



An
Bord
Pleanála

Inspector's Report

ABP-319355-24

Development	To close 2 vehicular entrances to either side of dwelling and form vehicular entrance together with associated site works.
Location	Ballinlough, Belturbet, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2360332
Applicant(s)	John O'Reilly.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Stephen Shanaghy.
Observer(s)	None.
Date of Site Inspection	29/11/2024.
Inspector	R Taylor

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is in the rural area in Ballinlough, Belturbet, approximately 2km east of Belturbet Town. The site is to the south of the public road, the R197. There is an existing detached 1.5 storey dwelling finished in render and two vehicular entrances on the site. The existing dwelling is sited close to the road and has been extended at the rear. One entrance is located adjacent to the western site boundary, and has narrow dimensions, with the other adjacent to the eastern boundary adjacent to the dwelling. There is a low boundary wall approximately 1.2 metres in height along roadside boundary frontage. There are several small outbuildings to the rear of the dwelling.
- 1.2. The site is broadly “L” shaped and surrounds a large detached commercial/industrial building. The site extends to the rear and east from the dwelling. Boundary treatment between the site and adjacent industrial building comprise hedgerow planting interspersed with trees. There are several small outbuildings further to the rear of this industrial building adjacent to the rear/ southern site boundary.
- 1.3. The eastern section of the site largely comprises grass and landscaped areas. A gravelled hardstanding area has been constructed within the site, extending from the roadside boundary to the rear of the adjacent building. The roadside boundary of the eastern section of the site comprises typical field hedgerow vegetation and is approximately 1.5m in height. This section of the site is slightly lower than the adjacent road by approximately 1 metre.
- 1.4. The topography of the site and immediate area is broadly level.

2.0 Proposed Development

- 2.1. The proposal is described as “to close 2 vehicular entrances to either side of dwelling and form vehicular entrance together with associated site works” and includes the following:
 - The entrance is to be formed within an existing typical field hedgerow.
 - Entrance includes rendered walls to each side of the opening 1m in height with pillars 1.2m in height and includes gates, hardsurfacing and drainage.

- Approximately 35m of hedgerow is to be removed. Approximately 25m of replacement hedgerow will be provided.
- The entrance is 4m in width, with setback and visibility sightlines of 3m x 160m.

3.0 Planning Authority Decision

3.1. Decision

Cavan Council issued a notification of decision to grant permission on 23/02/2024 subject to four conditions.

3.1.1. Conditions (summarised):

1. Development to be carried out in accordance with the plans and particulars;
2. New entrance design to incorporate a list of five design stipulations including entrance set back 4 metres from the roadside boundary and a maximum width of four metres, no part to exceed 1.2 metres in height, and finishes shall be in keeping with rural character;
3. Design stipulations for the area between the entrance and new boundary and the road relating to construction and drainage requirements to prevent flooding and frost damage;
4. Within one month of the completion of the new vehicular entrance, the existing 2 entrances shall be permanently closed, and the boundary walls shall be reinstated by agreement with the planning authority in writing.

3.1.2. Condition 4 attached to the decision constitutes a bespoke condition to the application. The merits of this condition will be considered below. The remaining conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Council's assessment is set out in a single planning report dated 22-02-2024.

- The Municipal District Engineer supports the proposal on road safety grounds, subject to conditions.
- The new entrance and closure of the existing entrances are favourable in terms of Traffic Safety. The design and layout of the proposal is acceptable in relation to the policies and objectives in the development plan.
- A submission from the appellant is considered and concluded there is no direct bearing on the proposal.
- The proposal will not have a significant impact on natural heritage assets and therefore appropriate assessment is not required.
- A development contribution is applicable in accordance with the Council's Development Contribution Scheme 2017-2020.
- It is concluded that the proposal is acceptable and in accordance with the plan. Four conditions are recommended, which are broadly repeated in the notification of decision to grant permission.

3.2.2. Other Technical Reports

- Transport issues - Municipal District Engineer:
- Pre-planning meeting advice indicated no issue with the proposal.
- Concerns with the existing access arrangements, namely reversing onto an 80 kilometre per hour road, limited parking, and the danger for young children entering or exiting a vehicle and walking onto a busy regional road.
- The proposal provides increased visibility from east to west.
- Blocking up the existing entrances will increase safety around the property substantially.
- Drainage of the proposed entrance and maintenance of the hedgerow must be carried out as stated in the site layout plan.

