



An
Coimisiún
Pleanála

Inspector's Report

ABP-322140-25

Development

To erect fully serviced two storey detached dwelling, connection to foul sewer & watermain and all ancillary works at Ballyjamesduff Road, Virginia Co. Cavan. The proposed works are within the curtilage of protected structure (CV39016). Significant further information has been received.

Location

Ballyjamesduff Road, Virginia, Co. Cavan

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

2460543

Applicant(s)

Patrick McNamee

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Ciara Olwill

Observer(s)

None on file

Date of Site Inspection

17/6/25

Inspector

Ronan Murphy

1.0 Site Location and Description

- 1.1 The appeal site is a long, narrow site with a stated site area of 0.048 hectares. The site is located on the southern side of the Ballyjamesduff Road (R194) to the west of its intersection with the N3 on the outskirts of the settlement of Virginia, in County Cavan.
- 1.2 The appeal site is within the curtilage of a Protected Structure to the west of the site known as 'The Cottage' which has an RPS No. of CV39016. 'The Cottage' comprises of a detached L-plan three-bay two-storey former house, built c.1850, with open gable-fronted porch to front, two-storey return and extension to rear. There is a modern single storey extension to the rear of the Protected Structure. The appeal site abuts but is not within the Lurgan Parish Quarter Architectural Conservation Area.
- 1.3 To the east of the land there is an access road which provides access for dwellings to the south of the site to Ballyjamesduff Road. The Church of Ireland, Virginia Parish and its grounds are located to the north of the site (on the opposite side of Ballyjamesduff Road).
- 1.4 The appeal is currently vacant and is enclosed by a rubble wall along the northern and eastern boundaries with a concrete wall along the western boundary of the land. A portion of the rear wall would appear to have been removed to facilitate access to the site. The remains of a shed is located on the western boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises of a two-storey detached dwelling and all ancillary works.
- 2.2. The proposed dwelling would have a floor area of 133.98m² and would include 4 bedrooms at first floor level and kitchen / dining room, separate living room, utility, and WC at ground floor level. The proposed dwelling would have a height of c. 6.8m and would have a smooth render plaster finish.
- 2.3. An area of private open space is proposed to the rear of the dwelling including a patio and grassed area. No vehicular entrance is proposed as part of this application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 25 February 2025 Cavan County Council decided to grant planning permission subject to 9 conditions. The conditions are standard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2 There are two planning reports on file. The initial area planners report is dated 17th December 2024. The initial area planners report states that the principle of proposed development is acceptable having regard to its town centre location. The area planner did not have any concerns with the visual impact of the proposed dwelling and considered the design of the dwelling to be subservient to the adjoining protected structure.

3.2.3 The initial planners report recommended that further information be requested relating to the following:

- A methodology statement to ensure that structural works associated with the proposed development would not impact on the adjoining property.
- Designs for the rear wall of the site to be reconstructed once the temporary access is no longer required.
- Details of water supply, wastewater connection and surface water drainage system.

3.2.4 Other Technical Reports

- **Environment Section:** Report dated 12/12/24 requesting Further Information relating to the need to provide details of water supply, wastewater connection and surface water drainage system.
- **Engineering:** Report dated 3/12/24 requesting further information relating to the need to provide stormwater proposals and car parking proposals.

3.2.5 A Further Information response was received on 21/1/25. The Further Information response included the following:

- Cover letter by Wynne Gormely Gilsenan
- Structural Method Statement by Alan Traynor Consulting Engineers Ltd.
- Rear Site Layout Plan (Drawing No. FI24-073-001) showing proposed elevations of rear boundary wall to be reconstructed,
- Revised Site Layout Plan (Drawing No. FI24-073-002) by Wynne Gormely Gilsenan showing proposed service layout.

3.2.6 After submission of the further information, the response was deemed significant and revised public notices were submitted by the applicant.

3.2.7 The second planning report dated 20/2/25 considered that the applicant's response to the further information was sufficient and recommended that planning permission be granted, subject to conditions.

3.2.8 Other Technical Reports (Post Further Information)

- **Engineer:** Report dated 11/2/2025, stating that there is nothing further to add.

4.0 Planning History

4.1 Appeal Site

4.1.1 **Reg. Ref. 14/248 (An Bord Pleanála Ref. PL02.245105)** permission granted for fully serviced two storey detached dwelling, connection to foul sewer and watermain and all ancillary site works. This decision was the subject of a third-party appeal to An Bord Pleanála from the same appellant as in this case. The decision of the Planning Authority was upheld, subject to 10 conditions.

