeal case. While such shortcomings in information for a proposal could be identified, acknowledged, and addressed by condition in the context of a planning assessment and/ or the EIA process (i.e., conditions could be attached which would serve as mitigation measures), this is not the case in the AA process. Due to the precautionary principle, there cannot be any reasonable scientific doubt as to the absence of significant effects on European sites, and measures which are intended to be relied upon for that purpose must be first assessed for their effectiveness before consent for a proposal could be granted.
- 7.7.24. While I acknowledge that the planning authority screened out the need for AA and sought to address/ manage surface water and groundwater impacts associated with the proposal through attaching conditions to the grant of permission, in my opinion, as I do not concur with the planning authority's screening determination, such an approach is flawed. This is due to there being reasonable scientific doubt about the impacts of the proposal on the European sites arising from the lack of objective information provided by the applicant.
- 7.7.25. I consider several of the conditions attached to the grant of permission, namely Conditions 21-29, to be in effect mitigation measures as the intent of the conditions is to protect surface water and groundwater bodies and prevent pollution. Such conditions, by association, also serve to safeguard the integrity of the hydrologically and ecologically connected European sites. However, the effectiveness of these measures (i.e., the conditions) has not been tested, demonstrated, or assessed.
- 7.7.26. Indeed, I highlight to the Board the applicant's express reliance on the planning authority's decision and several conditions attached to the permission (stated in the first party appeal response). This includes Condition 21 (as based on the IFI recommendations), for addressing any issues relating to the proposal's impact on ecology, specifically that of Cavan River.

- 7.7.27. As the planning authority had screened out the need for AA, the Board may consider that my opposing recommendation (i.e., that the need for AA cannot be screened out and that a Stage 2 AA is required to be undertaken for the proposal) is a new issue for the parties to the appeal.
- 7.7.28. In such circumstances, and for the purpose of enabling a determination of the appeal, the Board may decide to serve a notice on the applicant (in accordance with section 132 of the Planning and Development Act, 2000, as amended) requesting the applicant to undertake an AA for the proposed development (in a manner similar to that which I described above). On receipt of an AASR and, as relevant, a NIS, these could be cross circulated to the other parties to the appeal for comments/ responses.

Conclusion

- 7.7.29. In conclusion, while I acknowledge the appeal grounds relating to the loss of wildlife and vegetation, I consider that the development of the site would be acceptable in principle given that the majority of the site is zoned for residential development and that changes to the site in terms of its greenfield nature and topography could be reasonably anticipated so as to accommodate such dwellings and ancillary infrastructure.
- 7.7.30. However, the applicant has failed to adequately demonstrate that the proposed development would not have likely significant effects on, nor adversely affect the integrity of, the European sites at Lough Oughter. In such circumstances, the Board is precluded from granting permission for the proposed development. Further, as an AA for the proposed development has not been undertaken (involving the preparation and submission of an AASR and, as relevant, a NIS, in accordance with the applicable guidelines), I find the proposed development materially contravenes CDP Objective NHDS2 and Objective NHDS4.

7.8. Traffic and Access

- 7.8.1. The appeal grounds include opposition to the access road, and concerns regarding increases in traffic in the local road network associated with the proposal. I identify compliance with applicable engineering design requirements and standards for car and cycle parking provision as being relevant planning considerations.

