



An  
Bord  
Pleanála

## Inspector's Report ABP-321192-24

---

<b>Development</b>	Construction of 66 apartments in a five-storey building with all associated site works.
<b>Location</b>	Friars Walk, Farnham Road, Cavan, Co. Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2460218
<b>Applicant(s)</b>	Radar Investments Limited
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant permission w. Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Patrick and Mary Malone
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> March 2025
<b>Inspector</b>	Dan Aspell

## **1.0 Site Location and Description**

- 1.1. The site is located off Farnham Road, Cavan town. The Cavan River runs through the site along the western boundary. The south-eastern corner of the site is elevated significantly, with the site sloping down to the western and northern boundaries toward the River. The site is mainly brownfield, was cleared of previous development, and is now overgrown. Mounds of rubble remain on-site.
- 1.2. Farnham Road and a stretch of the western bank of the Cavan River are to the west. A dwelling (Protected Structure) and wooded lands are to the north. The site boundary at this point comprises significant tree growth and a bend in the Cavan River. The raised topography of the south-eastern corner of the site extends onward to the east and south. Greenfield lands comprised of significant tree growth extend to the south. Parking for the Department of Agriculture, Food & Marine offices is to the east. There is a large retaining wall along the eastern boundary associated with those offices. Brookvale House (Protected Structure) is a dwelling with extensive grounds which is located adjacent to the north.
- 1.3. I would characterise the topography of the area as steeply sloping. Building heights in the area are predominantly 2- and 3-storeys.

## **2.0 Proposed Development**

- 2.1. The proposed development generally comprises 66 no. apartments in one block. A vehicular access, road bridge, and internal road are proposed from Farnham Road crossing into the site over the Cavan River. A large area of open space is proposed alongside the River. East of this would be a vehicular turning and parking area, with the proposed apartment block generally in the eastern side of the site, with the main car parking area to the rear of the apartment block adjacent the existing retaining wall.
- 2.2. The proposal also includes:
  - Communal open space; bin and cycle storage; 49 no. parking spaces at surface and under-croft; landscape works; public lighting; planting and boundary treatments;

- ESB substation; foul pumping station with associated infrastructure; attenuation; internal foul, storm and water networks, and ancillary site development works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Cavan County Council issued a notification of decision to Grant permission subject to 39 no. Conditions. Of these Conditions, 17 no. related to demolition and construction management, of which 7 no. related to demolition and construction waste. A total of 9 no. Conditions related to the management of run-off during the demolition, construction and operational phases. I note in particular the following:

- Conditions 6 & 7: Details of public open space and boundary treatments;
- Conditions 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 and 20: Details of road design and management;
- Condition 21: Preparation of Stage 3 Road Safety Audit;
- Condition 22: Adherence to Outline Construction Management Plan;
- Conditions 23 & 39: Adherence to Inland Fisheries Ireland guidance;
- Conditions 24, 25, 26, 27, 28, 29, 30 and 31: Management of runoff, discharges and pollution;
- Condition 32: Management of asbestos waste;
- Condition 33: Site works to accord with Ecological Impact Assessment report;
- Conditions 34, 35, 36 & 37: Construction and demolition waste management;
- Condition 38: Invasive species management.

#### 3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority report recommended permission be Granted, summarised as follows:

- Policy context: Residential development is permitted in principle;

- Ecology: Report notes presence of invasive species despite site clearance;
- Invasive species management: Report is detailed and comprehensive;
- Resource & Waste Management: Report reviews submitted Resource & Waste Management Plan, and notes volume of excavated material to be removed (c.13,503m<sup>3</sup>), and removal of asbestos, invasive species and construction & demolition waste (c.91m<sup>3</sup>) from demolished structure onsite. Conditions are recommended;
- Waste & construction management: Report notes Outline Construction management plan, highlights details, and indicates reports are generally satisfactory subject to review by planning authority internal sections. Conditions are recommended;
- Traffic & travel: The expected traffic generation at this location is less likely to have a detrimental impact on the operational efficiency of the road network. This is supported by the submitted Traffic & Transportation Report;
- Access, roads & parking: No objection in principle to the proposed access. The submitted visibility splays accord with DMURS without encroaching on third-party lands. The proposed modal split is 45% by car and 55% by walking, cycling and public transport. Concerns regarding a deficit in car parking raised in the previous application on the site have been addressed. The approach set out in the Mobility Management Plan is considered to reduce the likelihood of unregulated parking in the area. The planning authority Road Design section is satisfied the application sets out an acceptable rationale for the proposed car parking provision. Conditions are recommended;
- Active travel: The location reduces demand for car trips. Applicant has liaised with the Road Authority in relation to the Council's Active Travel Plans for the R198 outside the site and has indicated the proposals on the site layout plan. Conditions are recommended;
- Road safety: Report notes submitted Stage 1/2 Road Safety Audit and recommends conditions;

- Density, Plot ratio & Site coverage: The proposed density is considered appropriate. Regarding site coverage and plot ratio the proposal is considered acceptable;
- Layout & design: Proposed block is set back from the Cavan River. Comunal open space, play areas, and public open space are proposed. Proposal is assessed in terms of Cavan being the largest town in the County, and in terms of the site location. Site is strategically located to achieve delivery of higher density housing. Proposal is well designed for sunlight, however the scheme cannot fully meet the requirements for daylight and as such compensatory measures are proposed. The layout and finishes break up the building. Proposal is overall acceptable;
- Public and private open space, and landscaping: Proposal includes two areas of open space (Public and communal). Proposals meets the requirements of local policy and national guidelines;
- Landscaping: Proposed landscaping is acceptable, however, limited details of the finish to the retaining wall on site are set out. A condition is required;
- Water services: Site is to be served by existing soul and water networks. Details of proposals in this regard are set out;
- Flood risk: Site is adjacent the Cavan River and an area of the site is identified as Flood Zones A & B. Details of the submitted Site Specific Flood Risk Assessment are set out. The report and justification test accord with national guidelines. Report states it is satisfied in this regard subject to implementation of the recommended mitigation measures;
- Part V: 13 no. 2 bed units are proposed in this regard (20% of 66 no. units). This is considered acceptable;
- Architectural heritage: Brookvale House is a protected structure and is to the north of the site. An Architectural Heritage Impact Assessment was submitted in response to further information. The assessment concludes the development will have no material impact on the special character, curtilage or attendant ground of the protected structure. The planning authority planner report concurs;

- Retaining wall: Computer Generated Images (CGIs), drawings and photomontages submitted set out details of the retaining wall. They demonstrate the retaining wall is setback from the ground floor apartments and incorporation of a sloped planed area. This is considered acceptable;
- Visual amenity & landscape: Submitted CGIs and photomontages show how the development will assimilate into the surrounding landscape and are considered acceptable;
- EIA screening: An EIA screening is set out. The planning authority considered that having regard to the nature, scale and location of development that there would be no significant negative effects on the environment;
- Appropriate Assessment (AA) screening: Report states site is within the Lough Oughter & Associated Loughs SAC and Lough Oughter SPA 'buffer zones'. Report notes applicant submitted an AA screening report and states the report identifies a hydrological pathway to these sites. The report states that having regard to the screening report submitted and the distance to the European Sites and their qualifying interest, that it is unlikely the development would have a significant impact on the nearest European Sites.
- Development contributions: Conditions required.

#### Other Technical Reports

- 3.2.2. Road Design Office: No objection subject to 15 no. conditions.
- 3.2.3. Environmental Services (Waste): Report recommends 7 no. conditions. Report refers to the possibility that some of the rubble on site may contain asbestos.
- 3.2.4. Environment Section: Report considers surface water management and construction management and recommends approval subject to 10 no. conditions.

### **3.3. Third Party Observations**

- 3.3.1. During the planning application stage 1 no. observer is recorded as having made a submission. The issues raised related to the extent of residential development in the area; traffic; substandard design; flood risk; impact on Cavan River; and previous reasons for refusal.

### 3.4. Prescribed Bodies

Uisce Eireann: Submission stated that a Confirmation of Feasibility was issued, and that water and wastewater connections are feasible without upgrades. Regarding wastewater, submission stated that connection will likely require going under the Cavan River and that levels will need to be verified at application stage. Submission recommended standard conditions.

Inland Fisheries Ireland: Report recommended mitigation in relation to storm / surface water; construction management; protection of watercourses in terms of water quality, topography, and habitat; invasive alien species; and preservation of water quality and aquatic habitats. Report noted concerns about the on-going maintenance of privately run wastewater treatment plants and pumping stations and stated that it is not clear from the application who will own, manage, and maintain the pumping station once it is operational.

Transport Infrastructure Ireland: No comment.

## 4.0 Planning History

### 4.1. Subject site

Reg. Ref. 2360313: Application recorded as incomplete. Planning application for a total of 67 no. apartments in 1 no. building. Planning authority issued a Request for Further Information in February 2024. No valid response received.

Reg. Ref. 06991809: Planning permission granted by the planning authority in 2006 for demolition of existing habitable dwelling and all ancillary works.

### 4.2. Nearby sites:

Reg. Ref 2460499: Live planning application for a site to the east across Farnham Road. The application is for construction of 23 no. residential duplex apartments in two separate buildings, (3-storey) consisting of 7 no. one bed apartments at ground level (single-storey), with 16 no. two bed duplex apartments (2-storey) to above, incorporating a commercial unit to ground level, provision of car parking, new

vehicular entrance and access road, and retaining wall structures. Further Information was requested in December 2024.

Reg. Ref. 18280: Planning permission granted by the planning authority in 2018 for demolition of 2-storey extension to the rear of Brookvale House, Farnham Road, and provision of a replacement 2-storey extension. Brookvale is a Protected Structure adjacent the site to the north across the Cavan River.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Cavan County Development Plan 2022-2028 states that it incorporates a Local Area Plan for Cavan Town 2022- 2028, and that the visions, policies, objectives, standards and guidance contained within the Cavan County Development Plan 2022-2028 apply to the Cavan Town Local Area Plan 2022-2028.
- 5.1.2. In the Development Plan the maps 'Cavan Town Local Area Plan 2022-2028' and 'Cavan Town Core Local Area Plan' indicate the site as 'Town Core'. Development Plan Section 14.3 'Town/Village Core' states the objective for this area is to '*Protect and enhance the special physical and social character of the town and village core while providing and/or improving town/village centre facilities*'. Residential development is 'Permitted in Principle' in this area.
- 5.1.3. Core Strategy: Objective KTC04: "*Require sustainable, compact, sequential growth in Cavan Town by consolidating the built-up footprint through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth*";
- 5.1.4. Town Centre: Objective CSD08: "*Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the county*";
- 5.1.5. Density:



- Objective RD03: *“Ensure densities of proposed developments reflect the key attributes and character of the surrounding/ adjoining area”*;
- Objective CSC11: *“Consolidate appropriate town centre uses within the central core, through higher density developments and contemporary design of exceptionally high architectural design quality”*;

5.1.6. Flood risk: Objective CSD02: *“Restrict development in areas at risk of flooding in accordance with the Flood Risk Management Guidelines for Planning Authorities (DoECLG/OPW 2009)”*;

5.1.7. Drainage:

- Objective FDW02: *“Ensure that development will only be permitted in instances where there is sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) of wastewater”*;
- Objective FDW05: *“Ensure new developments provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems where appropriate in new development and the public realm”*;
- Objective FDW06: *“Incorporate the requirement for Sustainable Urban Drainage Systems where appropriate in local authority projects and private development sites”*;
- Objective CP12: *“Encourage the use of materials and engineering solutions that optimise natural surface water drainage as part of Sustainable Urban Drainage Systems (SuDS) (Refer to Strategic Flood Risk Assessment) associated with large scale car parks”*;

5.1.8. Movement: Objective CSD06: *“Promote the integration of land use and transportation policies and to prioritise provision for cycling and walking travel modes and the strengthening of public transport”*;

5.1.9. Character: Objectives ISUA01, and ISUA02 which states: *“Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways”*;