3.3. Prescribed Bodies

- No bodies are referred to in the report.

3.4. Third Party Observations

- None

4.0 Planning History

1696: John O'Reilly: permission to extend and refurbish dormer style cottage, with single and dormer extension, replacement effluent treatment system and percolation and associated site works. (granted)

20378: John O'Reilly: permission to develop new bellmouth vehicular entrance to existing dwelling and associated works. Refused – 1 reason:

1. Contrary to the objectives DMO23, DMO24 and DMO25 in the Cavan County Development Plan (2014 – 2020), would set an undesirable planning precedent for new entrances onto a Regional Road, and creation of a traffic hazard.

Appealed decision and refusal upheld by the Bord.

21/702: John O'Reilly: - retain numerous farm structures and enclosures for the purpose of housing farm animals and machinery, comprising chicken houses, chicken coops, pig enclosures, open sheds, storage sheds etc., access road and associated site development works. Decision status not provided.

5.0 Policy Context

5.1. Development Plan

- The Cavan County Development Plan incorporating a Local Area Plan for Cavan Town, 2022-2028 was adopted by the elected representatives of Cavan County Council at a Special Council Meeting on the 30 May 2022. This Plan came into effect on the 11 July 2022. It has regard to national and regional policies in respect of residential development, transport/road infrastructure and related works.
- Chapter 7 Transportation and Infrastructure:
- General Road Development Objectives:

- GR 01: Planning for significant development proposals should be accompanied with a 'Traffic and Transport Assessment' (TTA) and a 'Road Safety Audit' (RSA) carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines and which are assessed in association with their cumulative impact with other existing and committed developments on the road network.
- GR 02: Require a Traffic and Transport Assessment and Road Safety Audit for any significant development proposing access to the Strategic Road Network.
- GR 03: Require Traffic Assessments for proposed trip intensive developments, as appropriate and in accordance with the TII Publication PE-PDV-02045 - Traffic and Transport Assessment Guidelines.
- GR 04: Promote the carrying out of Road Safety Audits on new road schemes, road and junction improvements, traffic management schemes and private developments as required in accordance with the TII Publication TII-GE-STY-01024 and advice contained in the DoT Traffic Management Guidelines 2019.
- GR 06: New access points onto the public road network shall generally be subject to sight line visibility standards as set out in Cavan County Councils document Sightline Visibility Requirements for Junctions and Direct Accesses as contained in Appendix 4 of this Plan.
- 7.4 Road Infrastructure: 7.4.2 Regional and Local Roads
- Regional and Local Roads Development Objectives:
- RLR01: Facilitate and carry out improvements to sections of regional and local roads that are deficient in terms of alignment, structural condition or capacity, where resources permit, and to seek to maintain that standard thereafter.
- RLR02: Safeguard the carrying capacity and safety of the Council's regional and local road network.
- RLR05: Implement the recommendations of the Design Manual for Urban Roads and Streets (DMURS 2019) in relation to urban streets and roads within the 50/60 kmph zone.

- RLR06: Improve the standards and safety of our Regional and Local Roads and to protect the investment of public resources in the provision, improvement and maintenance of this public road network.
- RLR09: Promote road safety measures throughout the County, including traffic calming, road signage and parking.
- RLR11: Protect strategic regional roads listed in Table 7.3, against development where a maximum speed limit applies, except in exceptional circumstances, in order to protect the carrying capacity and safety of such roads.
- Table 7.3: Non-National & Other Strategic Road Improvement Projects:
- Chapter 12 Rural:12.13 Rural Housing
- 12.13.2.6 Access and Sightlines for Rural Applications:
- (objectives): AS 01: Existing roadside hedgerows and trees shall be retained as much as possible. The entrance shall be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow.
- AS02: New access points onto the public road network shall generally be subject to sight line visibility standards as set out in Cavan County Councils document Sightline Visibility Requirements for Junctions and Direct Accesses, contained in Appendix 4 of this Plan.
- AS03: Restrict the creation of additional access points from new developments or the generation of increased traffic from existing accesses to national roads, to which speed limits greater than 60kmph apply.
- 12.13.2.7 Boundary Treatment in Rural Areas
- (objectives): BT01: Boundary treatment shall reflect local traditions. Traditional dry-stone wall construction or limestone walls with lime mortar, and/or post and wire/ timber fencing back planted with indigenous hedging and pollinator species in accordance with Appendix 23 are encouraged.
- BT02: The design of entrance gates, walls and piers shall be in character with the rural location of the proposed development in terms of height, scale and finish.