- 7.8.2. While I acknowledge the appellants' and observers' concerns in respect of the siting and construction implications associated with the access road, I consider the applicant has demonstrated the access road and entrance to Ballinagh Road can be provided within lands under their control, safely, and without causing a loss of amenity to existing residents (see subsection 7.5 Existing Residential Amenity above).
- 7.8.3. With regard to the proposed access, I note the preference of the Road Design section of the planning authority for site access to be achieved via an existing entrance (refers to existing entrances of Creighan Drive and Creighan Manor estates), however I note there is no express objection to the proposed independent access arrangement and I am satisfied to accept same.
- 7.8.4. In the event of a grant of permission, I recommend the continued attachment of project specific conditions proposed by the planning authority (i.e., Condition 5 requires revised entrance sightlines (distance to be measured for 85th percentile speed of the road) with the extent of removal of and/ or works to the existing roadside boundaries/ furniture/ utility infrastructure to be indicated, and Condition 6 requires a revised junction design as per DMURS (raised, vulnerable user priority)). There are several other conditions attached to the permission (see section 3.0 Planning Authority Decision above) which I consider can be covered by attachment of standard conditions (i.e., compliance with DMURS, provision to the satisfaction of the planning authority).
- 7.8.5. In terms of traffic generation, the proposal is a smallscale residential development of 36 dwellings units, accommodating a potential future population of c.98 residents. I consider that there is sufficient capacity in the local road and footpath network (existing and proposed) to absorb and support the likely scale of vehicular, cycle, and pedestrian traffic arising from the scheme, particularly in this built-up area of the town. I note that the planning authority did not indicate any concerns in relation to undue or excessive traffic generation, a position with which I concur.
- 7.8.6. The car parking provision comprises a combination of on-street and in-curtilage car parking spaces provided for the dwellings. I note that CDP Table 7.4 Parking Standards indicates that a maximum of 2 spaces per residential unit is permissible, with smaller bedroom units to be examined on a case-by-case basis. The applicant

indicates that 2 spaces per 2 + bedroom units and 1 space per 1 bedroom unit is being provided which complies with the requirements of the CDP. I calculate this provision as being a total of c.58 parking spaces. I find the extent of the parking provision to be acceptable and to also comply with SPPR 3 of the Compact Settlements Guidelines (see section 5.0 Policy Context above).

- 7.8.7. In respect of cycle parking provision, as outlined in subsection 7.6 Future Residential Amenity, communal cycle spaces do not appear to have been provided in the scheme for the duplex units. CDP Table 7.4 Parking Standards indicates the standard cycle parking for residential use is 'to be agreed'. I have had regard to SPPR 4 of the Compact Settlements Guidelines, which indicates requirements for cycle parking in terms of quantity (1 cycle storage space per bedroom space for residential units above ground level, plus visitor spaces) and design (dedicated facility of permanent construction). Future proposals should align with these mandatory requirements and would need to be conditioned accordingly.

Conclusion

- 7.8.8. In conclusion, I consider the proposal would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and is of a scale and intensity of use that would not be likely to cause congestion or to have an adverse impact on the traffic conditions of the local area. In the event of a grant of permission, a combination of standard and project specific conditions would be required to be attached.

7.9. Water Services Infrastructure

- 7.9.1. The appeal grounds include concerns regarding capacity in the existing water services networks, in particular the wastewater system, to support the proposal, and increased flood risk associated with the proposal. I identify establishing clarity on services for the proposal as a relevant planning consideration.
- 7.9.2. The proposed water services include connections to the public water supply system (existing watermains located in Ballinagh Road), the wastewater system (existing foul sewer in Creighan Drive, with a facilitating on-site pumping station and rising main routed under a central area of open space in Creighan Drive). Surface water discharge is indicated through connection (via the internal road and the entrance) with the existing stormwater sewer located in Ballinagh Road and through direct

discharge to Green Lough Stream (via an outfall pipe with a headwall from an on-site attenuation tank).

- 7.9.3. In the interests of clarity for the Board, I note the absence of a water supply site layout plan, and internal and external reports on the case file in respect of water services infrastructure. For example, there are no reports from the Municipal Engineer, Water Services section, or Uisce Eireann. Further, I highlight that a reference in the planning authority's report (pg. 21) to the applicant's 'Foul Water, Surface Water, Attenuation Calculations & Details Report', has been subsequently confirmed by the planning authority as an error (this report was submitted as part of the previous application, PA Ref. 23/176). Reliance is instead confirmed to have been made on details indicated on plan, Site Services Layout: Proposed Foul and Surface Water Sewers Dwg No. 23-028-100 (see section 6.5 Further Responses above). I note that the IFI submission on the proposal expresses concerns in relation to the future responsibility for and ongoing maintenance of the proposed pumping station.
- 7.9.4. Due to the technical nature of water services infrastructure, the absence of the water supply site layout plan, the water services engineering report referred to, and the technical assessment reports, I have had regard to same from the previous application, PA Ref. 23/176, which I consider to remain relevant, applicable, and serve as a guidance for considering the proposed development (e.g. historic confirmation of feasibility from Uisce Eireann had been provided).
- 7.9.5. While I note concerns raised by appellants and IFI, Uisce Eireann is the competent authority for water supply and wastewater services, and connections to the systems would be possible only subject to its approval. I am satisfied that, in the event of a grant of permission, the standard condition to this effect would be sufficient to address the matter. In terms of the responsibility for the pumping station and its ongoing maintenance, as the proposed development includes duplexes with communal services/ facilities, (a) standard condition(s) relating to taking in charge and/ or establishment of a management company would be necessary to be attached. I consider that responsibility for the pumping station would be satisfactorily addressed under same. For the Board's clarity, I have reviewed Uisce Eireann's Capacity Register which, correct as of the date of this report, indicates the status of