5.1.10. Cavan River and Linear park: Objective RSL01: *“Applications for new developments shall clearly demonstrate, as part of their application, how they have maintained waterways free from development in an environmentally and aesthetically sensitive manner. This shall include: The identification of a minimum of 10 – 20 meters either side of the waterway which shall be maintained free from development; Proposals to ensure the maintenance of riparian habitats; Proposals for the creation of linear parks and wildlife corridors and connections to existing ones; Identification of existing public rights of way and walking routes; Proposals to ensure such areas are accessible to all”*;

5.1.11. Ecology:

- Objective NHND1: *“Support the protection of nondesignated sites and acknowledge the need to protect non-designated habitats and landscapes and to conserve biological diversity”*;
- Objective NHND5: *“Require an Ecological Impact Assessment (EclA) for any proposed development which have a significant impact on rare, threatened and or protected species and non-designated habitats of biodiversity value”*;

5.1.12. Masterplan: Objective CPR09: *“Require the preparation of Masterplans 2 and 3 to ensure the orderly and integrated development of these key strategic sites”*; In this regard I note the following Development Plan sections:

- Section 2.2.11 states that: *“Proposals for strategic brownfield and infill sites should be accompanied by a site brief and/or masterplan that sets out a phased programme for the regeneration of the site and demonstrates how the proposal will comply with the National Guidelines, that seek to achieve sustainable compact development and to integrate principles of good urban design and placemaking”*.
- Section 2.2.12 states that masterplans: *“... will establish strategic planning principles for each area as per its specifications below. They will set out an overall urban design framework for the development of the area. The Planning Authority will take a lead role in the preparation of masterplan, in conjunction with all other relevant parties, masterplans shall be agreed prior to lodgement as part of any Planning Application. Notwithstanding, the fact that the lands have been zoned in the Plans, no significant planning permission for*

*development will be granted until the Masterplan for development of the area, as a whole, has been agreed with the Planning Authority”;*

- *Section 2.2.12.3 states: “The Cavan Town Local Area Plan requires the preparation of a Masterplan for the area to the west and north west of Farnham Street to incorporate appropriate mixed use that will improve town core vitality and viability. Development in this location must ensure that the redevelopment of the area respects the existing street layout and prevalent design features of Farnham Street. The need and quantum of such uses shall be identified as part of the Masterplan preparation. Vehicular and pedestrian access to and from the site to the Masterplan shall be clearly defined, as well as, provision for a public car park. Views and vistas to the Cathedral from elevated points of the towns shall be a key consideration. Proposals shall ensure the residential amenities of existing and future residents are protected and details of traffic impacts and road safety shall be included. Safe and accessible linkages shall be of paramount importance along with appropriate design and sufficient public realm. Piecemeal development will not be permitted, only an overall integrated proposal will be acceptable. Proposals for the site shall be subject to the Environmental, Natural and Built Heritage policies and objectives of this Plan. Details of how the Masterplan will address Sustainable Design Principles shall be clearly addressed in the Masterplan. The Masterplan shall be prepared in conjunction with relevant departments of Cavan County Council. On completion, the Masterplan shall be submitted to the Planning Authority for approval prior to the submission of any substantial planning application.”*

## **5.2. National guidelines and strategies**

Sustainable Residential Development & Compact Settlements 2024

National Biodiversity Action Plan 2023 (including its Objectives and Targets)

Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects, EPA 2021

Planning for Watercourses in the Urban Environment, Inland Fisheries Ireland, 2020

Urban Development and Building Heights Guidelines for Planning Authorities 2018

Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, Inland Fisheries Ireland, 2016

Architectural Heritage Protection Guidelines for Planning Authorities 2011

Planning System & Flood Risk Management Guidelines 2009 (OPW)

Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites, Eastern Regional Fisheries Board, 2009

### **5.3. Natural Heritage Designations**

- 5.3.1. The subject site is approximately 2.9km south-east of Lough Oughter and Associated Loughs SAC and approximately 3.0km south-east of Lough Oughter Complex SPA.

## **6.0 Environmental Impact Assessment screening**

- 6.1.1. The applicant submitted an 'EIA Screening Report'. Section 6 concluded the development will not be likely to have significant effects on the environment. The EIA Screening was against Schedule 7 criteria and stated that information provided pertaining to Schedule 7A of the Planning and Development Regulations 2001, as amended. As the applicant included information in Schedule 7A and Article 103 of the regulations an EIA Screening Determination is required. Please See Appendix 1 Forms 1 & 3 where I have determined the following: Having regard to:

(1) the criteria set out in Schedule 7 and 7A, in particular:

(a) the limited nature and scale of the proposed apartment development, including soil removal, in an established urban area served by public infrastructure;

(b) the absence of significant environmental sensitivity in the construction area, and the location of significant development outside of the Cavan River;

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended);

(2) the results of other relevant assessments of the effects on the environment submitted by the applicant;

(3) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment;

It is concluded the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required (See Forms 1& 3 Appendix 1).

## **7.0 The Appeal**

### **7.1. Grounds of Third-Party Appeal**

7.1.1. One third party appeal was received, the main points of which are summarised as follows:

- Administrative issues: No letter of authorisation from the owners is submitted;. The planning authority further information request was not responded to properly. The appellant / owner of Brookvale House was not consulted;
- Points of law: The address is incorrect and should have been invalidated. Cavan County Council stand to benefit from granting permission and there is a perception of bias. Consent from the OPW for building over the Cavan River was not provided and as such the application should be invalidated;
- Habitats Directive and Appropriate Assessment Screening: No scientific evidence was provided. The planning authority planner report expresses an opinion. Appropriate Assessment screening should have been carried out;
- Design: Proposal is a poor design concept. The design lacks a distinct architectural style or features, and is substandard. A 5-storey building is out of character with the area. Proposal will overlook parts of Brookvale House. Proposal provides little public space;
- Building line: The building line of Brookvale House and Brookside Estate will be broken. Proposal contravenes objective ISUA02 of the development plan. Proposal will depreciate the value of properties in the vicinity. Proposal will not integrate with the area;

- Density: Proposal is contrary to the 2009 Sustainable Residential Development in Urban Areas Guidelines. The site area is incorrect. The density is contrary to the development plan;
- Traffic: Nearby development including the application across the road from the site for 23 no. dwellings (Ref. 2460499) are not mentioned in the application or road safety audit. Together these developments will exacerbate traffic congestion along the road and on the deficient local transport network. Parking on site is insufficient and will causes issues;
- Noise / Disturbance: Proposal will give rise to light pollution and will damage the peace of dwelling Brookvale House;
- Amenity areas: The amenity areas proposed fall below what is required;
- Proposed site: The site was cleared of previous development including trees which was environmental vandalism. Proposal relies on tree outside the site to soften the impact of the development. The visual amenity of Brookvale House will be compromised;
- Sewage: Appeal concurs with Inland Fisheries Ireland. The Cavan River is under threat from malfunctioning pumping stations. Appeal raises issue of management by Uisce Eireann and a management company, and potential impacts on Lamprey which are a protected species;
- Ecological assessment: The ecological assessment was carried out after the dwelling on site was demolished. As such it is not surprising that the baseline findings is zero. The report does not refer to Lamprey and as such it is difficult to have confidence in the report. Japanese Knotweed on site is serious issue for Brookvale House. The report does not reference the relevant laws in this matter. The presence of asbestos rubble on site is alarming. Appeal queries proposals for disposal of asbestos;
- Flooding: There is a high risk of flooding in the area and a history of flooding;
- Apartments: The proposal is contrary to the development plan as the plan advocates such developments should be in the town centre;
- Contravention of Development Plan: The development plan (objective CPR09) requires preparation of a masterplan for this area. There is no evidence this has

been done. As such the proposal is premature and contravenes the development plan. The development plan (Para. 14) also requires a linear river walk. The proposal contravenes this objective and undermines any possibility of it being achieved. The building design also contravenes the plan (para. 26). The site is in a flood zone and contravenes the development plan (para 29);

- Architectural Heritage and Brookvale House: Proposal will undermine enjoyment of Brookvale House as a protected structure. The Council has a duty of care to protect Brookvale House. Appeal queries the submitted Architectural Heritage Impact Assessment. Permitting the development would contravene the development plan.

## **7.2. First-Party Response to Third-Party Appeal**

7.2.1. A first-party response to the third-party appeal was received. A summary of the main points is set out below:

- Site: The appeal comprises a number of statements that are entirely unsupported by evidence. The site previously had permission for 70 no. apartments;
- Height & layout: The height is appropriate for the location and context.
- Proposed accommodation: Proposal meets or exceeds all requirements of the Apartment Guidelines;
- Open space & landscaping: A range of spaces have been provided;
- Design & materials: Proposal balances visual interest and sense of place;
- Access & parking: Proposal increases provision from the previous application on site. Restriction on parking are provided in the County Development Plan and national Guidelines;
- Services: Proposal to connect to existing services. Irish Water raised no objection;
- Taking in Charge: Proposal has been designed to allow for taking in charge. A condition in this regard is acceptable;
- Part V: 20% of the units (13 no.) are proposed;

7.2.2. The response sets out a response to each of 17 no. grounds of appeal, summarised as follows:

- Administrative issues: The required authorisation was submitted with the application but not available on the Council planning portal;
- Points of law: The stated address matches the address as given on the Eircode database. Appellant comments that the Council stand to benefit and have a conflict of interest are incorrect and arbitrary. The OPW do not own any portion of the river and as such their consent is not required;
- Appropriate Assessment screening: An AA screening report was submitted. The correct determination by the Board should be that the proposal will not have a significant effect on any Natura 2000 site;
- Design: The design is wholly appropriate;
- Building line: The proposed design is ideal to achieve infill and be set back from the River. There is no established building line along this stretch of Farnham Road. Policies ISUA01 and ISUA02 are not offended;
- Density: The guidelines referenced by the appellant are no longer in effect. Proposal complies with the development plan and Compact Settlement Guidelines;
- Traffic: The submitted Traffic & Transportation Assessment demonstrates the development can be supported by existing road infrastructure, and that the proposed parking provision conforms with relevant standards, including DMURS. The planning authority road engineers were fully satisfied in this regard;
- Noise / Disturbance: The appellant's dwellings is adjacent Farnham Road which has passing traffic and street lighting. Traffic on Farnham Road is far more significant than for the subject site. Proposal will have a negligible effect in comparison. Response sets out details of the proposed lighting layout plan. Site is in an urban context and no unacceptable noise levels will arise from the proposed apartments;



- Amenity areas: Proposal incorporates communal, play and public open space, with public open space being 18.5% of the site area. The proposal meets the Apartment Guidelines and Development Plan public open space requirements;
- Site context: The proposed design is wholly appropriate for the zoning, local policy context and national guidelines;
- Sewage: Irish Water have confirmed capacity and design particulars are to their satisfaction. The use of pumping stations is common practice where gravity connection is not achievable. This will be the responsibility of Irish Water at completion stage. This can be addressed by condition;
- Ecological assessment: The appeal fails to recognise both the Ecological Impact Assessment report and Invasive Species Management Plan incorporate mitigation and best practice measures to facilitate the development. The rubble on site does not consist of asbestos. The rubble will be removed in accordance with the submitted Resource & Waste Management Plan;
- Flood risk: Some of the information submitted by the appellant is misleading. The appeal fails to take account of the submitted Site-Specific Flood Risk Assessment findings and mitigation;
- Apartments: The development accords with the Town Centre zoning and Apartment Guidelines. Response highlights the low number of apartments granted in the County in recent years;
- Contravention of development plan: The response states the site is not located in the masterplan area referred to by the appellant. The only local objective that applies to the site is local objective 14 which is for a linear river walk. The proposal complies with this requirement by providing a generous separation distance from the river. No County Development Plan contravention arises;
- Impact on Brookvale House: The proposal is set back from Brookvale House. The submitted Architectural Heritage Impact assessment found no significant impacts in this regard would occur, which the planning authority concurred with.

### 7.3. Planning Authority Response

7.3.1. Response received 3<sup>rd</sup> December 2024 requests the Board uphold the planning authority decision.

### 7.4. Observations

7.4.1. None.

## 8.0 Assessment

8.1. Having regard to the foregoing; having examined the application, appeal and planning authority reports; having inspected the area within and around the site; and having regard to relevant adopted development plan policies and objectives, I consider the main issues in this appeal are as follows:

- Principle of development;
- Flood risk;
- Ecology, including impact on the Cavan River;
- Water and drainage;
- Appropriate Assessment screening;
- Related matters raised in the course of the appeal.