- Chapter 13 Development Management
- Appendix 4 Sightline Visibility for Junctions and Direct Accesses
- Appendix 21 Rural Area Types – site within “Stronger Rural Areas”
- Appendix 23 List of Planting and Tree Species
- Other Considerations:
- Environmental Protection Agency Code of Practice : Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) March 2021.

5.2. Natural Heritage Designations

The closest designations are as follows:

Lough Oughter and Associated Loughs SAC site code E0000007. This comprises a network of lakes and waterways. The southern site boundary is approximately 528m at the closest point due north from the shoreline of Commons Lake, which is part of the wider designation.

Lough Oughter SPA site code 0004049. The site is approximately 9.3km northeast of Lough Oughter.

5.3. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant is in ownership of lands immediately adjacent/east to the site which includes a “warehouse” building.

- Conflicting maps are submitted with the planning application and those recorded at Land Registry, and discrepancies in site boundary location between the applicant and appellants lands. The Board are requested to investigate and address these discrepancies prior to making a decision and postpone any decision until this matter is resolved. Copies of Land Registry maps are appended.

6.2. Applicant Response

- The applicant's response is provided by their agent dated 18/04/2024.
- The objector submission to the Council states that the site boundaries indicated on the site layout plan and entrance elevation drawing are correct. A copy of the objector's submission is appended and received by the council on 25/01/2024.
- There is a discrepancy between the legal folios and the boundaries on the ground however these do not relate to the entrance area. The entrance works are within the applicant's folios.
- The matter is not related to planning and the applicant requires a safe vehicular entrance.
- The existing sightlines for both entrances are inadequate/unsafe. This was discussed with the roads area engineer at application stage. Safe sightlines in both directions can be obtained at the new entrance location.

6.3. Planning Authority Response

- The Council provided two responses to issues raised in correspondence from both the applicant and appellant. In summary the council consider the grounds of appeal have no bearing on the proposal. The council request that their decision is upheld.

6.4. Observations

- None received.

6.5. Further Responses

Third Party appellant:

- A further letter dated 17/05/2024 was submitted by the appellant in response to a request from the Board 07/05/2024 for comments regarding the applicant's submission.
- The response is summarised as follows:
- The proposed service road and car parking to the rear of the storage shed is located on a wayleave close a septic tank and percolation area, and outbuildings. Site development works have been carried out over the percolation area and vicinity of the septic tank without any communication. The effluent system may be compromised by the development works. Access to the septic tank has been blocked precluding maintenance by the appellant.
- Permission was previously refused for the same entrance which was upheld by the Board.
- Traffic and development over the way leave will compromise the septic tank and percolation area with risk of pollution and impacts to the environment and public health.
- The applicant uses the layby leading to the appellants storage shed for parking of vehicles.
- The applicant has failed to regularise an error on the shared site boundary which was initiated in 2016.
- A further letter is appended to the submission from the appellant dated 20-05-2024. Further issues include the following:
- The percolation area belonging to the appellants building is underneath a poultry shed. This is a health and safety issue. No livestock should be housed over a percolation area which may enter the food chain.
- No appropriate assessment has been completed regarding impacts from hedgerow removal and related works associated with the proposal.
- A road safety audit should have been undertaken by the applicant.
- The road will generate surface water and cause flooding of the appellant's septic tank and percolation area.
- The proposal does not comply with EPA Code of Practice 2021.

- Appendices include correspondence from a solicitor confirming a right of way for a period in excess of 25 years, a folio map, and site photographs.