4.1.2 The proposed development while broadly similar to that for which permission was previously granted on the site has the following alterations:

- Floor area reduced from 159m² to 133.98m² by the omission of the ground floor rear living room / WC and utility area. The area of the ground floor has been reduced from c. 94m² to c. 68m².
- The roof height has marginally reduced from 6.893m to 6.880m.

- The windows on the western gable (next Protected Structure) have been removed.
- The front boundary stone wall is to be retained

4.2 Enforcement

4.2.1 **Ref. 23-041:** refers to possible unauthorised development at Ballyjamesduff Road, Virginia, Co. Cavan. The Planning Authority found that no unauthorised development had taken place.

4.3 Adjacent site to the west (Appellants property)

4.3.1 **Reg. Ref. 15/320:** Application for the refurbishment of an existing dwelling and the construction of a single storey flat roof extension to the rear (circa 26sqm) (including the demolition of modern single storey bathroom extension and modern external stair to the rear), the installation of 5 no. rooflights to the south and western roof slope, 2 no. additional windows to the ground floor western elevation, new window/door to ground floor and reinstatement of window opening to first floor landing window all to south elevations, replacement of previously altered windows and door to eastern rear elevation, minor internal modifications to layout, and all associated site and landscaping works. This is a Protected Structure. Permission granted, subject to conditions.

Policy Context

5.1 Development Plan

5.1.1 The *Cavan County Development Plan 2022-2028* is the operational plan for the area. The appeal site is within the 'Town/ Village Core' zone with the associated land use objective 'Protect and enhance the special physical and social character of the town and village core while providing and/or improving town/village centre facilities. The vision for the Town / Village Core zone is to maintain and build on accessibility, vitality and viability of the existing town and village centres in the County. Develop and consolidate these town/village cores with an appropriate mix of commercial,

recreational, cultural, leisure and residential uses, and to enhance and develop their urban fabric in accordance with the principles of urban design, conservation, and sustainable development. Refurbishment, renewal, reuse and regeneration of existing buildings and derelict sites will be encouraged. Retail provision will be in accordance with County Retail Strategy. All Town Core zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration and residential purposes where appropriate.

5.1.2 In addition to this, the site is within the curtilage of Protected Structure Ref. CV39016 and is adjacent to the boundary of the Architectural Conservation Area for the Lurgan Parish Quarter.

5.1.3 The following policies and objectives are pertinent to the proposed development:

VSC03: which seeks to encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up areas.

VRP02: which seeks to encourage the appropriate reuse and regeneration of derelict and underused premises and sites in Virginia Town.

RPS1: which seeks to protect, conserve and manage the built heritage of County Cavan and to encourage sensitive and sustainable development to ensure its preservation for future generations.

VH06: which seeks to Conserve, protect and enhance the built heritage of Virginia including all Protected Structures and attendant grounds, Lurgan Parish Quarter ACA, Records of Monuments and Places in accordance with best conservation practice.

5.2 National Planning Framework (2040)-First Revision April 2025

5.2.1 The National Planning Framework - Project Ireland 2040-updated in April 2025 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards

5.3 Section 28 Ministerial Guidelines

5.3.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These guidelines seek to support sustainable residential development and the creation of compact settlements for urban and rural areas.
- Quality Housing for Sustainable Communities: Design Guidelines. The purpose of these Guidelines is to assist in delivering homes, in sustainable communities that are socially inclusive.
- Architectural Heritage Guidelines for Planning Authorities, 2011, which provides a guide on the protection of architectural heritage.

5.6 Other Relevant Guidance

- Lurgan Parish Quarter Architectural Conservation Report, Character Appraisal and Policy Framework.

5.7 Natural Heritage Designations

5.7.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the River Boyne and Rover Blackwater SAC (Site code 002299) and the River Boyne and Rover Blackwater SPA (Site Code 004232) which are located c.5.1km to the southeast of the site. In addition to this, the site is located c.70m to the east of the Lough Ramor pNHA (Site Code 000008).