#### Principle of development

8.2. Within the Cavan County Development Plan 2022-2028, which incorporates a Local Area Plan for Cavan Town 2022- 2028, the site is identified as 'Town Core'. Residential development is 'Permitted in Principle' in this area. I am satisfied the proposed land use is acceptable in principle.

#### Flood risk

8.3. I note the appellant's points in relation to flooding in the area.

#### *Submitted information*

8.4. The applicant submitted a 'Stage 3 Site Specific Flood Risk Assessment' incorporating a Justification Test. The report concluded the proposed development,

subject to implementation of the identified mitigation measures, would not pose a flood risk and would not exacerbate flooding in the vicinity of the site or wider area. I note the following points from the assessment:

- The assessment indicated parts of the site are in Flood Zones A & B. It considered flood risk on the site under pre- and post-development conditions. The report included a growth factor in the estimated design years flows to allow for increased rainfall and runoff associated with climate change;
- The assessment demonstrated the post-development flood risk area broadly aligns with the public open space proposed alongside the River. It stated the majority of the site is unaffected by flooding and that all vulnerable development proposed is to be in Flood Zone C. It stated the proposed bridge is to have a soffit level of +58.9m OD, and that all parts of the access road and parking/servicing spaces are all to be raised above maximum expected flood levels. It confirmed that expected flood extents will not encroach onto the proposed road bridge;
- The assessment noted that a marginal amount of footpath and raised landscaping would overlap with the expected Flood Zone B extent, but confirmed that no building footprint would overlap with Flood Zone B;
- The assessment considered the impact of the proposed road bridge on flood risk in the area. It stated that part of the access road structure would be in Flood Zone A and B and that due to required access levels this will lead to minor infill of the 1.0% AEP and 0.1% AEP floodplains. It stated the proposed road and car parking in the northern portion of the site are to be raised off the ground by concrete beams which allow the flood waters to flow underneath, so that only some of the concrete beams are to be situated within the 1 in 100-year flood zone. A low retaining wall is proposed to surround the footpath / landscape areas which are raised out of the flood zone. It stated the road bridge will allow river flows to pass through unimpeded. It stated that in line with OPW Guidelines, Flood Compensatory Storage is required to balance the displaced floodwater by re-profiling existing ground levels within the site to ensure no increased flood risk elsewhere;

- In terms of flood risk mitigation, the assessment stated that a precautionary compensatory storage area is proposed to offset the marginal loss of floodplain (c.13m<sup>3</sup>) from the proposed road bridge works. The report states the compensatory volume (c.26m<sup>3</sup>) is over twice that of the expected volume lost. The report states that as a result no increase in flood levels will occur upstream or downstream of the site.

- 8.5. The assessment concluded that the development overall is not at risk of flooding, provides more than sufficient freeboard, and will not cause any increase in flood risk elsewhere, and further that no increase in upstream or downstream flood flows will occur as a consequence of the development including installation of the bridge.
- 8.6. The assessment noted that should planning permission be granted, the applicant is required to apply to the OPW for Section 50 Consent. It indicated requirements in this regard including regarding impact on hydraulic characteristics of the watercourse and provision of sufficient freeboard are met by the proposed development.
- 8.7. The planning authority planner report noted details of the submitted assessment, including regarding the location of public open space and the proposed block relative to flood extents, compensatory flood management measures, and ground and freeboard levels. The planner report concluded that subject to implementation of the recommended mitigation measures, the proposed development was not likely to be a susceptible to flooding, would not pose a risk to properties in the vicinity, and was compliant with the objectives in the development plan.

#### *Assessment*

- 8.8. I have reviewed the foregoing, including the submitted drawings and site-specific flood risk assessment. The Cavan River flows through the site within the western boundary. The Development Plan indicates an extent of Flood Zone A and Flood Zone B within the site. In broad terms Flood Zone A is restricted to the immediate areas along the banks of the River, with Flood Zone B extending generally over the western third of the site, broadly speaking within the area proposed for public open space. Whilst ground levels in the eastern side of the site are to be lowered to accommodate the proposed block and related circulation, levels in the eastern portion of the site are to remain largely unchanged.

- 8.9. I consider the proposed apartment block, communal open space and associated parking and circulation areas are within Flood Zone C, avoiding areas of higher flood risk, and are sufficiently above and outside the expected A and B Flood Zones. The proposed public open space as water-compatible development is within Flood Zones A & B. I am satisfied the proposed bridge is local transport infrastructure and as such is less vulnerable, and a Justification Test in this regard is provided. The applicant indicates the regard has been had to the requirements of Section 50 of the Arterial Drainage Act in relation to the proposed bridge.
- 8.10. Regarding impact on flood risk in the area, whilst the proposed road bridge and outfall headwall as demonstrated would not be at significant risk of flooding, I note the concrete beams, pads and related works which are to be located above the existing River level would give rise to relatively minor displacement of available flood volumes (c.13m<sup>3</sup>). This is to be compensated by provision of compensatory flood storage volume within the site above the current water level (c.26m<sup>3</sup>). I consider these volumes are relatively minor, well account for, and acceptable having regard to the provisions of the Flood Management Guidelines. Works are proposed to occur during the summer months at times of lower water levels. Overall I am satisfied the submitted flood risk assessment demonstrates the proposed residential development would not be at significant risk of flooding, and that there would be increased flood risk either up or down river as a result of the development.

#### *Flooding - Summary*

- 8.11. Overall I am generally satisfied with the proposal in this regard and consider that it broadly aligns with Development Plan and Flood Risk Management Guidelines requirements in this regard. I note that relatively minor areas of proposed external circulation are expected to fall within the expected Flood Zone B. I am satisfied major alterations or flood related structural work or significant relocation of development are not required. I am satisfied with the information submitted in this regard, subject to a condition requiring implantation of the proposed mitigation.

#### Water and drainage

- 8.12. The application includes a report entitled 'Foul, Surface Water and Water Supply, Attenuation Calculations and Details' and accompanying drawings prepared by the applicant's engineers.

### *Surface water drainage*

- 8.13. Regarding surface water management during the operational stage, the report sets out details of sustainable urban drainage system proposed to accommodate surface water from the proposed road bridge, parking & circulation areas, and apartment block. The block will incorporate a green roof system. The road and parking areas will drain to permeable paved parking areas. An attenuation tank is proposed within the turning area adjacent the site access. It is sized to cater for the 1-100 flood event with a 20% climate change capacity excess. The attenuation system also incorporates pre-treatment as well as oil interception prior to soil infiltration and discharge. Attenuated surface waters are to drain to the Cavan River, with discharge flows restricted to less than 5l/s.
- 8.14. In relation to surface water, the planning authority Environment Section report stated no objection subject to surface water and runoff related conditions.
- 8.15. In broad terms I am satisfied the surface water drainage proposals are acceptable and incorporate suitable sustainable urban drainage systems in line with Development Plan Objectives FDW05, FDW06 and CP12, including appropriate attenuation prior to discharge to the Cavan River. I consider this to be acceptable subject to standard conditions for the agreement of design details with the planning authority.

### *Foul drainage*

- 8.16. Regarding foul drainage, I note the appeal points regarding the management of wastewater pumping stations and potential impacts on the Cavan River.
- 8.17. The application proposes to connect to the public mains along Farnham Road. An Irish Water Confirmation of Feasibility letter was submitted with the application. It states wastewater connection is feasible without infrastructure upgrades. I note the letter states wastewater connection will likely require going under the Cavan River and that levels will need to be verified. A submission from Irish Water was received by the planning authority reiterating these points.
- 8.18. The submitted 'Foul, Surface Water and Water Supply, Attenuation Calculations and Details' report addresses this latter matter. It states the foul connection is within the public road on the opposite side of the Cavan River, and that due to this, and to the levels on site, it is not possible to discharge to this line using gravity sewers only. As

such a pumping station is proposed within the public open space, and to pump foul water to the main line along a pipe in the proposed entrance road bridge.

- 8.19. I note the Inland Fisheries Ireland submission in this regard. It states concern regarding the on-going maintenance of privately run pumping stations and states that it is not clear from the application who will own, manage, and maintain the pumping station once it is operational. The submission states no objection subject to conditions in relation to amongst other items, the protection of watercourses.
- 8.20. In their response to further information the applicant sets out commentary in this regard (Genesis Planning Consultants Planning Statement, Section 1.8.21). It states the pumping station is to be operated by a management company but indicates a willingness for this infrastructure to be taken in charge, however I note the text of the report is incomplete in this regard and does not set out details. No taking in charge drawing is on the case file.
- 8.21. I note Irish Water state that confirmation of levels in relation to wastewater connection within Farnham Road was required. The applicant's engineer sets out details as to why a gravity connection is not possible and why pumping is required. Inland Fisheries Ireland state a concern in this regard but state no objection subject to conditions. I am satisfied that the proposal is acceptable in this regard and complies with Development Plan objectives FDW02 and FDW05 subject to standard conditions for agreement with Irish Water, conditions in relation to taking in charge proposals, and conditions for the detailed design of the proposed arrangement and final location of the proposed pumping station.

#### *Water supply*

- 8.22. Regarding water supply, the Irish Water Confirmation of Feasibility letter submitted with the application states water supply connection is feasible without infrastructure upgrades. I consider this is acceptable subject to standard conditions as recommended by Irish Water.

#### Ecology

- 8.23. In relation to ecology, I note the appellant points in this regard, including that the application does not refer to Lamprey in the Cavan River, and raises concerns in relation to the management of Japanese Knotweed, including that no reference is made to the law as it pertains to this matter.

*Submitted information*

- 8.24. An Ecological Impact Assessment Report (EclA) from the applicant's ecologist is submitted in response to further information. The applicant also submitted an Environmental Impact Assessment Screening Statement, Invasive Species Management Plan, and Construction Management Plan.
- 8.25. The EclA report assesses potential effects of the proposed development on habitats and species on and adjacent the site. The report incorporates a habitat field survey and includes a bat roost assessment; bird surveys; and general fauna surveys including in relation to mammals, amphibians and other fauna as well as invasive species. The report considers the entire site including the Cavan River through the site. It considers both operational and construction impacts. The report sets out mitigation measures including construction mitigation in relation to the flora & fauna on the site and watercourse within the site.
- 8.26. The report states that no rare or protected flora, mammals or other fauna were observed at the site. In summary the report states the proposal will have no significant detrimental impacts on habitats or species within and around the site if the proposed mitigation is applied. The report concluded that provided all the recommended measures are implemented in full and remain effective, no significant negative residual impacts on the local ecology or any designated nature conservation sites will occur as a result of the proposed development.
- 8.27. Regarding the Cavan River, the report considers potential impacts on riparian species, and notes the River has the potential to support notable fish species such as salmonids, namely brown trout and European eel, as well as Lamprey.
- 8.28. Regarding bats, the ecologist report states the incorporated bat survey was undertaken in June. It states that whilst the wider area including trees adjacent the site had the potential to be suitable for bats, no bats were observed on the site. The report noted a number of bat species have been previously recorded by others within 10km of the site and that the overall area was suitable for a number of bat species, but states no bats were observed on the site. Within the site, the report notes that a single mature horse-chestnut tree within the west of the site was found to have a moderate bat roost potential and that it was proposed to be removed to facilitate the development. It also notes that a single oak tree also along the west boundary of the



site was found to have low bat roost potential and that this tree was not to be removed. Outside the site, the report noted the mature trees within the treelines bounding the north and south of the site were found to have low bat roost potential.

- 8.29. Regarding invasive species, the report notes the presence of invasive species on site, including Japanese Knotweed and Sycamore, and sets out details of their location and extent. In relation to bats, Sycamore trees within the west and northwest of the site were not found to have potential to accommodate bats, and that those trees within the site were to be removed as an invasive tree species.