7.0 **Assessment**

- 7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:
- a) Land ownership and site boundary issues;
 - b) Planning history, traffic, access, and design issues;
 - c) Surface water impacts & EPA code of practice;
 - d) Conditions;
 - e) Appropriate Assessment;
- a) Land ownership and site boundary issues;
- 7.2. The appellant states that there are inaccuracies with the site boundaries and conflict between the submitted drawings and Land Registry information/records. It is requested that determination of the case is postponed until this issue is resolved. Both the Council and the applicant do not consider this issue of relevance.
- 7.3. Land ownership, site boundaries and associated issues are not a matter on which the Board has jurisdiction, as these matters fall outside planning legislation. Consideration of this case by the Board is not predicated on this issue. The Board is required to determine the appeal in accordance with the legislative provisions as set out in the Planning and Development Act and Development Regulations.
- 7.4. The Land Registry map is noted with an area marked “B” stating that this area is included within the appellant’s folio. There is no other evidence included within the appeal that refers to, or highlights, areas of ownership dispute. The area demarcated “B” is rectangular in shape and located between the gable of the appellant’s warehouse building and eastern site boundary of the applicant’s site. The proposed development is not located within this area. There is a further rectangular shaped area to the south of area B, however this is separated by a marked red line and is

not subject to any annotations. There is a further area highlighted yellow and denoted “Z” to the east and immediately south of the appellants warehouse building. The legend/explanatory notes of the supporting map states this is a wayleave area.

- 7.5. For clarity purposes, the scope of the application is set out within the description of the development and supporting plans. The application relates to a new access, walls, access gate and associated means of enclosure, drainage, and replacement of existing roadside boundary vegetation to facilitate sight lines. The supporting layout plan annotates the features and structures within the site to the rear of the proposed access that are existing and those that are proposed. Existing features include the access road linking the proposed access with the area to the rear of the appellants warehouse building, west of the proposed access, and broadly north of the access road.
- 7.6. The planning status of the access road is unclear from the Council’s planning report. I note from the planning history of the Council’s report there is reference to what appears to be these features within an associated planning application reference number 21/702, as detailed in Section 4.0 above. Details of whether this application is under consideration or concluded have not been provided. However, on the basis of this information, I conclude that these features are either currently under consideration or have been assessed by the Council. However, the merits and any associated impacts of structures and features to the rear/south and southwest of the proposed access and associated entrance walls and sightlines are outside the remit of this appeal.
- 7.7. I have considered all of the evidence in relation to this matter, and I am satisfied that the proposal is not affected by land ownership issues. No part of the proposal is on, or immediately adjacent to, common boundaries with the appellant. The access is approximately 25 metres from the appellants warehouse building at the closest point. Any disputed site boundaries are a civil matter between the relevant parties. The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.

b) Planning history, traffic, access, and design issues;

- 7.8. The appellant refers to a previously refused application by the Council and the Board for a similar proposal.
- 7.9. I have reviewed the case history and associated reports. I note that this decision was made under the previous Development Plan, the Cavan County Development Plan 2014- 2020. That proposal was not supported by the Council's Municipal District Engineer on grounds including need for the access, road safety, and drainage issues. The appeal report also notes that the proposal would result in the removal of a significant length of roadside boundary hedgerow. The proposal also sought to retain one of the existing vehicle entrances adjacent to the western site boundary of the dwelling, with the other entrance adjacent to the eastern boundary closed off.
- 7.10. The current proposal differs from the history case for several reasons. Critically the proposal now involves the permanent closing off of both existing vehicle entrances adjacent to the applicant's dwelling. It is supported by the Council's Municipal District Engineer and the evidence indicates that previous technical issues have been satisfactorily addressed in the revised proposal.
- 7.11. The R197, to which access is proposed, is not listed as a protected route within table 7.3 or listed as having protected status within any other part of section 7 of the plan. The maximum speed limit is not applicable to the R197 and accordingly RLR 11 is not relevant. A new access to this road is acceptable in principle subject to appropriate design details in accordance with requirements set out in the plan, including AS01, AS02, AS03 and Appendix 4.
- 7.12. The proposed visibility sightline access details comprise an 'x' set back distance of 3 metres from the carriageway with 'y' visibility splays of 160 metres. This is in line with relevant requirements set out in appendix 4 of the plan for accesses onto a road with a design speed of 85 kilometres per hour which is applicable in this instance.
- 7.13. Retention of hedgerows is a policy requirement within the plan. The proposal still involves the removal of hedgerow. However, replacement hedgerow planting is proposed. This is further considered below.
- 7.14. The appellant considers that a road safety audit should have been undertaken for the proposal. I have not been provided with any evidence to support the assertion

that the scale of the proposal necessitates such an audit. I note that the Council's Municipal District Engineer did not deem a road safety audit necessary in this case. Whilst I note policy requires a road safety audit for proposals of a certain scale and type as stipulated in GR01-04 inclusive, such audits are for significant development. The proposal does not meet these requirements. As stated above, the proposal also provides the required sightlines and access details in accordance with requirements stipulated in the plan.