5.7.2 A screening exercise for Appropriate Assessment will be undertaken in Section 8 below.

5.8 EIA Screening

5.8.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no

real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required. Please see Appendix 1.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A third-party appeal has been received from Ciara Olwill. This appeal includes a letter from Ronan Olwill, Development, Planning and Heritage Specialist. The grounds of appeal can be categorised and summarised as follows:

Unauthorised development

- The proposal is premature until the unauthorised works carried out by the developer have been regularised through an application for retention permission. These works include an unauthorised entrance installed in December 2023. The works proposed are indicated outside the redline boundary. These works also included lowering the grade of the site, replacing the top layer of soil with porous gravel close to the base of the gable wall of the protected structure and the demolition of a former dwelling house was undertaken in December 2024 as part of clearing works. The demolition works may have been come hazardous materials, the Planning Authority should have required that information.

Structural Integrity

- The proposal fails to adequately consider the impact of proposed development on the structural integrity of the adjoining protected structure. The Planning Authority did not give due consideration raised by the adjacent property owners regarding the potential for subsidence, significant structural damage to their house, particularly the gable wall as a consequence of the proposed development.
- The adjacent structure, from the mid-19th century has rubble stone walls which are vulnerable to any movements or vibrations. The excavation / foundation

work associated with the proposed development could lead to settlement / subsidence of the east gable wall of the Protected Structure.

- The 'Structural Method Statement' provided by the applicant by way of response to the Further Information request is deficient and does not provide any meaningful methodologies to safeguard / protect the Protected Structure and was not developed by a specialist building conservation structural engineer.
- No conditions were included requiring any mitigations to safeguard the adjacent Protected Structure.
- The Planning Authority failed to respond to a request for a Section 57 Declaration and thus failed to provide clarification on which aspects of the works impacting the adjacent Protected Structure would require specific grant of Planning Permission.

Design

- The plan does not adhere to current guidance on infill site in edge of town centre locations and does not adequately address its location directly adjoining an Architectural Conservation Area.
- The design of the proposal is for a suburban style house which is out of character with its surroundings and does not have due regard to its location within the curtilage of a Protected Structure and its setting.
- Moving the location of the dwelling by a few metres further into the site would address many concerns relating to stability of the Protected Structure and would allow for a car parking space.

6.1.2 The appeal documentation includes from Ciara O'llwill includes a number of documents:

- Receipt of objection to the initial application from Cavan County Council.
- Proposed works outside the redline boundary indicated as part of this development intended to regularize the unauthorised development in 2023.
- Photographic survey of demolition works carried out on this site on the 12th and 13th December 2023.

- Planning Enforcement Report Form submitted to Cavan County Council and response.
- Submission by Ronan Olwill, Heritage, and Planning Specialist, on behalf of Ciara Olwill and Kevin Clarke (owners of adjacent Protected Structure). The letter from Ronan Olwill includes the following:
 - Appendix 1: 'Architectural Heritage Impact Assessment' (submitted to the Planning Authority). Section 6.0 of this report is an Impact Assessment.
 - The Impact Assessment outlines concerns that the proposed development would reduce the visual dominance of the Protected Structure due to the proximity, height, massing and scale of the proposed development.
 - The design of the proposed development mimics the style of the Protected Structure and would detract from the style of the building. The archway linking the historic house and the proposed development is unfortunate and unnecessary. The design of the proposed development with one chimney shows a lack of understanding and appreciation for the symmetry of the early 19th century farm buildings.
 - The proposed development would result in a visual competition between the proposed development and the Protected Structure.
 - The proposed development would overshadow the Protected Structure.
 - The application does not include any information relating to water run-off and drainage from the new build and that runoff may seep into the shallow rubble foundations of the Protected Structure.
 - Appendix 2: 'Memo review of 'Construction Management Plan (submitted to the Planning Authority),
 - Appendix 3 'Request for Section 57 Declaration (Planning Authority failed to respond).

6.2 Applicant Response

6.2.1 Wynne Gormley Gilsenan Architects and Surveyors Limited submitted a response on behalf of the first party. This can be summarised as follows:

- No unauthorised works have been undertaken. The site has been cleared from vegetation and tidied up and no works have commenced.
- The first party has the permission from the adjoining neighbours to the rear of the site for temporary access to enter the property. This is to avoid access through the existing narrow gate at the front of the site. The access to the rear would be used for construction traffic for the proposed development if permission were granted.
- Letter dated 3rd March 2025 from Cavan County Council confirms that no unauthorised development has taken place.
- The proposed development is a modification of a previous permission; the floor area has been reduced and there are no windows on the gable facing the protected structure. The ridge height has been reduced, and the existing front wall is to be retained.
- The overall design is consistent with what was previously granted. The changes are an improvement.
- Alan Traynor Chartered Structural Engineer was engaged and a site inspection report including trial hole site investigations were carried out to determine ground conditions and foundation levels. The report recommends raft foundations or conventional strip foundations for the proposed development.
- All works close to the Protected Structure will be carefully considered with no excavation carried out below the base of the original walls and the ground will be excavated at a 45-degree angle away from the base of the wall to prevent damage to the protected structure. Works will be supervised by a structural engineer.
- The proposed development meets the standards of the *Cavan County Development Plan 2022-2028* in terms of private open space area; the dwelling is permitted in principle in the Town Core Zoning objective and the proposal meets the objectives VPR02 and VSC03.

6.2 Planning Authority Response

6.3.1 Letter dated 17/4/25 which can be summarised as follows:

- The decision of the Planning Authority had regard to the planning history of the site.
- The setting of the proposed development within the historic curtilage of the Protected Structure and the resulting design response.
- The context of the site with the adjoining ACA.
- The objectives of the County Development Plan including the Town Core zoning of the site.
- The additional particulars submitted at further information stage in response to the appellants concerns.

6.3 Observations

6.4.1 There are no observations on file.

6.4 Further Responses

6.5.1 There are no further responses on file.

7.0 Assessment

7.1 Having examined the appeal details and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Procedural Issues
- Impact on the Protected structure and Architectural Conservation Area
- Layout / Residential Amenity of surrounding properties / Parking
- Water Framework Directive
- Appropriate Assessment

7.2 Principle of development and infill development

- 7.2.1 The appeal site is zoned *Town/ Village Core*. The vision for the Town / Village Core zone is to maintain and build on accessibility, vitality and viability of the existing town and village centres in the County. Develop and consolidate these town/village cores with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop their urban fabric in accordance with the principles of urban design, conservation, and sustainable development. Refurbishment, renewal, reuse and regeneration of existing buildings and derelict sites will be encouraged.
- 7.2.2 Residential is permitted in principle in the Town / Village Core zone, and I am satisfied that the proposed uses are in accordance with the sites zoning objective and that the proposed development is acceptable in principle.
- 7.2.3 An Bord Pleanála granted planning permission under Ref. PL02.245105 for a two-storey detached dwelling. The proposed development is similar to that permitted. However, the height and floor area of the dwelling proposed is reduced.

7.3 Procedural Matters

Enforcement

- 7.3.1 The third parties have outlined detailed concerns with respect to enforcement matters which the third parties describe as unauthorised works including creating a new site access through a neighbouring property to the rear of the site and the demolition of a shed. The first party response argues that no unauthorised works have been undertaken.
- 7.3.2 The issues before the Board for determination relates to a planning application for a dwelling. It is considered that the planning authority is the appropriate body to deal with any such enforcement issues. In any case, I make the Coimisiún aware that Cavan County Council wrote a letter to the complainants stating that no unauthorised development has taken place on the site. This letter is dated 3rd March 2025 and there is a copy on file. I am satisfied that no reference to the retention of demolition changing of levels etc. is required in the public notices having regard to the provisions of exempted development in the Planning and Development Regulations 2001 (as amended)

Section 57 Declaration

- 7.3.3 Concerns are raised that the Planning Authority did not respond to a Section 57 Declaration request made by the third parties. This is not a matter on which the Coimisiún can comment, such issues are a matter for the planning authority.

7.4 Impact on the Protected structure and Architectural Conservation Area

Structural impact on the Protected Structure

- 7.4.1 The third-party outlines concerns that the proposed development fails to adequately consider the impact of proposed development on the structural integrity of the adjoining protected structure. The first party argue that a Structural Engineer was engaged and a site inspection report including trial hole site investigations were carried out to determine ground conditions and foundation levels and that all works close to the Protected Structure will be carefully considered and that any works carried out would be overseen by a structural engineer.
- 7.4.2 Having considered the application material I note that a Construction Management Plan was included with the initial application. In addition to this, a Structural Method Statement report by Alan Traynor Consulting Engineers Limited was included as part of the response to Further Information. This report included trial holes and recommended that the proposed development should be supported by a raft foundation or conventional strip foundations which step down to the rear of the site and that any excavations close to the Protected Structure should not be carried out below the base of the original stone walls.
- 7.4.3 I note the concerns of the third parties; and specifically, the commentary on the Construction Management Plan and the Structural Method Statement. However, having considered the documentation on file, I am satisfied that the subject site could be developed without impacting on the structural integrity of the Protected Structure to the west. However, I consider that a more detailed Construction Management Plan is required to ensure there would be no impacts on the Protected Structure in the event of a grant of planning permission. The Construction Management Plan would be required to be prepared by a suitably qualified professional and would be required to be agreed in writing by the Planning Authority prior to the commencement of development. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