*Construction phase impacts*

- 8.30. Regarding the Cavan River, the report accounts for potential impacts on river habitats and species. The report states the OCMP sets out standard best practise measures to mitigate potential impacts to water quality of the Cavan River by surface water discharges and runoff during the construction phase. It states that as such, the potential impact to fish species within this watercourse as a result of surface water discharge during construction is considered to be imperceptible.
- 8.31. Regarding construction of the proposed road bridge and headwall outflow specifically, the report notes the engineering proposals and submitted OCMP. The report states construction is to occur during the summer when water levels are at their lowest. It states the potential impact to the water quality of the Cavan River as a result of surface water discharge during the Construction Phase of the Proposed Development is considered to also be imperceptible. I note the OCMP correspondingly addresses soil excavation and removal, construction traffic, potential impacts on the Cavan River, water quality and protection, as well as construction of the River crossing, construction of the headwall river outflow.
- 8.32. Regarding bats the report notes the trees adjacent the site will be retained, but concluded that removal of the horse-chestnut tree would have negative, permanent, but slight impacts on local ecology. It states the proposed construction activities would have negative, significant but short-term impacts on bats potentially as a result of increased light levels during construction which may deter bats from roosting and foraging within the vicinity of the site. The report sets out mitigation in this regard which has to comprise 6 no. bat boxes.

- 8.33. Regarding invasive species management, the Ecology report sets out necessary mitigation in relation to invasive species management on site, including in relation to Japanese Knotweed, and states that these measures have been incorporated into the submitted OCMP. The OCMP also includes an invasive species management plan prepared by the applicant's Environmental Management consultant which deals in detail with Japanese Knotweed on site and other invasive species.

*Assessment of Construction phase impacts*

- 8.34. Regarding the ecology of the Cavan River, and the potential for the proposed construction works to impact River species and habitats, having reviewed the submitted architectural, engineering and landscape drawings, with the exception of the proposed road bridge, water pipes, and outflow headwall, the only architectural or engineering works within c.10m of the riverbank comprise a gravel footpath. I note that minimal works to, or change in, ground levels is proposed generally in the western third of the site, adjacent the River (Drw. No. 23-094-107 Cut & Fill Analysis). The submitted OCMP states protection of the watercourse will be ensured by installation of a silt curtain along the entire length of the western boundary of the site between the site works and the watercourse (OCMP Section 5.1). Section 5.2 sets out additional mitigation measures relating to 'water quality & protection' including ensuring works are in accordance with OPW and IFI requirements.
- 8.35. In relation to the proposed road bridge, this is to run from Farnham Road to the proposed parking area. Pad foundations are proposed. Of these, 2 no. would be adjacent the River on either side (Drw. No. 23-094-104 Rev. A 'Proposed Entrance Road and Retaining Wall Detail'). Section 5.3 of the OCMP relates to construction of the River crossing and sets out details of the construction methodology to protect the watercourse, which is to include the use of fencing to prevent dust and other pollutants entering the water, and bridge installation methods to ensure drainage falls away from the watercourse. Construction is to occur during the summer when water levels are at their lowest and as such will be above the water level.
- 8.36. In relation to the proposed outfall headwall, the EcIA report states that works will be undertaken during the summer when the water levels are at their lowest, and that the headwall will be set to discharge above the low water level. During construction the reports states barriers will be placed in the Cavan River to divert any water around

the work area. The report states the headwall will be pre-cast concrete both to simplify the installation and to minimize risk of impact to the water quality of the Cavan River. Detail of surface water management during construction are set out, the pumping of runoff to a temporary settlement tank before being discharged to the foul mains following desilting. Once the work area is dry/secure and the Project Ecologist has confirmed there is no direct pathway back into the Cavan River, the area will be excavated and the ground prepared to receive the pre-cast headwall. The headwall will then be lifted into place and backfill placed around the headwall. Corresponding details are set out in the CEMP.

- 8.37. Regarding invasive species management, I note the proposed management and removal proposal sets out in the Ecology report, and corresponding details set out in the submitted Invasive Species Management Plan, and OCMP. I am generally satisfied with proposals in this regard subject to standard management conditions.

*Operational phase impacts*

- 8.38. Regarding the operational phase, the report states that no negative significant impacts on key ecological receptor habitats are anticipated during the operational phase of the proposed development. The report (Section 5) states that the proposed development includes several embedded design features that act to avoid or mitigation negative impacts that would likely occur in the absence of these features. The report identifies native/pollinator-friendly planting, SuDS measures in this regard. The report states that therefore, the potential impact on the Cavan River, and the species within and along this riparian habitat, during the Operational Phase of the Development via water quality deterioration is considered to be imperceptible
- 8.39. Regarding the Cavan river, the report states that no significant effects on fish within the Cavan River are anticipated during the operational phase. The report states the SUDS measures proposed will treat and minimise surface water runoff from the site, and that therefore, the potential impact on fish species within the River during the operational phase via water quality deterioration is considered to be imperceptible.
- 8.40. Regarding bats, the report states that the increase in lighting could have a negative, permanent, significant impact on bats at a local scale during the operational phase through the loss of dark foraging and commuting corridors, particularly along the north and south boundaries, and over the Cavan River. The ecology report also

states however that the proposed woodland and tree planting included as part of the landscaping has the potential to offer commuting and foraging habitat for bats, particularly along the east boundary of the Site, which is currently devoid of tree or shrub habitat. The report states that as such, the likely impact is considered positive, permanent, slight at a local level. I note that an Outdoor Lighting Report is submitted, and whilst it makes no reference to impacts on bats, it shows limited light-spill beyond the site.

#### *Residual impacts and mitigation*

- 8.41. The report sets out proposed mitigation (Section 6). I consider the referenced measures relate to typical operational and construction management measures for comparable sites, and include measures in relation to the Cavan River, surface water, invasive species, tree protection, waste management, and protection of bats. Mitigation in relation to bats comprises construction phase and operational phase lighting, tree removal, pollinator habitat and bat boxes.
- 8.42. Regarding residual impacts, the report states that provided all of the recommended measures are implemented in full and remain effective no significant negative residual impacts on the local ecology or any designated nature conservation sites will occur as a result of the proposed development.

#### *Conclusion*

- 8.43. Having regard to the foregoing, in relation to ecological impacts, I am generally satisfied the development as proposed is acceptable, subject to conditions requiring the proposed mitigation set out in the Ecology report (Section 6) to be implemented.
- 8.44. I note the submission received from Inland Fisheries Ireland, including recommended conditions to ensure protection of the river ecology. The submission highlights concerns but states no objection subject to conditions in relation to management of run-off during construction, protection of watercourses, management of invasive species, fuels, refuelling, vehicle maintenance, vehicle washing, drip-trays, stockpiling, run-off, spill-kits, and silt curtains. I am generally satisfied that these matters are dealt with sufficiently in the submitted information for planning permission to be granted in these regards, subject to an additional condition relating to these specific items.

- 8.45. I am satisfied the proposed development has appropriately considered the ecology of the site including the Cavan River and its adjacent riparian environment, and appropriate mitigation measures to accompany the design have been incorporated to ensure the reasonable protection of the ecology of the area, including bats, other protected species, fisheries, and water quality, as well as the management of invasive species. Having regard to the foregoing, I am satisfied that the proposed development complies with objectives NHND1 and NHND5 of the Development Plan in relation to local sites of biodiversity value and non-designated sites.
- 8.46. Regarding bats specifically, given the foregoing, I am satisfied the proposed tree removal is acceptable. I note the mitigation proposed and extent of residual impacts. I am satisfied the proposal is acceptable in this regard.

#### Appropriate Assessment (AA) screening

- 8.47. Refer to Section 9.0 of this report and Appendix 2 in this regard.
- 8.48. I note the appellants point that AA screening should have been undertaken for the proposed development.
- 8.49. An Appropriate Assessment screening report prepared by the applicant's ecologist was submitted with the application. The report concluded that on the basis of the best scientific knowledge available and objective information, the possibility of any significant effects on European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded, and therefore there is no requirement to proceed to Stage 2 of the AA process and the preparation of a NIS is not required. The report states that mitigation measures including standard best practice construction measures which could have the effect of mitigating any effects on any European Sites have similarly not been taken into account.
- 8.50. The planning authority planner report did carry out an Appropriate Assessment screening of the proposed development, taking into account the submitted AA screening report. The report considered that it was unlikely the development would have a significant impact on the nearest European Sites

#### Related matters raised in the course of the appeal

##### Access, traffic and transportation

8.51. I note the points made by the appellant in this regard. I have reviewed the submitted engineering drawings, Traffic & Transport Assessment, Travel Plan, Stage 1/2 Road Safety Audit and related information, including internal planning authority reports.

*Access and traffic*

8.52. Regarding access and traffic, the existing access and bridge across the Cavan River are excluded from the application. Adjacent the existing access, a new site access is proposed from Farnham Road. The submitted traffic & transport assessment incorporates traffic surveys and assesses proposed junction capacity and traffic volumes, with predicted traffic volumes added to existing flows with traffic growth figures to the design year. The report concludes the junction will operate below design capacity. The report considers construction traffic, road safety, internal layout, and parking, and states that no mitigation is required.

8.53. I note the findings of the submitted State 1/2 road safety audit. The audit sets out a number of recommendations which relate to ensuring no fencing, vegetation or parking within visibility splays; dropped kerbs and tactile paving; details of road alignment; details of footpaths, vehicle manoeuvring in parking areas; drainage details; and parking details. The submitted traffic and transport assessment report stated the recommendations in the road safety audit have been included within the road design.

8.54. I note minor changes to the proposed layout made in response to further information, and a letter from the applicant's engineer addressing same.

8.55. The planning authority Roads Section report stated no objection in principle to the proposed access subject to conditions for detailed design.

*Assessment*

8.56. I note the access layout proposed. The site is in an urban area within the 50km zone. The access incorporates a footpath into the site from Farnham Road. The required visibility splays (49m) are indicated. Swept path analyses are provided. I consider Farnham Road is relatively straight at this point and provides reasonably good visibility for road users, with a footpath on the same side as the subject site. I note there is an existing access to the site already in this location.

- 8.57. For completeness, I also note a concurrent application is proposed across the road (Reg. Ref 2460499) and I have had regard to those proposals. I note that at the time of writing further information was requested in relation to sightlines at the proposed access, and details of access design. I am satisfied there is no significant conflict in this regard.
- 8.58. Having regard to the foregoing I am generally satisfied in relation to the information on traffic volumes submitted, and that sufficient visibility for road users accessing and egressing the site will be provided. Overall I am satisfied with the proposed access arrangements and envisaged impact on the local road network, subject to a condition for the closure and making safe of the existing access and bridge is required to be agreed with the planning authority.

*Road layout – Farnham Road*

- 8.59. Regarding design details, there is existing uncontrolled parking across the road from the site along Farnham Road. Submitted drawing No. 22101-RAI-MFA-00-00-DR-A-502 P-15 'Site Plan' prepared by the applicant's architect indicates controlled parking along this stretch of the road, however the works do not form part of the subject application. The drawing also annotates other surface and layout details including a shared surface along Farnham Road to be agreed with the planning authority.
- 8.60. In this regard, the planning authority Roads Design Office report stated the applicant liaised with the Road Authority in relation to the Council's Active Travel plans for the R-198 fronting the site and indicated the proposals on the site layout plan. The report recommended a condition requiring that prior to commencement of works the applicant agree the detailed design associated with the proposed frontage works, in particular the entrance layout which shall take cognisance of the Council's Active Travel Scheme for Farnham Road. The planning authority planner report recommends conditions in this regard, however none are attached to the decision. I consider that a condition is required in this regard for the agreement of details relating to surface treatments and road markings outside the site along Farnham Road with the planning authority.
- 8.61. Further in this regard, the Roads Design Office report recommended that a condition be attached for a special contribution of €20,000 to be paid by the applicant towards the provision of "Active Travel Infrastructure" for Farnham Road, "to facilitate and

promote a diversity of modes of transport between the proposed development, the town core and surrounding residential and commercial developments". A corresponding condition was attached to the planning authority decision. Having reviewed the available information I see no details of formal Active Travel Infrastructure proposals from the County Council, and limited details in this regard are set out on the case file. However, considering the above works are immediately outside the site, I am satisfied the proposed development would benefit directly from completion of the above works, and given the sums involved I am satisfied that such a condition is reasonable. I also consider that a condition for appropriate security to be lodged with the planning authority for the completion of works to the public road.