the Cavan RWSS and Cavan WWTP as 'green' (i.e. spare capacity is available in both).

- 7.9.6. The planning authority is the competent authority for surface water services. The proposal indicates both a connection to the stormwater sewer from the catchment of the proposed dwellings, and a discharge from the attenuation tank to Green Lough Stream via an outfall pipe. In similarly with other the water services, the connection to the public surface water system, the installation of the surface water infrastructure and discharge to the stream (design, capacity, run-off rates) would only be facilitated through agreement with the planning authority, which would be subject to standard condition.
- 7.9.7. In respect of flood risk, I identify that Flood Zones A and B (as per the CDP zoning map, and online 'Land Use Interactive Zoning Maps') apply to small areas of the site, adjacent to Green Lough Stream and at the lowest ground levels. While I note that the application is not accompanied by a SSFRA, I identify that the proposed dwellings (classified as 'highly vulnerable development' as per CDP Section 13.7.1, and Table 3.1 of the Flood Risk Guidelines) are appropriately sited in Flood Zone C.
- 7.9.8. From a review of the extent of Flood Zones A and B, it would appear that the graded slope, amenity walkway, and Area 1 open space may be sited on lands which are within/ partially within Flood Zones A and B. I consider these elements of the proposed development to come within the open space use class, which are classified as 'water compatible development' in Table 3.1 of the Flood Risk Guidelines. As such, I consider that issues relating to the construction of these elements are of more direct relevance to water quality of Green Lough Stream and by association the AA process (as discussed in subsection 7.7 Biodiversity above and section 8.0 Appropriate Assessment below).

Conclusion

- 7.9.9. In conclusion, I do not consider that evidence of insufficient capacity in the water services systems to accommodate the demands arising from the proposed development has been presented. Further, connections to the water systems would only be feasible based on approval from the competent authorities for same. The proposed dwellings, the most vulnerable classification of development in the

scheme, are sited at notable distances from and at levels above, the flood zones associated with Green Lough Stream.

- 7.9.10. However, largely due to the interrelationship between the proposed development and Green Lough Stream, the applicant has failed to adequately demonstrate that the proposed development would not have likely significant effects on, nor adversely affect the integrity of, the European sites at Lough Oughter. In such circumstances, the Board is precluded from granting permission for the proposed development.

8.0 Appropriate Assessment

8.1. Stage 1 – Screening Determination for Appropriate Assessment

- 8.1.1. Having carried out screening for Appropriate Assessment (Stage 1) of the proposed development, it has been concluded that on the basis of the information submitted with the application and appeal, with particular regard to effects arising from surface water pollution, habitat loss or deterioration, and species disturbance associated with construction works and operation activities, and in the absence of an Appropriate Assessment Screening Report and/ or Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not adversely effect the integrity of European sites Lough Oughter and Associated Loughs SAC (site code: 000007) and/ or Lough Oughter SPA (site code: 004049) in view of the sites' qualifying interests and conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

9.0 Recommendation

Following from the above assessment, I recommend that permission be REFUSED for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. On the basis of the information submitted with the application and appeal, with particular regard to effects arising from surface water pollution, habitat loss or deterioration, and species disturbance associated with construction works and

operation activities, and in the absence of an Appropriate Assessment Screening Report and/ or Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not adversely effect the integrity of European sites Lough Oughter and Associated Loughs SAC (site code: 000007) and/ or Lough Oughter SPA (site code: 004049) in view of the sites' qualifying interests and conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

2. The applicant has failed to undertake an Appropriate Assessment of the proposed development, involving the preparation and submission of an Appropriate Assessment Screening Report and, as relevant, a Natura Impact Statement, in accordance with the applicable Section 28 ministerial guidelines. As such, the proposed development materially contravenes the provisions of the Cavan County Development Plan 2022-2028 incorporating the Cavan Town Local Area Plan 2022-2028, specifically Objective NHDS2 and Objective NHDS4 which seek the conservation and preservation of European sites. The proposed development therefore is contrary to the proper planning and sustainable development of the area.