- 7.15. Significant weight should be afforded to the improvements to road safety that the proposal will provide by removal of 2 existing accesses, as noted by the Municipal District Engineer. Taking all of these factors into account, I am satisfied that the proposal is in accordance with the plan and is acceptable in regard to road safety.

c) Surface water impacts & EPA code of practice;

- 7.16. The appellant considers that the proposal will adversely impact on adjacent lands from surface water and contrary to the EPA code of practice.
- 7.17. The proposed access is approximately 44.5 metres from the appellant's wastewater infrastructure. Whilst the proposal will involve additional hard surfacing, the extent of surface water generated from the proposal is not likely to be significant.
- 7.18. The appellant has not stated which part of the EPA code of practice that the proposal contravenes. However, their concerns appear to relate to the proximity of the access lane turning area to the appellant's domestic wastewater infrastructure.
- 7.19. The EPA code of practice sets out minimum separation distances from features at table 6.2. It does not refer to access lanes or driveways but stipulates a minimum separation distance of 4 metres between a "road" and a domestic treatment system. The treatment system for the appellants warehouse building is located due south, approximately 21.5 metres from the rear elevation. The proposed new access would be located approximately 44.5m from the appellant's treatment system to the northeast. I consider this is sufficiently separated from the system that no adverse impacts are likely. The appellants comments relate to the adjacent access road, annotated as existing on the plans. As stated above, this does not form part of the proposal that is subject to this appeal and therefore is outside the scope of the appeal.

7.20. The appellant also considers that the proposal will hinder their access and ability to maintain the wastewater infrastructure associated with their property. The proposed access is sufficiently separated from this infrastructure to ensure no adverse impacts. The appellants comments also relate to the adjacent access road. As stated above, this does not form part of the proposal that is subject to this appeal and therefore is outside the scope of the appeal.

7.21. The appellant refers to use of layby parking adjacent to their property. The proposal will not involve any impacts, revisions, or otherwise to this area and is outside the scope of the appeal. I consider this is a civil matter between the parties.

d) Conditions

7.22. Condition 4 of the Council's decision states:

"Within one month of the completion of the new vehicular entrance, the existing 2 entrances shall be permanently closed, and the boundary walls shall be reinstated by agreement with the planning authority in writing."

I consider that this is reasonable and necessary given the Roads policy requirements under RLR 02 which seeks to safeguard the carrying capacity and safety of regional roads and AS03 which restricts the creation of additional access points to roads, to which speed limits greater than 60kmph are applicable. The proposal would also meet RLR 06 which seeks to improve the standards and safety of the Regional and Local Roads network. The timeframe of 1 month for closure of existing access following completion of the new entrance is reasonable. A longer period would be inappropriate as safety could be compromised. However, I consider that the implementation requirement should be revised from "completion" to "operational" for clarity, precision, and road safety.

7.23. I have reviewed the remaining conditions set out by the Council in the notification of decision to grant permission. I consider that they are broadly compliant with the requisite legal tests and are appropriate and necessary.

7.24. I recommend an additional condition that requires the provision and retention of the replacement roadside hedgerows. This is necessary to ensure ongoing biodiversity benefits and to protect the visual amenity of the area. AS 01 requires existing roadside hedgerows and trees shall be retained as much as possible, and the

removal of a minimum extent of existing hedgerow. This was briefly considered in the council planning report, however no condition to this effect was included in the schedule of conditions attached to the decision.