#### *Car parking*

- 8.62. Regarding car parking, a total of 49 no. car parking spaces are proposed to serve the 66 no. units. The 26 no. 1-bed apartments are to have no dedicated parking; the 32 no. 2-bed units are to have 24 no. spaces; and the 8 no. 3-bed apartments are to have 8 no. spaces. A total of 17 no. visitor spaces are proposed, some of which will be dedicated for each of the apartment categories (7 no. spaces for the 1-beds, 8 no. for the 2-beds, and 2 no. for the 3-beds). I note the car parking layout proposed including provisions for electric vehicles.
- 8.63. The Development Plan parking standards set out a maximum requirement of 2 no. spaces per unit, with smaller bedrooms units to be examined on a case-by-case basis. This would require provision of 132 no. spaces with potentially reduced provision for 'smaller bedroom units'. I note 26 no. 1-bed and 32 no. 2-bed apartments are proposed which equates to 58 no. of the 66 no. proposed. The applicant states that parking is to be managed by the Owner Management Company. Details of cycle parking provision are set out.
- 8.64. I note the provisions of the Development Plan in relation to the potential for reduced car parking where measures to promote alternative modes of transport are proposed, and also where development is in a highlight accessible location. I also note the provisions of the Apartment Guidelines and SPPR 4 'Car Parking' of the Compact Settlement Guidelines which states that in accessible locations car parking provision should be substantially reduced. The site is within 500m of Cavan Bus Station where services are in excess of 10 minutes peak hour frequency, and as



such I consider the site is an accessible location for the purposes of Compact Settlement Guidelines SPPR 4.

- 8.65. In this regard, the applicant sets out a detailed rationale within the submitted Planning Statement, Traffic & Transport Assessment, and Travel Plan for the proposed parking provision. It considers the policy context, proximity to Cavan town centre, proximity to public transport services and details thereof (bus & taxi), cycle parking proposed, car park management proposals, and the potential to minimise provision in the context of the Compact Settlement Guidelines. It also sets out analysis of modal split in the area, the presence of car sharing facilities in the area.
- 8.66. The planning authority Roads Section report states that regarding parking the proposal and submitted rationale is sufficient and appropriate, and align with national and local active travel policies, and would minimise the likelihood of any parking deficit that would have impacts beyond the site. Conditions relating to design details were recommended.
- 8.67. I note the site is identified as being with the 'Town Core' and is approximately 500m walk to Main Street and 300m to Cavan Bus Station. The site is connected to these locations by a footpath. I consider cycling infrastructure to be poor outside the site. There is uncontrolled parking along Farnham Road, however the planning authority indicate that this parking is to be controlled. Having regard to the foregoing, in particular to the submitted parking rationale and to the location and accessibility of the site, I am satisfied with the proposed arrangements in this regard, including in relation to road safety, parking and modal shift, subject to conditions in relation to a management company.

#### Density

- 8.68. The proposed density is stated as 75.86 units per hectare (upha). I note the provisions of Development Plan objectives CSC11 and RD03. Development Plan Section 13.4.1 'Residential Density' indicates a density range for the town/village core of 30-35 upha, but states density ranges are targets and should not be read as maxima. Whilst the Compact Settlement Guidelines indicate a density of 40 to 100 dpha net is acceptable in 'Suburban/Urban Extension' locations in 'Regional Growth Centres / Key Towns / Large Towns', no SPPR is set out in the in this regard.

- 8.69. The submitted Design Statement sets out a rationale for the proposed density, referencing the site context, distance from neighbouring residential development, and proximity to the town centre.
- 8.70. The proposed density is approximately twice the stated Development Plan target, however the Plan states this target should not be read as a maximum. The site is set back from the road across the Cavan River, with the position of the proposed apartment block set further back c.50m from the existing public realm. There are greenfield lands to the south and north-east, with one large dwelling c.70m to the north. There is a large retaining wall and sizeable 2- and 3-storey office building to the rear/east. The subject site is relatively large (c.87ha). Overall I am satisfied the size of the site; its open context; the lack of development including dwellings in close proximity; and the proposed set back from the public realm provides scope for a substantial building as proposed. I am satisfied the proposed density is not inappropriate, that no significant impediment is set out in the Development Plan, and that the proposal does not conflict with national Guidelines in this regard. As such I am satisfied with the proposal in this regard.

#### Layout, design and materials

- 8.71. I note the appellant's points in this regard. The application includes a Design Statement, Planning Statement, and Daylight & Sunlight Assessment as well as engineering and architectural drawings.

#### *Layout*

- 8.72. Regarding layout, in broad terms I consider the overall approach is appropriate for the site, with a large area of public open space proposed along almost the full length of the site north to south along the River, with access, parking and the apartment block itself set back from the River and public road, and the majority of parking located to the rear of the block adjacent the offices and retaining wall to the east.

#### *Design*

- 8.73. In terms of design, I would characterise the proposed style as modernist and contemporary, and whilst it is reasonably typical in terms of form and treatment, I consider it meets the requirements of the Development Plan overall. Regarding visual impact and impact on the character of the area, whilst I note the appellant's points in this regard, considering the set-back of the proposed development, the

topography of the area, and in particular the varied nature of development in the area in terms of design and character, I do not consider the proposed development would have a significant detrimental impact in these regards.

#### *Visual impact*

- 8.74. Regarding the existing large retaining wall on the site, I consider this has a significant detrimental visual impact on the area. I note the planning authority planner report in this regard; it stated that both the proposed works adjacent the retaining wall require a condition for further details to be agreed, but subsequently states that the proposal is acceptable in this regard. I note the submitted drawing show that the proposed undercroft car parking structure and an extensive section of elevated planting and landscaping will be constructed against the wall. The height of these structures will be c.5m, with tree and shrub planting proposed atop. I am satisfied the proposed arrangement will improve the visual impact of the existing structure for future residents, as well as the proposed block screening the retaining wall.

#### *Materials*

- 8.75. Regarding materials, the applicant submitted elevations and computer-generated images in this regard. The materials proposed are to be primarily light and dark brick, with grey fenestration. I concur with the appellant that the proposed materials and finishes, whilst of a reasonable quality are somewhat generic. I consider that whilst buildings in the area are finished in a variety of materials, render and slate are most prevalent. I do not consider that large extents of render are appropriate on a block of this scale due to potential maintenance and visual amenity issues, however similarly I am not satisfied the extent of brick proposed is appropriate to the character of the area. I consider that a set and balance of finishes more appropriate to the area should be submitted for the agreement of the planning authority by condition.

#### *Building line*

- 8.76. Regarding building line, I note the appellant's points in this regard. Whilst there is a well-defined building line established by the buildings across the road to the south-west and north (c.80m and 190m away from the proposed block respectively), given the intervening distances, the fragmented built in the immediate vicinity, and the presence of the River, I do not consider there is a strong building line to follow for the

subject site. Given the size, nature and context of the site I consider the proposal is acceptable in this regard.

#### *Height & scale*

- 8.77. Regarding building height and scale, the proposed block is to be 5-storeys. Building heights in the area vary between 1 to 3 storeys, however I would characterise the area as mainly 2-storeys. The closest residential developments from the proposed block are c.80 to the south-west and c.70m to the north. I also note the scale of the office building to the rear of the site, and the steep topography and varied finished levels in the area. A detailed response to the Building Height Guidelines SPPR3 is set out (Section 4.6 Planning Statement by Genesis Planning Consultants as part of the response to Further Information). Overall, and in particular given the size of the site; the setback proposed from the public road; the topography of the area; and the reduced ground levels proposed; I consider that the height and scale of the building are appropriate for the site and its context.

#### *Natural light*

- 8.78. Regarding natural light, I note the planning authority planner report points in this regard. The submitted Daylight & Sunlight Assessment assesses the development against BR209:2022 including against BS EN 17037:2018 National Annex 1. The report indicates that all of the living, kitchen and dining spaces achieve the BRE daylight standards and 85% of units meeting minimum sunlight requirements. Regarding public and community space the report states that the proposed spaces meet the guideline minimum of 2 hours sunlight on the 21<sup>st</sup> of March over 50% of the area. I have had regard to the size and layout of the spaces proposed, and the surrounding context. The report takes account of the existing retaining wall to the east of the site and the decrease in ground levels proposed adjacent. Based on the available information I am satisfied that the communal and public open spaces proposed should receive a reasonable level and distribution of sunlight across their area, and that the requirements for all private, communal and public space requirements have been exceeded. Regarding impact on neighbouring dwellings, the Assessment indicates the areas on adjoining lands that would be most impacted.

- 8.79. Regarding dual aspect, the application indicates that over 33% of the units are dual aspect. I have reviewed the proposed apartment layouts and I am generally satisfied that requirements for the proportion of dual-aspect apartments is achieved.
- 8.80. I note the provisions of the Development Plan and Apartment Guidelines in these regards, including in relation to dual aspect requirements. I am satisfied that the impacts on residential amenity are not significant due to the absence of dwellings in the vicinity, and I am satisfied with the performance of the proposed development for future occupants, as demonstrated by the submitted information.

#### Occupant amenity

- 8.81. Regarding resident amenity, the applicant has submitted a Design Statement, architectural drawings, and a Housing Quality Assessment. I have reviewed the submitted information and consider that overall the proposed apartments are of a reasonable quality and generally exceed minimum requirements. I consider that internal apartment layout and rooms dimensions, as well as aspect, orientation, private amenity space provisions, and access to natural light are generally acceptable and overall meet the requirements of the Development Plan and Apartment Guidelines. I note that the proposed provisions and areas, including in terms of apartment sizes, room sizes, storage, ceiling heights, general exceed minimum requirements. I note that the proposed apartments to the rear of the block would be c.15m from the existing large retaining wall to the east of the site, which I consider acceptable. Overall, I consider the proposed development generally meets the requirements of the Development Plan and Apartment Guidelines in this regard.

#### Public and communal open space

- 8.82. Regarding public open space, I note points made the appellant, applicant and planning authority in this regard.
- 8.83. A large area of public open space is proposed along the River, with the proposed apartment block set back from but overlooking this space. The application indicates that a total 1,613.8sqm public open space is proposed, which includes 203.2sqm of children's play area. The application indicates that this equates to 18.5% of the application red line area (stated site area of 8,701.7sqm).
- 8.84. The development plan requires public open space provision of 10% the site area. I consider the location and extent of public open space along the Cavan River is

appropriate and acceptable and generally meets and exceeds the requirements of the Development Plan in this regard. I note the layout is such that minimal works are proposed in close proximity to the River, with the exception of a gravel footpath. Given the ecology of the River I am satisfied this is appropriate and acceptable.

- 8.85. I note Development Plan Section 2.2.14 'Map Based Specific Objectives' objective C14 seeks to provide for a linear river walk and to maintain an exclusion zone along the length of the river. The Development Plan maps (Cavan Town Local Area Plan 2022-2028 and Cavan Town Core Local Area Plan 2022-2028) indicate Specific Objective '14' as running along the course of River, however no specific route alignment is indicated. The planning authority planner report makes minimal comment in this regard. I am not aware of detailed proposals for the route of the river walk. The subject block is set well back from the River, generally leaves the land open on both the eastern and western banks of the River, and provides a section of footpath running parallel to the River. As such, in the absence of specific proposals I consider that the subject development does not unreasonably inhibit future delivery of a walkway as outlined in policy.
- 8.86. In this regard, I note that the proposed road bridge would influence the future alignment of such a walkway, however I consider that this is largely unavoidable given the existing levels in the area, and the need to protect the River. As such, I am satisfied that a reasonable route in the future for this walkway can be accommodated within or adjacent the site, and that Development Plan policy in this regard is not inhibited unduly by the subject proposal.
- 8.87. Regarding communal open space, a large area of communal open space is proposed to the rear of the apartment block, above the proposed undercroft parking. A total of 854.8sqm of communal open space is stated as being proposed, which includes a 98.6sqm play area. The application states that 421sqm is required by the Apartment Guidelines. Given the foregoing, and the location and layout of the proposed space including the sunlighting of the proposed space that is demonstrated, I consider the proposal is acceptable in this regard.

#### Heritage

- 8.88. I note the appellant points in this regard, particularly in relation to their property 'Brookvale House' which is a Protected Structure. Brookvale House is also recorded

on the National Inventory of Architectural Heritage and is rated as being of Regional Significance.