Note: In respect of the proposed duplex units, the Board notes the absence of a Housing Quality Assessment, the potential shortfall in internal storage space and/ or private open space for certain duplex units, and the omission of communal open space, refuse storage, and cycle parking spaces from the overall scheme. In the absence of same, the Board cannot be satisfied that the proposed development complies with the applicable qualitative and quantitative standards of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023, and/ or the Cavan County Development Plan 2022-2028 incorporating the Cavan Town Local Area Plan 2022-2028.

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.

Phillippa Joyce

Senior Planning Inspector

29th October 2024

Appendix 1: AA Screening Determination

Appropriate Assessment Stage 1 Screening Determination

Description Of The Project

I have considered the proposed development (project) in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.

Subject Site

The subject site is located at Creighan, in Cavan town, approximately 1.2km south of the town centre. The site is greenfield in nature, comprised of agricultural fields with hedgerow and treelined field boundaries. The site's western boundary is formed by a watercourse, Green Lough Stream. The site is part of a drumlin with notable changes in ground levels from the stream to higher lands along the eastern boundary (differences of up to c.17m). The site drains to the stream, which is lined with dense vegetation along the banks/ within the riparian zone.

Green Lough Stream is a tributary of Cavan River, and the watercourses merge c.700m upstream of the site. Cavan River flows in a northerly direction to the lake complex of Lough Oughter, which contains two European site designations.

Project

The project comprises the construction of a residential scheme of 36 dwelling units, with a new vehicular entrance, internal access road and footpath, and car parking.

In respect of water services, the project involves connections to existing public water networks (including water supply, wastewater drainage (via an onsite pumping station), and surface water drainage), and installation of SuDS features (attenuation tank) with a surface water connection discharging directly to Green Lough Stream (an outfall pipe headwall onto a point on the eastern bank).

Of the site works, the project involves the removal of vegetation, extensive ground excavations and reprofiling (with the construction of retaining walls and a graded slope towards the stream), landscaped open spaces, and an amenity walkway along the course of the stream.

Submissions and Observations

A submission was received from the IFI which raises concerns in respect of construction and operation phase impacts of the project on Cavan River and its tributaries.

Planning authority internal reports on the case file are from the Environment and Waste Management sections. No internal reports were received from the Municipal Engineer and Water Services sections. No submission was received from Uisce Eireann.

The planning authority undertook an appropriate assessment (AA) of the project, screening out the need for AA. An AA screening decision from the previous planning application, PA Ref. 23/176 was relied upon.

Potential Impact Mechanisms From The Project

Site Surveys

The application includes a Construction Environmental Management Plan (CEMP). In terms of site-specific environmental data, this identifies the site as being within the Cavan_010 River Water Body, classified as Moderate Ecological Status, and deemed at risk of not achieving the required target status by 2021 (information sources not stated, pg. 14).

Otherwise, the application does not include any documentation on biodiversity, including on European sites, at or in the vicinity of the site. The applicant has not undertaken an AA of the project, which would involve the preparation and submission of an AASR and, as relevant, a NIS.

No site surveys have been submitted with the application for the project. The presence at and/ or in the vicinity of the site of key ecological receptors, protected habitats and/ or species with links to European sites, is unknown.

The potential for protected habitats and/ species to be present at and/ or in the vicinity of the site arises from the IFI submission. The submission identifies Cavan River and its tributaries as excellent salmonid habitat and suitable lamprey habitat.

European Sites

In the absence of project specific documentation provided by the applicant (e.g., AASR, NIS, EclA), I have reviewed available sources of information (including <https://gis.epa.ie/EPAMaps/>, www.npws.ie NPWS Conservation Objectives and Site Synopsis reports for European sites, www.cavancoco.ie CDP and associated Environmental Reports, mapping sources, online planning register entries, NISs for other projects (see section 4.0 Planning History of this report above)).