- 7.25. I recommend a further condition limiting the hours of construction to minimise inconvenience to neighbouring residents and to protect amenity.

e) Appropriate Assessment

- 7.26. The appellant also considers that there was no Appropriate Assessment completed regarding the removal of the hedgerow and related works. The hedgerow is not subject to any protected designations. Appropriate assessment relates to the impact of proposals on protected Natural heritage sites. However, as noted above, it is a policy requirement to avoid/minimise removal of hedgerows within the plan. This was briefly considered in the planning report by the council. The proposal includes the replacement of boundary hedgerows which is considered acceptable taking account of the benefit to road safety as discussed above. A condition for replacement and retention of hedgerows is also recommended below which would secure ongoing biodiversity benefits. Appropriate Assessment screening for the proposal is set out at section 8.0 below.

8.0 AA Screening

- 8.1. I have considered the proposed access and associated works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located within a rural area and approximately 528m to the nearest European Site as discussed above.
- 8.3. The proposed development comprises the formation of a vehicular access and associated works as discussed above.
- 8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature of works and limited scale of the development.
 - The site is not within or adjacent to a protected site or feature, and the location and distance from nearest European site and lack of connections.

- 8.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission for the development be granted.

10.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan, incorporating the Cavan Local Area Plan (2022-2028), and to the scale and nature of the development, it is considered that, subject to compliance with the conditions set out below, the development would be in accordance with the provisions of the development plan and would not adversely affect road safety and amenities of the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application received by the planning authority on the 21st of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>The new entrance design shall incorporate the following:</p>

	<p>a) The entrance shall be set back 4 metres from the roadside boundary and shall be a maximum width of 4 metres.</p> <p>b) The new boundary shall be set back in line with the entrance over the full frontage of the site.</p> <p>c) No part of the entrance constructed shall exceed 1.2 metres in height.</p> <p>d) Finishes of the entrance area shall be in keeping with the rural character of the area, i.e. timber, natural stone.</p> <p>e) Any alterations to the entrance and roadside boundary as agreed as part of this condition shall require a separate grant of planning permission.</p> <p>Reason: In the interests of traffic safety and amenity.</p>
3.	<p>The area between the entrance and the new boundary and the road shall be treated in the following manner:</p> <p>a) Existing roadside drainage shall be piped under the entrance and area forward of the new boundary shall be drained with spigot & socket concrete pipes, the diameter of which shall be a minimum of 225mm.</p> <p>b) The area shall be backfilled and graded downwards from the edge of the road at a gradient of 5%, provided with lockable type gullies and a surface water drainage system ('Acco' channel or similar approved) that ensures no surface water flows from the entrance (or layby area) onto the road but is collected and discharged direct to nearby watercourses.</p> <p>c) The area contained within the new entrance (and layby area) shall be constructed with a minimum depth of 400mm layer of Clause 804 and finished in 100mm layer of bitumen macadam.</p> <p>d) The inlets and outlets to piped surface water drainage systems shall be constructed utilising precast or cast in situ concrete lead-in walls, training walls splayed at 45 degrees and shall include concrete aprons upstream and downstream.</p> <p>e) The development of the entrance area and associated frontage works shall ensure that the existing roadside drainage is neither surcharged,</p>

	<p>obstructed or impeded as a result of works carried out and that there is no consequential impounded of surface water on the road.</p> <p>f) All works relating to surface water drainage in association with the entrance and layby area shall be commenced concurrently with other site preparation works including building construction and completed prior to the pouring of foundations for the proposed building.</p> <p>Reason: To prevent flooding and frost damage to the road in the interests of traffic safety.</p>
4.	<p>Within one month of the new vehicular entrance becoming operational, the existing 2 no. entrances shall be permanently closed, and the boundary walls shall be reinstated, by agreement with the Planning Authority in writing.</p> <p>Reason: In the interests of traffic safety, pedestrian safety and proper planning and sustainable development.</p>
5.	<p>(a) Landscaping shall be carried out as detailed on the site plan submitted on 21st of December 2023 unless otherwise agreed. Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing back planted with hedgerow of species native to the area.</p> <p>(b) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: To protect the visual amenity and natural heritage of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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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.

.R Taylor
Planning Inspector

24 January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319355-24		
Proposed Development Summary	To close 2 vehicular entrances to either side of dwelling and form vehicular entrance together with associated site works.		
Development Address	Ballinlough, Belturbet, Co. Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	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)?			
Yes			Proceed to Q3.
No	√		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