- 8.89. An Architectural Heritage Impact Assessment Report prepared by the applicant's architect is submitted with the response to further information. The report concludes the proposed development would have no material impact on the special character, curtilage or attendant grounds of Brookvale House as a protected structure. The response to further information included computer generated images. Contiguous elevations from the applicant's architect are also submitted.
- 8.90. The proposed block would be c.70m south-east of Brookvale House and on the far side of the River. Significant existing mature tree growth along the boundary between Brookvale House and the development would remain, which significantly inhibits visibility between the two sites, and inhibits visibility of the proposed development when coming from the north along Farnham Road. The proposed block is also set back over 30m from the roadside and as such will not interfere significantly with the view of Brookvale House from the south along the public road. Brookvale House is positioned to the north away from the subject site, and the proposed apartment block layout is in turn positioned away from Brookvale House.
- 8.91. Overall I am satisfied the proposed development would not have an unacceptable detrimental impact on the architectural heritage or special interest of Brookvale House, and complies with Development Plan policy and the Architectural Heritage Guidelines in this regard.

#### Residential amenity

- 8.92. I note the appellant points regarding impacts arising from light and noise from the development. The site is zoned 'Town Centre' and as such complies with the land use policy objectives for the area. The proposed block would be over 70m from the appellant's dwelling. Significant tree and hedge growth would remain between the dwellings. Whilst the access road would be located near the appellant's property, given the layout of his dwelling, and the significant intervening River and tree growth, I do not consider impacts in terms of noise and light would be unacceptable. I have further reviewed the submitted Outdoor Lighting Report, and I am satisfied that lighting within the development would be reasonably modest and orientated generally away from Brookvale House, with little in the way of light spill from the

proposed site. I also note the location of the appellant's site adjacent Farnham Road and away from the proposed access. Overall I am satisfied the proposal is acceptable in these regards.

#### Development Plan contravention

- 8.93. I note the appellant points that the proposed development is premature and contravenes the development plan as there is no evidence of a masterplan for the area referred to as 'North West of Farnham Street'.
- 8.94. Development Plan Section 2.2.12.3 identifies an area referred to as 'North West of Farnham Street' as 'Masterplan 3'. The area is shown on Development Plan maps 'Cavan Town Local Area Plan 2022-2028' and 'Cavan Town Core Local Area Plan 2022-2028'.
- 8.95. I consider that there appears to be a degree of confusion within the documentation on file in relation to this matter. The appellant states the site is within the referenced masterplan area. The applicant states the site is not within the masterplan area; in this regard however I note the applicant's response to appeal indicates the site is outside the Architectural Conservation Area designation in the Cavan County Development Plan / Cavan Local Area Plan rather than being outside the referenced masterplan area. The planning authority planner report in turn makes no reference to requirement for a masterplan.
- 8.96. Having reviewed the Development Plan/Local Area Plan and the submitted information I consider that the subject site is located within the western edge of the identified masterplan area. Again, neither of the planning authority planner reports on the case file make any reference to a requirement for a masterplan or to any of the above Development Plan provisions, and I am not aware of a masterplan for the area having been prepared.
- 8.97. As per Development Plan section 2.2.12.3, the referenced masterplan is to focus on Farnham Street, which is located c.190m to the south-east on the far side of an area of raised topography. The subject site is not accessed from Farnham Street but from Farnham Road. Whilst included in the masterplan area, given the topography between Farnham Road and Farnham Street, I consider the site has little functional or visual relationship between the site and Farnham Street. Given these factors, and the size of the site (0.87ha) relative to the size of the masterplan area overall



(c.24ha), I do not consider the site is a key strategic or infill site, or significant in the context of the purpose and size of the masterplan area (comprising c.3.6% of the masterplan area). Given the foregoing, and given the wording of the Development Plan in this regard, I do not consider the requirements for a masterplan to be agreed prior to lodgement, or for the application to be accompanied by a site brief or masterplan, or indeed for a masterplan to be agreed prior to the development being granted permission apply to the subject case.

8.98. In the interests of completeness, in addition I am generally satisfied the proposed development does not materially undermine or conflict with the requirements of Development Plan Section 2.2.12.3, as follows:

- Due to its location, the development respects the existing street layout and prevalent design features of Farnham Street;
- Regarding the need for, and quantum of, land uses in the masterplan area, no specific limitations or restrictions are identified in this regard, and the proposed development generally aligns with Development Plan land use zoning objectives;
- Vehicular and pedestrian access to and from the site to the Masterplan is clearly defined;
- Views and vistas to the Cathedral from elevated points are not affected due to the topography of the area;
- the proposal ensures the residential amenities of existing and future residents are protected, as set out above;
- the proposal ensures details of traffic impacts and road safety are included, as set out above;
- Safe and accessible linkages, and appropriate design and sufficient public realm are incorporated, subject to conditions in relation to Taking in Charge;
- Regarding piecemeal development, given the context and topography of the site, including the existing large retaining wall; forestry to the south and north; and Cavan River to the west, I am satisfied that the proposal has had due regard to and integrated reasonably well with the existing physical and policy context;

- The proposal has been assessed having regard to the environmental, natural and built heritage policies and objectives of the Plan, as set out above;
- Details of design principles have been addressed.

8.99. Given the wording of the Development Plan in this regard; the size of the site relative to the overall masterplan area; its location away from Farnham Street on the opposite side of an intervening area of raised topography; the absence of material conflicts with the stated Development Plan objectives and requirements of such a masterplan; the absence of such a masterplan; and noting the absence of objections raised in this regard by the Planning Authority, I am satisfied that the above provisions do not apply to the subject development, and I consider that refusal of the subject proposal on grounds of the text of Section 2.2.12 would be unreasonable.

#### Further matters

#### Taking in charge

8.100. The submitted Planning Statement (Section 3.8) states the scheme has been designed to facilitate taking in charge, and welcomes a condition for agreement with the Planning Authority in this regard. I find no taking in charge layout within the submitted documentation. I note the points made by Inland Fisheries Ireland in this regard, and the applicant's response to further information which welcomes the taking in charge of the pumping station specifically. Condition no. 3 of the planning authority decision refers to taking in charge incidentally however no specific taking in charge condition was attached to the decision. No commentary in this regard was included within the planning authority planner report or road design office reports. I consider that a condition is required in this regard, for the agreement of any areas to be taken in charge, particularly in relation to the proposed pumping station.

#### Existing access bridge

8.101. The existing access and bridge into the site is excluded from the application red line area. No clear proposals for this bridge are set out, however I note the submitted 'landscape proposals' drawing (No. 7839-L-2101' prepared by Park Hood Landscape Architects) indicates woodland planting in this area. I consider that proposals for this bridge should be agreed by condition with the planning authority. I further note in this

regard that the applicant's reference to their requirements to apply to the OPW for Section 50 Consent for the construction and alteration of watercourse infrastructure.

#### Waste management

- 8.102. Regarding operational stage waste management, a temporary external bin storage structure is proposed. Temporary waste storage within each apartment is provided. I am satisfied suitable waste management and collection is achievable on the site.
- 8.103. Regarding resource, demolition and construction waste management, having reviewed the information on file I am generally satisfied with the submitted proposals. However, whilst the applicant response to appeal states there is no asbestos rubble on the site, the planning authority Environmental Services report highlights that there may be some asbestos containing waste material on-site. I note limited details in this regard are set out in the OCMP, however the submitted Resources Waste Management Plan does refer to asbestos management. I note the conditions recommended by the planning authority Environmental Services Section and attached to the planning authority decision. I am satisfied these matters can be satisfactorily resolved by conditions relating to Resource & Waste Management, Construction & Demolition Waste Management, and Construction Management Plan.

#### Part V

- 8.104. A 'Part V Costs & Methodology' report is submitted with the application. The applicant proposes to provide 13 no. units on the site which equates to 20% of the units proposed. A breakdown of the units is provided which shows what I consider to be a reasonable mix of 1-, 2-, and 3-bed units. No report from the planning authority Housing Section is on the file. The planning authority planner report considered the proposed details to be acceptable, however no Condition in this regard was attached to the permission. I am satisfied with the proposal in this regard subject to standard conditions.

#### Naming & Numbering

- 8.105. Minimal details in this regard have been provided. A condition in this regard is required.

#### Land ownership

- 8.106. The appeal states no letter of consent for the applicant (Radar Investments Ltd) was provided from the stated owner (Magrove Developments Ltd). A brief letter in this regard from Magrove Developments is included with the submitted documentation. Noting the provisions of Article 22(g) of the Planning & Development Regulations, I am satisfied that the Board is entitled to grant planning permission.
- 8.107. For completeness I note the applicant controls an area of land extending into the public road, and that the applicant seeks to include as part of the proposed development an additional area of the road to accommodate the proposed access junction with Farnham Road. This additional area is within the control of Cavan County Council, and a drawing and letter of consent from Cavan County Council is included with the application.

#### Procedure

- 8.108. I note the appellant's comments as to the development address which includes reference to both 'Friars Walk' and Farnham Road. Whilst I see no reference to Friars Walk in the immediate area, the applicant response to appeal includes Eircode information which shows the address as Friars Walk, Farnham Road. Given the information provided on the public notices I am satisfied the site was sufficiently identifiable for interested parties.
- 8.109. Further regarding procedure, the appellant states that consent from the OPW for building over the Cavan River was not provided. I note the applicant's reference to their requirement to apply to the OPW for Section 50 Consent in relation to construction / alteration of watercourse infrastructure. I am satisfied in this regard.

#### Conditions

- 8.110. A large number of conditions were attached to the planning authority decision. I consider that a number of these conditions can be combined or omitted, as follows;
- 8.111. I consider that conditions equivalent to Condition 2 (Contributions), 3 (Road bond); Condition 4 (special contributions), 5 (Management company), 11 (Uisce Eireann), 21 (Road Safety Audit), 22 (adherence to OCMP); 33 (Ecological impact management), and 38 (Invasive species management) are warranted and should be attached to any grant of permission from the Board.

- 8.112. Regarding roads, I consider Conditions No. 10 (Walkways), 12 (Sightlines), 16 (Parking markings) and 18 (Surface water & public roads), are not necessary as sufficient details have been provided in the application. I consider Condition 19 (Public lighting) is not required as public lighting is in place along Farnham Road and proposals for lighting within the development form part of the application. I consider that Conditions 8 (Road design details), 9 (Requirements of the planning authority), 15 (Road construction details), 17 (Road signage) and 20 (Engineering supervision) can be replaced by a single condition dealing with these matters. I consider Conditions 13 (Damage to public road) and 14 (Cleaning of public road) are not required as these matters are dealt with by the recommended Conditions below relating to Roads Bonds and Construction Management.
- 8.113. Regarding landscaping, I consider Condition No. 6 (Reservation, details, completion and management of public open space) is not required given the information submitted as part of the application, and that the development is to be managed by a management company. I consider Condition No. 7 (Boundary treatments) is not required as, given the nature of the site and adjoining lands, sufficient information was provided as part of the application including in relation to the existing retaining wall to the west of the site (eg. Drawing No. 7839-L-2101 P02 by Park Hood).
- 8.114. Regarding waste, I consider the matters referred to in Conditions 32 (Asbestos waste), 34 (Waste removal), 35 (Resource Waste Management Plan), 36 (Environmental pollution, nuisance and invasive species), and 37 (Waste records) can be dealt with by a single resource & waste management condition alongside conditions relating to the management of invasive species and construction management recommended below.
- 8.115. Regarding fisheries and the Cavan River, I consider the matters referred to in Conditions 23 and 39 (Inland Fisheries Ireland guidance) can be dealt appropriately dealt with by conditions requiring the development to be undertaken in accordance with the submitted ecological assessment, OCMP, SSFRA, and RWMP, alongside requirements for construction management and construction environment management.
- 8.116. Regarding the management of run-off and protection of the Cavan River, Conditions 24 (Inspection of surface water discharges), 25 (Control of construction drainage), 26

(Mitigate and alleviate surface water impacts), 27 (Refuelling plant), 28 (Hydrocarbon storage), 29 (Notification of pollution incidents), 30 (SuDS systems), and 31 (Response to contamination) were recommended by the planning authority Environment Section. I am satisfied these conditions are warranted and can be combined into one condition.