Design and impact on the character of the Protected Structure and ACA

- 7.4.4 The third parties outline concerns that the design of the proposed development does not have due regard to the site's location within the curtilage of a protected structure and abutting an Architectural Conservation Area. The third parties also state that the proposed dwelling is poorly located within the site and that the relocation of the proposed dwelling a few metres back into the site would reduce the impact on the character of the Protected Structure.
- 7.4.5 I note that the proposed development is broadly similar to a dwelling permitted by An Bord Pleanála under Ref. PL02.245105 (see section 4.1.1 above). Having reviewed the submitted elevation drawings I note that the proposed dwelling would have a lower ridge height than the protected structure to the west of the site. In addition to this, the proposed front building line is set back from that of the Protected Structure to the west. The proposed development would maintain the existing boundary walls, including to the front of the property and the reconstruction of the rear boundary wall to match the existing.
- 7.4.6 I note the concerns outlined in Section 6 of the Architectural Heritage Impact Assessment as set out in Appendix 1 of the letter written by Ronan Olwill which outlines concerns relating to impact of the design of the proposed development on the Protected Structure to the west. However, from a visual perspective, I am satisfied that the proposed dwelling would be appropriately subservient to the existing protected structure and would not adversely affect the setting of the Protected Structure to the west of the site.
- 7.4.7 The design reflects the siting of the proposed development adjacent to an ACA and I consider it appropriate that it takes its cue from this. In addition to this, the design with building materials including a smooth render plaster finish, double glazed timber windows and solid hardwood door will differentiate the Protected Structure.
- 7.4.8 With regard to the location of the proposed dwelling on the site, I am satisfied that the set back from the front of boundary is acceptable. The proposed set back allows the proposed dwelling to have a connection to the street without impacting on the setting of the Protected Structure to the west of the site.
- 7.4.9 The appeal site adjoins but is not within the Lurgan Parish Church Quarter ACA. Development abutting an ACA should be sympathetic to the special character of the ACA. Appendix 20 of the *Cavan County Development Plan 2022-2028* includes the

Architectural Conservation Area Report, Character Appraisal and Policy Framework for Virginia. Section 4.5 of this document includes important vistas. Vista No.5 is stated as being from the western boundary of the ACA along Ballyjamesduff Road and Vista No. 6 is stated as being 'Vista from the town along Ballyjamesduff Road'. I am satisfied that the proposed development would not impact on either vista. I have come to this conclusion having regard to the set back of and ridge height of the proposed development.

7.5 Layout / Residential Amenity of surrounding properties / Parking

Infill development

- 7.5.1 Third parties have outlined concerns that the proposed development would not adhere to current guidance on infill site in edge of town centre locations.
- 7.5.2 The appeal site is a vacant and in my opinion is an underutilised town centre site. In broad terms, the *Cavan County Development Plan 2022-2028* provides support for infill at appropriate sites within town centres. With respect to Virginia, Objective VSC03 encourages the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up areas. I am satisfied that the proposed development is in accordance with guidance relating to infill development.

Floor area

- 7.5.3 The proposed dwelling would comprise of a 4 bed six-person unit with an area of c.133.98m². I note that overall area would exceed the minimum floor area as set out in the Quality Housing for Sustainable Communities: Design Guidelines. All rooms would exceed the minimum floor area standards.
- 7.5.4 Private open space for the dwelling be provided to the rear of the dwelling and has an area of c.367m². This would exceed the area of 50m² for a 4+ bed house set out in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. I am satisfied that the layout of the proposed is acceptable.

Overlooking

- 7.5.5 With regard to overlooking, there are no windows within the western elevation of the proposed development and as a result I am satisfied that the proposed development would not lead to any undue overlooking of the property to the west.

Overshadowing

- 7.5.6 Given the orientation of the site, it is noted that the proposed development may have block some sun light in the morning, there would be no impact on late morning or afternoon sunlight. I am therefore satisfied that the proposed development would not have any undue impact on the amenity of the property to the west by way of overshadowing.