Green Lough Stream is a tributary of Cavan River, and the watercourses merge c.700m upstream of the site, which in turn flows in a northerly direction discharging into the lake complex of Lough Oughter. Therein, there are two European site designations, Lough Oughter and Associated Loughs SAC (site code: 000007) and Lough Oughter SPA (site code: 004049).

Specifically, I identify that Cavan River enters Coalpit Lough (Lough Oughter and Associated Loughs SAC) c.6.9km upstream of the confluence point (i.e., c.7.6km upstream of the site), and Derrygid Lough (Lough Oughter SPA) c.7.8km upstream of the confluence point (c.8.5km upstream of the site).

As such, I identify that there are indirect hydrological (surface water) and ecological (salmon, lamprey, otter) connections between the subject site and both Lough Oughter and Associated Loughs SAC and Lough Oughter SPA. I consider these two European sites as being within the zone of influence of the project, with the effects on which requiring assessment in this screening determination.

I confirm to the Board that I do not identify any other European sites as being within the zone of influence of the project. This is due to the qualifying interests (QIs) and conservation objectives of other European sites, the separation distances involved, and the absence of any meaningful pathways/ connections to same.

Effect Mechanisms

I have had regard to the subject site’s features and location, the project’s nature and scale, and the indirect hydrological and ecological connections. In so doing, I consider the following impacts and effect mechanisms require examination for implications for likely significant effects on the two identified European sites.

The indirect impacts and effect mechanisms are as follows:

- A) Surface water pollution during the construction phase
- B) Surface water pollution during the operation phase
- C) Habitat loss/ deterioration and species disturbance during the construction phase
- D) Human disturbance and species displacement during the operation phase

European Sites At Risk

Table 1: European Sites at risk from impacts of the proposed project			
Effect mechanism	Impact pathway/ Zone of influence	European Site(s)	Qualifying/ Conservation interest features at risk
A) Surface water pollution during construction phase	Impact via a hydrological pathway	Lough Oughter and Associated Loughs SAC (site code: 000007)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Bog woodland [91D0]

B) Surface water pollution during operation phase	Impact via a hydrological pathway		Lutra lutra (Otter) [1355]
C) Habitat loss/deterioration and species disturbance during the construction phase	Impact via an ecological pathway		
D) Human disturbance and species displacement during operation phase	Impact via an ecological pathway		
A) Surface water pollution during construction phase	Impact via a hydrological pathway	Lough Oughter SPA (site code: 004049)	Great Crested Grebe (Podiceps cristatus) [A005]
B) Surface water pollution during operation phase	Impact via a hydrological pathway		Whooper Swan (Cygnus cygnus) [A038]
			Wigeon (Anas penelope) [A050]
			Wetland and Waterbirds [A999]

Identification of likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the Conservation Objectives 'alone'

European Site and qualifying feature Lough Oughter and Associated Loughs SAC (site code: 000007)	Conservation objective	Could the conservation objectives be undermined (Y/ N)?			
		Effect A	Effect B	Effect C	Effect D
Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	<i>To restore the favourable conservation condition of...</i>	Y	Y	Y	Y

Bog woodland [91D0]	<i>To maintain the favourable conservation condition of...</i>	Y	Y	Y	Y
Lutra lutra (Otter) [1355]	<i>To maintain the favourable conservation condition of...</i>	Y	Y	Y	Y
European Site and qualifying feature Lough Oughter SPA (site code: 004049)	Conservation objective	Could the conservation objectives be undermined (Y/ N)?			
		Effect A	Effect B	Effect C	Effect D
Great Crested Grebe (Podiceps cristatus) [A005]	<i>To maintain or restore the favourable conservation condition of...</i>	Y	Y	N	N
Whooper Swan (Cygnus cygnus) [A038]	<i>To maintain or restore the favourable conservation condition of...</i>	Y	Y	N	N
Wigeon (Anas penelope) [A050]	<i>To maintain or restore the favourable conservation condition of...</i>	Y	Y	N	N
Wetland and Waterbirds [A999]	<i>To maintain or restore the favourable conservation condition of...</i>	Y	Y	N	N