8.117. As set out above, I also consider that additional conditions relating to Part V; materials & finishes; design details along Farnham Road; matters relating to the existing road bridge to the site; and Naming & Numbering are required. As set out above, I also consider that, given the nature of the site, and the range of interrelated management conditions required, preparation of an overarching Construction & Environment Management Plan should be agreed with the Planning Authority prior to commencement.

## 9.0 **Appropriate Assessment screening**

9.1. Refer to Appendix 2. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, or any other European site, in view of the Conservation Objectives of those sites, and Appropriate Assessment (and submission of a NIS) is not therefore required.

## 10.0 **Recommendation**

10.1. I recommend permission be **Granted**, subject to Conditions, for the reasons and considerations sets out below.

## 11.0 **Reasons and Considerations**

Having regard to the provisions of the Cavan County Development Plan 2022-2028 incorporating a Local Area Plan for Cavan Town 2022-2028, including the 'Town Core' land use zoning objective for the area and the relevant policies and objectives of the Development Plan and Local Area Plan, and having regard to the nature,

scale, form, height, layout and design of the proposed apartment development, and to the pattern of development in the area including neighbouring Protected Structure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities, character or heritage of the area or of property in the vicinity, and would overall promote the development of this town core location. In relation to the Cavan River which runs through the site, it is considered the development, including road bridge and associated works including compensatory flood risk measures would provide for a satisfactory relationship with the River, and would not impact unduly on the River or adjacent riparian species or habitats. Therefore the proposal aligns with the objectives of Cavan County Development Plan incorporating Cavan Town Local Area Plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 22<sup>nd</sup> day of May 2024, as amended by the further plans and particulars received by the planning authority on the 13<sup>th</sup> day of September 2024, 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: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>The access, road bridge and internal road network serving the proposed development including turning areas, junctions, parking areas, road signage,</p>

	<p>footpaths, drainage, sightlines, and kerbs, and the undercroft car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>Prior to the occupation of the development, proposals for the closure and making good of the existing access and road bridge into the site shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.</p>
5.	<p>Prior to the commencement of development the Developer shall submit for the written agreement of the Planning Authority design details of works to Farnham Road outside the site, including in respect of Active Travel infrastructure for Farnham Road (R-198).</p> <p>Reason: In the interests of traffic safety, the delivery of Active Travel Infrastructure, and the proper planning and sustainable development of the area.</p>
6.	<p>Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete Stage 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team and agreed in writing with the planning authority.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
7.	<p>The following shall be complied with:</p> <ol style="list-style-type: none"> <li>1. The site manager(s) shall carry out a daily inspection during the construction phase to check for uncontrolled water loss or contaminated discharges to groundwater or surface water. Any water loss or contaminated discharges shall be ceased by appropriate methods immediately. The frequency of inspection will increase during/after periods of heavy rainfall.</li> <li>2. Direct run-off of contaminated discharges from the development site to drains or other watercourses shall be prevented. A buffer zone must be maintained relevant</li> </ol>



to all drains and watercourses. All surface water mitigation measures proposed must be implemented.

3. The applicant shall make provision, as is necessary, to ensure immediate mitigation or alleviation of adverse impacts to surface and groundwater.

(i) Plant wholly operated within the development site may only be refuelled on-site.

(ii) Mobile plant shall be refuelled on a hardstanding.

(iii) Emergency repairs of plant may be carried out provided mechanics use appropriate drip trays and oil catcher tanks to drain hydraulic, or oil lubrication, systems.

(iv) Sufficient oil absorbent material shall be available to cope with an oil or hydraulic fluid loss equal to the total content of the largest item of plant.

4. No hydrocarbons shall enter surface waters from vehicle refuelling, maintenance, waiting and parking and appropriate infrastructure shall be put in place if so required in order to prevent any such discharges occurring. All fuel, lubricants or other chemical storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal to 1.5 times the capacity of the largest tank. The applicant shall take precautions to ensure that oils and fuels used in the operations are stored in a secure place. All waste oil shall be removed from the site and disposed of to the satisfaction of the planning authority.

5. Incidents of surface or groundwater pollution, or incidents that may result in surface or groundwater pollution, shall be notified to the Cavan County Council without delay.

6. During the construction and the operational phases, uncontaminated surface run-off within the development shall be collected and managed in accordance with the surface water drainage systems detailed in the application documents received.

7. In the event that any analyses or observations made on the quality or appearance of the surface water should indicate that contamination has taken place the applicant shall:

	<p>(a) Carry out an immediate investigation to identify and isolate the source of the contamination.</p> <p>(b) Put in place measures to prevent further contamination and to minimise the effects of any contamination to the environment.</p> <p>(c) Notify Cavan County Council within 24 hours of the applicant becoming aware that contamination has occurred.</p> <p>Reason: In the interests of environmental protection and to prevent water pollution.</p>
8.	<p>The mitigation measures set out in Section 6 of the Ecological Impact Assessment Report prepared by Enviroguide Consultancy Services as submitted with the application to the planning authority on the 22<sup>nd</sup> day of May 2024 as part of the application shall be implemented in full.</p> <p>Reason: To mitigate the loss of biodiversity on the site.</p>
9.	<p>The mitigation and construction management measures set out in Outline Construction Management Plan prepared by Genesis Planning Consultant as submitted with the application to the planning authority on the 22<sup>nd</sup> day of May 2024 as part of the application shall be implemented in full.</p> <p>Reason: In the interests of the environment, public health and proper construction management.</p>
10.	<p>The mitigation and construction management measures set out in Site Specific Flood Risk Assessment prepared by Hydrec Environmental Consulting as submitted with the application to the planning authority on the 22<sup>nd</sup> day of May 2024 as part of the application shall be implemented in full.</p> <p>Reason: In the interests of flood risk management.</p>
11.	<p>The mitigation and management measures set out in the Resource &amp; Waste Management Plan prepared by Genesis Planning Consultant as submitted with the application to the planning authority on the 22<sup>nd</sup> day of May 2024 shall be implemented in full.</p> <p>Reason: In the interests of the environment, public health and proper waste management.</p>

12.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:</p> <ul style="list-style-type: none"> <li>(i) collection and disposal of construction waste,</li> <li>(ii) surface water run-off from the site,</li> <li>(iii) on-site road construction, and</li> <li>(iv) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.</li> </ul> <p>A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. The CEMP shall demonstrate due regard to Inland Fisheries Ireland's "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, 2016".</p> <p>Reason: In the interest of environmental protection, residential amenities, public health &amp; safety, and environmental protection.</p>
13.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>(b) Location of areas for construction site offices and staff facilities;</li> <li>(c) Details of site security fencing and hoardings;</li> <li>(d) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>(e) Details for construction vehicle maintenance;</li> <li>(f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to</li> </ul>

	<p>facilitate the delivery of abnormal loads to the site;</p> <p>(g) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local watercourses, surface water sewers or drains.</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p>The CMP shall demonstrate due regard to Inland Fisheries Ireland's "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, 2016".</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection.</p>
14.	<p>Regarding the management of construction on site, the following shall also be complied with:</p> <p>1. Soil, rock and sand excavated during construction shall not be left stockpiled on site following completion of works. Details of treatment of stockpiled materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and sustainably re-use materials.</p>

	<p>2 (i). Surface water run-off from open excavated areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to temporary settling ponds.</p> <p>2 (ii). The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.</p> <p>Reason: To prevent water pollution.</p> <p>3. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety and biosecurity.</p>
15.	<p>The mitigation and management measures set out in the Invasive Species Management Plan prepared by Avrio Environmental Management as submitted with the application to the planning authority on the 22<sup>nd</sup> day of May 2024 as part of the application shall be implemented in full.</p> <p>Reason: To mitigate the loss of biodiversity on the site.</p>
16.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
17.	<p>Design details including the final location of the proposed pumping station shall be submitted for the agreement of the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in</p>

	<p>writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
19.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development or parts of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: To ensure the satisfactory completion and maintenance of this development.</p>
20.	<p>Proposals for an estate/street name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements /marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
22.	<p>The developer shall pay a financial contribution of €20,000 (twenty thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of Active Travel infrastructure for Farnham Road (R-198), which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.</p> <p>The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to</p>

any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

---

Dan Aspell  
Inspector  
31<sup>st</sup> March 2025



## APPENDIX 1

### Form 1

#### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>		ABP-321192-24	
<b>Proposed Development Summary</b>		Construction of 66 apartments in a five-storey building with all associated site works.	
<b>Development Address</b>		Friars Walk, Farnham Road, Cavan, Co. Cavan.	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)			<b>Yes</b> X  <b>No</b> <del>No further action required</del>
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class ...	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>	X	Part 2, Class 10(b)(i)&(iv)	Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Preliminary Examination required	
<b>Yes</b>	X	Screening Determination required	

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

Date: \_\_ 10/03/2025\_\_

### Form 3 EIA Screening Determination

A. CASE DETAILS			
An Bord Pleanála Case Reference	ABP-321192-24		
Development Summary	Construction of 66 apartments in a five-storey building with all associated site works.		
	Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	Yes	Planning Authority planner report considered that having regard to the nature and scale of the proposed development and location within Cavan Town, there would be no significant negative effects on the environment.	
2. Has Schedule 7A information been submitted?	Yes	-	
3. Has an AA screening report or NIS been submitted?	Yes	AA screening report.	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	-	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No.	I note the SEA and SFRA of the Cavan County Development Plan and associated updates.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Project comprises an apartment block. There are dwellings to the north and south-west and an office development to the east.	Project not likely to result in significant effects on the environment in this regard.
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	Site is mainly Brownfield and in an urban area. No demolition is proposed. Site has previously been cleared. Rubble remains on site and is to be cleared as per submitted RWMP. Approximately 13,503m <sup>3</sup> of material is to be removed from the site, and is screened as part of the EIA screening statement submitted with the application.	Project not likely to result in significant effects on the environment in this regard.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	Project is located on an urban site and will utilise the site efficiently, however otherwise non-renewable resources or those in short supply will not be used. Approximately 13,503m <sup>3</sup> of material is to be removed from the site, and is screened as part of the EIA screening statement submitted with the application..	Project not likely to result in significant effects on the environment in this regard.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Project comprises an apartment block and road bridge. No such substances are recorded on the site. The planning	Project not likely to result in significant effects on the environment in this regard.

		authority noted asbestos rubble waste may be on site, which is to be cleared as per the submitted RWMP. Disposal of asbestos is controlled under separate legislative provisions.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Residential waste will be stored temporary on site. No solid waste, pollutants or hazardous / toxic / noxious substances will be produced.	Project not likely to result in significant effects on the environment in this regard.
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	The proposal is for a residential development. No significant contamination on site has been identified. The disposal of possible asbestos waste recorded on the site is identified and addressed as part of the application. Hardstanding only remains. No basements are proposed. An outline construction management plan is submitted. Assessment in relation to impact on the Cavan River have been undertaken and no works to the watercourse are proposed. Construction and operation of the proposed apartment units will not give rise to contamination or release	Project not likely to result in significant effects on the environment in this regard.

		of pollutants onto the ground, waters or sea.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	Some noise from the proposed apartments may arise however this would be localised, minor in nature, and appropriate to a town core location.	Project not likely to result in significant effects on the environment in this regard.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	The scale and nature of the proposed apartments will not give rise to significant risks to human health. The submitted outline construction and environment management plan identified no significant issues in this regard.	Project not likely to result in significant effects on the environment in this regard.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No.	The nature and scale of the apartment block incorporates no components or substances which would present any risk of major accidents.	Project not likely to result in significant effects on the environment in this regard.
1.10 Will the project affect the social environment (population, employment)	No.	The project will add apartments in a mixed-use area with significant residential development. A statement of housing mix is submitted. The submitted Schools & Childcare Capacity Assessment concluded the existing provision is sufficient.	Project not likely to result in significant effects on the environment in this regard.
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No.	The surrounding urban area is predominantly long-established urban	Project not likely to result in significant effects on the environment in this regard.

		development. One adjacent and unrelated development is identified. The site is within a 'Town Core' land use area in which change is incremental.	
<b>2. Location of proposed development</b>			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:  European site (SAC/ SPA/ pSAC/ pSPA)  NHA/ pNHA  Designated Nature Reserve  Designated refuge for flora or fauna  Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No.	No site specific natural or environmental policy designation relates to the site. The closest European Sites are Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SAP which are located c.3.0km and c.2.9km to the north-west. Potential impacts in this regard have been screened and found that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, or any other European site	Project not likely to result in significant effects on the environment in this regard.
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	Structures on site were demolished previously. The site is overgrown and is in an urban area. The submitted ecology report concluded the proposal will have no significant detrimental impacts on	Project not likely to result in significant effects on the environment in this regard.

		habitats or species within and around the site if the proposed mitigation is applied. Localised mitigation measures in the form of construction management are proposed.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The adjacent site to the north is a Protected Structure. Minimal impacts in this regard are identified.	Project not likely to result in significant effects on the environment in this regard.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are mature trees to the south and north-east. The Cavan River flows through the site. No works to the adjacent trees are proposed. One tree on site is to be removed. The submitted ecology report demonstrates that impacts on species, habitats and resources including fisheries resources will not be significant.	Project not likely to result in significant effects on the environment in this regard.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No.	The Cavan River flows through the site. The submitted SSFRA demonstrates that extent of flood risk at the site and that the proposed development will not increase flood risk and will not be at an unacceptable degree of flood risk.	Project not likely to result in significant effects on the environment in this regard.