Overshadowing/ Overbearing

- 7.5.7 Given the set back of the proposed development from the western boundary of the land in combination with the relatively minor projection of the proposed development beyond the rear elevation of the development to the west (c.3.6m), I am satisfied that the proposed development would not lead overbearing development.

Parking

- 7.5.8 The proposed development does not include any car parking. Having been on site I note that there is public car parking along Ballyjamesduff Road. In addition to this, the site is within the town centre, in proximity to shopping, communal facilities and public transport, I am satisfied that a zero provision of car parking is acceptable in this instance.

7.6 Water Framework Directive

- 7.6.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 7.6.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a reduction in water quality.
- 7.6.3 The subject site is located c.0.371km to the north-east of Lake Ramor IE_EA_07_275 which has a poor status.
- 7.6.4 I have assessed the proposed dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status

(meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

7.6.5 The reason for this conclusion is as follows:

- The small scale and nature of the development.
- The land is connected to public wastewater and surface water sewers.
- The limited additional loading on the existing wastewater treatment plant.
- The distance from nearest Water bodies.

8 AA Screening

8.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an urban area in the town centre of Virginia, Co. Cavan. The proposal comprises of a two-storey dwelling.

8.2 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the River Boyne and Rover Blackwater SAC (Site code 002299) and the River Boyne and Rover Blackwater SPA (Site Code 004232) which are located c.5.1km to the southeast of the site. In addition to this, the site is located c.70m to the east of the Lough Ramor pNHA (Site Code 000008)

8.3 There is no hydrological link between the subject site and the European sites.

8.4 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.5 This determination is based on:

- Small scale and domestic nature of the development
- The site is connected to the public mains, surface water and foul sewer networks.

- Distance from European sites.
- No hydrological connections to the European sites.

8.5 I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.6 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9 Recommendation

9.1 I recommend that planning permission be granted.

10 Reasons and Considerations

10.1 Having regard to the provisions of the current *Cavan County Development Plan 2022-2028*, the planning history of the site, the pattern of development in the area, to the vision of the zoning of the site which seeks to encourage and consolidate town / village cores with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, it is considered that, the overall design of the proposed development, would provide a viable land use for a vacant and underutilised plot on town centre zoned land in a manner that is consistent with local planning policy provision and would, subject to compliance with the conditions set out below, not seriously injure the amenities of property in the vicinity, in particular the setting of the adjoining Protected Structure or the Architectural Conservation Area for the Lurgan Parish Quarter. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21st day of January 2025 and 29th day of January 2025, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, prepared by a suitably qualified structural / conservation engineer, which shall be adhered to during construction. This plan shall provide details of the following:
 - a) Methods to ensure that the development would not impact on the structural integrity of the Protected Structure to the west of the site and would not lead to settlement / subsidence of the Protected Structure to the west.
 - b) Any mitigations required to safeguard the adjacent Protected Structure.

- c) intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction waste.
- d) measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: In the interest of public safety, in the interest of protecting residential amenity of properties in the vicinity and in the interest of protecting and safeguarding the structural integrity of the adjoining Protected Structure

- 4. No development shall commence on the site until such time as the following have been agreed and complied with:

(a) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Full details shall be agreed with the Planning Authority prior to commencement of development and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interests of the protection of the natural environment, public health and the proper planning and sustainable development of the area

- 5. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health

- 6. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

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

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

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Ronan Murphy
Planning Inspector

30 June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322140-25
Proposed Development Summary	To erect fully serviced two storey detached dwelling, connection to foul sewer & watermain and all ancillary works at Ballyjamesduff Road, Virginia Co. Cavan. The proposed works are within the curtilage of protected structure (CV39016). Significant further information has been received.
Development Address	Ballyjamesduff Road, Virginia, Co. Cavan
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project.' Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business

	district” means a district within a city or town in which the predominant land use is retail or commercial use.)
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	1 dwelling on 0.048ha

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322140-25
Proposed Development Summary	To erect fully serviced two storey detached dwelling, connection to foul sewer & watermain and all ancillary works at Ballyjamesduff Road, Virginia Co. Cavan. The proposed works are within the curtilage of protected structure (CV39016). Significant further information has been received.
Development Address	Ballyjamesduff Road, Virginia, Co. Cavan
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the	

development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an urban built-up serviced location, is adjacent to but not within an ACA or any sensitive landscapes.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).	Having regard to the nature of the proposed development, consisting of a two storey dwelling, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)