Effect Mechanism A (surface water pollution during the construction phase)

- Construction phase activities at/ in the vicinity of the surface watercourse, Green Lough Stream a tributary of Cavan River, include extensive site excavation works, removal of vegetation, ground reprofiling, development of a graded slope and landscaped open spaces, construction of an amenity walkway along the course of the stream, and installation of a surface water drain connecting the attenuation tank to an outfall point with a headwall on the eastern bank of the stream.
- The application does not include an AASR, NIS, EclA, SSFRA, Water Services Engineering Report, and/ or RWMP. The CEMP and Design Statement have omissions and/ or inconsistencies in information.
- The presence at and/ or in the vicinity of the subject site of key ecological receptors, protected habitats and/ or species with links to European sites, is unknown.
- Insufficient objective information has been provided by the applicant and therefore the likelihood of a significant effect(s) of the project on (a) European site(s) due to surface water

pollution (silt/ hydrocarbon/ other contaminated material) during the construction phase cannot be reasonably excluded.

Effect Mechanism B (surface water pollution during the operation phase)

- Operation phase activities at/ in the vicinity of the surface watercourse, Green Lough Stream a tributary of Cavan River, include discharging attenuated stormwater directly to the stream, and operation of an on-site pumping station to discharge collected wastewater to the public foul drainage network.
- The application does not include an AASR, NIS, EclA, SSFRA, Water Services Engineering Report, and/ or RWMP. The CEMP and Design Statement have omissions and/ or inconsistencies in information.
- The presence at and/ or in the vicinity of the subject site of key ecological receptors, protected habitats and/ or species with links to European sites, is unknown.
- Insufficient objective information has been provided by the applicant and therefore the likelihood of a significant effect(s) of the project on (a) European site(s) due to surface water pollution (hydrocarbon/ other contaminated material/ wastewater) during the operation phase cannot be reasonably excluded.

Effect Mechanism C (Habitat loss/ deterioration and species disturbance during the construction phase)

- Cavan River and its tributaries, such as Green Lough Stream, are identified by the IFI as excellent salmonid habitat, and suitable lamprey habitat.
- Otters are a QI species of Lough Oughter and Associated Loughs SAC. Salmon and lamprey are a food source for otters. Otter territories are typically along rivers and lakes, where fish and other prey are abundant, and where the adjacent habitat offers plenty of cover. Otters maintain territories of 1-2km but are known to travel distances of up to 10-15km (NPWS).
- At the time of my site inspection, I noted dense vegetation along the banks/ in the riparian zone of Green Lough Stream within the site. Such conditions could be favourable habitat for otters.
- The application does not include an AASR, NIS, and/ or EclA.
- The presence at and/ or in the vicinity of the subject site of key ecological receptors, protected habitats and/ or species with links to European sites, is unknown.
- Insufficient objective information has been provided by the applicant and therefore the likelihood of a significant effect(s) of the project on Lough Oughter and Associated Loughs SAC due to habitat loss/ deterioration (i.e., adverse impact on salmon and/ or lamprey species in Green Lough Stream and/ or Cavan River (food sources for otters)) and species disturbance (of otter due to ground excavations, reprofiling, removal of vegetation,

landscaping, installation of infrastructure at/ within the riparian zone of the stream) during the construction phase cannot be reasonably excluded.

Effect Mechanism D (Human disturbance and species displacement during the operation phase

- Operation phase activities at the site include human disturbance (i.e., noise, light, vehicular movements) of habitats in the territory of otters associated with the use of the amenity walkway adjacent to Green Lough Stream, public open spaces, and remainder of the scheme.
- The application does not include an AASR, NIS, and/ or EclA.
- The presence at and/ or in the vicinity of the subject site of key ecological receptors, protected habitats and/ or species with links to European sites, is unknown.
- Insufficient objective information has been provided by the applicant and therefore the likelihood of a significant effect(s) of the project on Lough Oughter and Associated Loughs SAC due to human disturbance and species displacement (directly of otter and/ or indirectly of salmon and/ or lamprey in Green Lough Stream and/ or Cavan River (food sources for otters)) during the operation phase cannot be reasonably excluded.