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no information on file to indicate this. The site slopes significantly south-east down to north-west as part of a larger area of raised topography. The east of the site is bounded by a large retaining wall. The south and north-east is bounded by mature tree growth. The west and north-west are bounded by the Cavan River.	Project not likely to result in significant effects on the environment in this regard.
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	There are no key transport routes on or around the site.	Project not likely to result in significant effects on the environment in this regard.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No significant impacts from the project in this regard are considered likely due to its nature and scale.	Project not likely to result in significant effects on the environment in this regard.
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	The scale, nature and extent of the project, the settled urban location, and lack of neighbouring projects identified make cumulative effects unlikely.	Project not likely to result in significant effects on the environment in this regard.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	The scale, nature and location of the site within Cavan Town make transboundary effects unlikely.	Project not likely to result in significant effects on the environment in this regard.



3.3 Are there any other relevant considerations?	No	No.	Project not likely to result in significant effects on the environment in this regard.
--	----	-----	--

#### C. CONCLUSION

No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.	-	EIAR Required

#### D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7 and 7A, in particular
  - (a) the limited nature and scale of the proposed apartment development, in an established urban area served by public infrastructure
  - (b) the absence of significant environmental sensitivity in the construction area, and the location of significant development outside of the Cavan River;
  - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposal to preserve in situ known archaeological features

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_ Date 10/03/2025

Approved (DP/ADP) \_\_\_\_\_ Date \_\_\_\_\_

## **APPENDIX 2 - Appropriate Assessment Screening**

### AA Screening Determination

- 12.4. I have considered the proposed development of a 66 no. unit apartment block, vehicular access, road bridge, internal road, public open space, vehicular turning & parking area, communal open space; bin and bicycle storage facilities; parking spaces at surface and under-croft; landscape works; public lighting; planting and boundary treatments to include for retaining walls; ESB substation; foul pumping station with associated infrastructure; attenuation; internal foul, storm and water networks, and ancillary site development works, in light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000 as amended.
- 12.5. A screening report for Appropriate Assessment prepared by Enviroguide was submitted with the application. The screening report provides a description of the project, identifies and provides a description of the European Sites within a Zone of Influence of the development, and an assessment of potential impacts arising from the development. The screening report concluded that Appropriate Assessment of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European site. I am satisfied the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, either alone, or in combination with other plans and projects on European sites.
- 12.6. The planning authority screened the project for Appropriate Assessment and stated that having regard to the distance from European sites, to the qualifying interests of the Natura 2000 sites, it is unlikely that the development would have a significant impact on the nearest Natura 2000 sites
- 12.7. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European Sites designated Special Conservation Area (SAC) and Special Protection Area (SPA) to assess

whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

- 12.8. A description of the proposed development is presented above and in Section 2.0 of my report. The development site is urban. The site is mainly brownfield and was previously cleared of development, with rubble remaining on site. The development comprises a vehicular access, a road bridge, internal road, vehicular turning & parking area accessed from Farnham Road; an apartment block, communal open space, and under-croft parking; and a large public open space, landscape works, public lighting; planting & boundary treatments, retaining walls; foul pumping station with associated infrastructure; attenuation; internal foul, storm and water networks. Surface water will be pre-treated and attenuated within the confines of the site, in a manner consistent with sustainable urban drainage (SUDS) principles and then discharged to the Cavan River. The proposed development will be connected to the local water supply, subject to connection agreements with *Uisce Eireann*. The proposed construction access route during the construction phase will be directly from the adjacent road. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site, including Whooper Swan and Otter.
- 12.9. I note that the Cavan River runs through the western boundary of the site and enters Lough Oughter lake complex c.2.9km to the north-west.

#### European Sites

- 12.10. The Appropriate Assessment Screening Report for the proposed development submitted with the application provides a description of the European Sites within a Zone of Influence of the subject site. The proposed development is not located within or immediately adjacent any designated European Site. The report identifies 2 no. European Sites with direct hydrological pathways from the site. The European Sites potentially within a zone of influence of the proposed development site (see Table 1 below) identified in the report are as follows:
- Lough Oughter and Associated Loughs SAC;
  - Lough Oughter Complex SPA.

A summary of these European Sites is presented in the table below.

12.11. Given the site given the intervening distances, the topography of the area, and the absence of direct hydrological connection, I concur with the appellant that no other viable receptor pathways are identified between the appeal site and other Sites. Other European Sites are therefore screened out at preliminary stage.

European Site	List of Qualifying Interests and Special Conservation Interests	Distance	Connections
Lough Oughter and Associated Loughs SAC 000007	1355 Otter ( <i>Lutra lutra</i> ) 3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation 91D0 Bog woodland	c.2.9km	Direct hydrological connection by the Cavan River located in the western part of the site, which flows into Lough Oughter and Associated Loughs c.2.9km to the north-west. Construction and operational stage surface water runoff and operational stage foul water could potentially impact the qualifying special conservation interest species.
Lough Oughter Complex SPA 004049	A005 Great Crested Grebe ( <i>Podiceps cristatus</i> ) A038 Whooper Swan ( <i>Cygnus cygnus</i> ) A050 Wigeon ( <i>Anas Penelope</i> ) A999 Wetlands	c.3.0km	Direct hydrological connection by the Cavan River located in the western part of the site, which flows into Lough Oughter and Associated Loughs c.2.9km to the north-west. Construction and operational stage surface water runoff and operational stage foul water could potentially impact the qualifying special conservation interest species.

Likely impacts of the project (alone or in combination with other plans and projects)

12.29. The application site is not located fully or partly within or adjacent any European Site, therefore there will be no direct impacts and no risk of habitat loss, fragmentation, or any other direct impact. The site does not contain habitats of related conservation value and does not contain habitats that supports European Sites.

- 12.30. The site was previously occupied by a dwelling which was demolished. The size and nature of the proposed development is moderate for the area, including at both construction and operational phases. Due to the nature of the previous development on the site, and the nature and scale of the development relative to the distance between the site and the identified European Sites, I consider the project would not likely generate impacts beyond the immediate area of the development site, and would have a very limited potential zone of influence on ecological receptors, including European Sites. I discuss the Cavan River specifically below.
- 12.31. Regarding indirect impacts, I consider potential impacts on the identified European Sites would be restricted to the potential for discharge of surface water and runoff from the site during construction, and surface water from the site which could in principle occur during the operational phases.
- 12.32. During the construction phase of the development, it is possible that surface water from the construction site could carry silt, hydrocarbon and other construction related pollutants via runoff beyond the site and into the Cavan River within the site. However, there are a number of factors that would prevent likely significant effects on the identified European Sites. Construction of the apartment block and related works are to be located away from the River. Any runoff from the construction site would have to bypass standard construction management measures for the construction of road bridge and apartment development to reach the Cavan River as the nearest hydrological pathway to a European Site. As such, I consider it reasonable that any runoff beyond the existing drainage systems would be unlikely to reach the nearest hydrological pathway.
- 12.33. I do not consider there is any other feasible impact mechanisms in relation to construction including noise or dust due to the distances involved, making it unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites in these regards.
- 12.34. During the operational phase, the project proposes that all surface water run off would be pre-treated and attenuated within the appeal site prior to discharge to the Cavan River. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed

development, however given the SUDS attenuation measures proposed as required by the development plan, which would have a positive impact on drainage from the site, and the distances involved to the identified European Site, any runoff or silt reaching the Cavan river would be diluted by a minimum of c.2.9km of intervening watercourse prior to reaching the nearest identified European Site.

- 12.35. SUDS measures are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with Cavan County Development Plan and are not mitigation measures in the context of Appropriate Assessment. The attachment of related detailed design conditions is standard practice for such developments and is not required in order to protect local receiving waters, irrespective of the identified potential hydrological connection to Natura 2000 sites.
- 12.36. No basement excavation works are proposed and no significant effects on groundwater are expected.

Likely significant effects on the European site in view of the conservation objectives

- 12.37. The conservation objectives for the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA are to maintain and restore the favourable conservation conditions for the species and habitats identified.
- 12.38. Given that potential direct hydrological connection is identified to the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA European Sites only, and given that I consider the qualifying interests of these identified SACs and SPAs (Otter, Grebe, Whooper Swan, Wigeon, wetland, bog woodlands, and natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation) have moderate sensitivity to suspended sediments or related pollutants, and their conservation objectives would not be compromised and there would be no changes in ecological functions due to construction related emissions or disturbance.
- 12.39. The ecological information presented by the applicant and my observations on-site show the current land use is not suitable for any regular use by special

conservation interest wintering birds of the identified European Sites. No wintering birds were recorded at the site. In this regard I note that Whooper Swan is a qualifying interest of Lough Oughter Complex SPA and that the Cavan River flows through the site. Given the urban nature of the site; the small size of the River at this point; and Whooper Swan size, I do not consider the site is suitable for regular use by this species. There will be no direct or ex-situ effects on relevant mobile species, including ex-situ foraging, roosting or breeding habitat during construction or operation of the proposed development due to the location of the development site and the absence of suitable habitat.

12.40. I have considered operational impacts and potential of pollutants entering the Cavan River in this regard. Having regard to the nature of the proposed works, the proposed sustainable drainage systems on the site, and the distance to the nearest European site with which there is potential hydrological connectivity at a distance of over c.2.9km to the nearest identified site, and the dilution factor associated with the relevant waterbodies before connectivity with the distant European site, it is not likely that that there would be any significant effects on habitats at the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA. It is reasonable to determine that any potential pollutants from this project site would not reach or would dilute, attenuate or settle out before any connectivity with these distant European sites. I consider that there would be no likely adverse significant effects for European sites arising from the proposed development.

12.41. Having regard to the foregoing, I conclude that the construction or operation of the proposed development will not likely result in indirect impacts that could affect or undermine the conservation objectives of any of the qualifying interests or special conservation interests of European sites within or associated with the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA.

#### In combination effects

12.42. In combination effects are examined within the applicant Appropriate Assessment Screening report. The report considers there is no potential for the proposed development to act in combination with other developments in the vicinity that may cause likely significant effects on any of the above European Sites.

- 12.43. The development is not associated with any significant loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.
- 12.44. No specific mitigation measures are required to come to these conclusions; I consider the provision of the surface water drainage system, flood risk management, invasive species management, ecological impact management, resource & waste management, construction management, and construction environment management measures are standard measures for a development such as this, and not mitigation measure for the purpose of avoiding or preventing impacts to any of the above identified European Sites.

#### Overall Conclusion

##### *Screening Determination*

- 12.45. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, or any other European site, in view of the Conservation Objectives of those sites, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 12.46. This determination is based on:
1. The scale and nature of the development on a mainly brownfield site;
  2. Distance to, and absence of indirect connections to Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA with which there is potential direct hydrological connectivity being at distances of c.2.9km and c.3.0km respectively to the north-west;
  3. No ex-situ impacts on wintering birds;
  4. Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, or any other European site and would



not undermine the maintenance of favorable conservation conditions or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.