Based on the foregoing, I find that there is insufficient objective information submitted with the application and appeal to allow the Board to conclude that the project 'alone' would not adversely affect the integrity of the European sites in view of the sites' qualifying interests and conservation objectives.

Similarly, I consider that in the absence of sufficient objective information, that there is a realistic risk that the sites' conservation objectives could be undermined by in-combination effects with other plans and projects (e.g. the connection with and use of the amenity walkway by the adjacent Creighan Manor estate, and additional surface water discharges to Green Lough Stream and Cavan River from several other developments, identified in section 4.0 Planning History above).

Appropriate Assessment: Stage 1 Conclusion – Screening Determination

On the basis of the information submitted with the application and appeal, with particular regard to effects arising from surface water pollution, habitat loss or deterioration, and species disturbance associated with construction works and operation activities, and in the absence of an Appropriate Assessment Screening Report and/ or Natura Impact Statement, the Board cannot be satisfied that the project individually, or in combination with other plans or projects would not adversely effect the integrity of European sites Lough Oughter and Associated Loughs SAC (site code: 000007) and/ or Lough Oughter SPA (site code: 004049) in view of the sites' qualifying interests and conservation objectives. In such circumstances, the Board is precluded from granting permission for the project.

Inspector: _____

Date: 29th October 2024

Appendix 2: EIA Pre-Screening

ABP Case Reference	ABP 319134-24		
Proposed Development Summary	36 dwelling units, entrance, internal road, connections to public water services networks, on-site pumping station, SuDS with a stormwater discharge, open spaces, a graded slope, an amenity walkway, and all associated site works.		
Development Address	Creighan, Cavan, Co. Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	✓
		No	
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			EIA Mandatory EIAR required
No	✓		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)	Conclusion
No			
Yes	✓	Class 10(b)(i): threshold of 500 dwellings Class 10(b)(iv): threshold of 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 Q.4
4. Has Schedule 7A information been submitted?			
No	✓	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: 29th October 2024

Appendix 3: EIA Preliminary Examination

An Bord Pleanála Case Ref	ABP 319134-24	
Proposed Development Summary	36 dwelling units, entrance, internal road, connections to public water services networks, on-site pumping station, SuDS with a stormwater discharge, open spaces, a graded slope, an amenity walkway, and all associated site works.	
Development Address	Creighan, Cavan, Co. Cavan	
<p>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.</p> <p>his preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/ No/ Uncertain
<p>Nature of the Development. 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>Proposal is residential in nature, of a scale and intensity that would be consistent with the existing pattern of residential development in the vicinity.</p> <p>Proposal would not give rise to waste, pollution or nuisances that would differ from that arising from other residential developments in the receiving environment which would be subject to similar construction and operation conditions, or to a risk of major accidents or risks to human health.</p>	<p>No</p> <p>No</p>
<p>Size of the Development 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 and / or permitted projects?</p>	<p>Proposal is of a scale (36 residential units) and on a site of a size (c.2.31ha), both metrics notably below the mandatory thresholds for EIA.</p> <p>Proposal is of a nature, scale and intensity that significant cumulative effects on the environmental components (i.e., population, human health, landscape, traffic, water services) are not considered likely or reasonably anticipated. E.g. proposal results in an increase of c.98 persons in a town with a population of 11,741 persons (based on Census 2022 data for Cavan).</p>	<p>No</p> <p>No</p>
<p>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, or protected species?</p>	<p>The proposed development is located adjacent to Green Lough Stream which is a tributary of Cavan River, and there are indirect hydrological and ecological connections to the European sites in Lough Oughter between c.7.6km-8.5km upstream of the site.</p>	<p>No</p>

<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>Potential Appropriate Assessment (AA) issues arise due to inadequate information being provided to allow the proposed development to be screened out for AA or the mitigation measures/ conditions being relied upon to be tested for their voracity. However, these issues are specific to the AA process and are not applicable to the much wider scope of the EIA environmental components. There are no known, established ecological sensitivities and/ or protected species at the site, the impact on which by the proposed development would be such to require an EIA.</p> <p>No potential for significant effect on landscape, archaeological or cultural heritage...</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: 29th October 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)