



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322198-25

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<b>Development</b>	20 no. apartments, comprising of 10 no. 2 bed and 10 no. 3 bed units, and 6 no. houses, comprising of 4 no. single storey 2-bed houses, and 2 no. 2-storey houses.
<b>Location</b>	Magheranure, Cootehill, Co. Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2460508
<b>Applicant(s)</b>	Greyhound Trading Ltd.
<b>Type of Application</b>	Bellamont View Residents.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Bellamont View Residents
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> June 2025
<b>Inspector</b>	Kenneth Moloney

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the centre of Cootehill, Co. Cavan, off Bridge Street. There is an access to the site off Bridge Street, which currently serves an existing mechanics' garage.
- 1.2. The appeal site is located to the immediate west of the existing mechanics' garage and the gradient of the appeal site rises steeply from the rear of the mechanics' yard. The size of the appeal site is approximately 0.811 ha.
- 1.3. The site is greenfield enclosed by natural field boundaries and is surrounded by existing housing developments to the north, west and south.
- 1.4. The mechanics' garage and properties facing onto Bridge Street are located to the immediate east of the appeal site.
- 1.5. Bellamont View is the housing development located to the immediate north of the appeal site and comprises of two-storey detached houses in series of cul-de-sacs.

## 2.0 Proposed Development

- 2.1. Planning Permission is sought for 26 no. dwellings, to comprise as follows.
  - 20 no. apartment units accommodated in 3 storey blocks (Blocks A, B & C). The apartments comprise of 10 no. duplex units and 10 no. split level ground floor apartments.
  - 4 no. single storey 2 bed semi-detached bungalows (Blocks D & E).
  - 2 no. two-storey 3-bed semi-detached houses. (Block F)
- 2.2. The 20 no. apartment units are to comprise of 10 no. 2-bed units and 10 no. 3-bed duplex units.
- 2.3. Private open space provision for the residential units includes rear gardens for the bungalows and houses, and the private open space provision for the duplex apartment units is in the form of private terraces. The ground floor apartments will have a terrace area to the front. The public open space provision is located to the east and south of the proposed development.

- 2.4. The proposed vehicular access to the site is from the existing housing development, Bellamont View, situated to the immediate north of the appeal site.
- 2.5. The proposed development will have a pedestrian access to the east of the site onto Bridge Street.
- 2.6. The proposed development includes 52 no. car parking spaces catering for 2 no. car parking spaces per residential unit.
- 2.7. The proposed development will be served by existing foul main and water supply infrastructure.

### **3.0 Planning Authority Decision**

- 3.1. The Planning Authority decided to grant planning permission for the proposed development, subject to 43 no. conditions which are standard for the development type.

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

- 3.2.1. The Planning Officer's report dated 13<sup>th</sup> December 2024 notes the following.
  - A retaining wall and railing is proposed to the eastern section of the site.
  - Concerns in respect of the visual impact of Block A, B & C given elevated nature of site.
  - Concerns regarding poor sunlight levels achievable for the lower ground floor units of Blocks A, B & C.
  - Overlooking from rear of Block F to neighbouring properties is not an issue.
  - Proposal provides for a variety of house types and design is acceptable.
  - Proposal provides for enhancement of permeability and connectivity to the town centre.
  - Private and public open space provision is acceptable.
  - Landscaping and boundary treatment deemed acceptable.
  - Car parking provision meets development plan standards.

- Area Engineer requested FI in relation to road design and Stage 1/2 Road Safety Audit.
- Applicant shall enter a connection agreement with Uisce Eireann.
- Proposal provides an attenuation tank with proposed hydrobrake to restrict outflow to the existing storm water sewer.
- Part V condition required.
- No proposals for public lighting submitted.
- Screening for AA not required having regard to the nature of development and distance from Natura 2000 Sites.

3.2.2. The Planning Officer's report recommends that the following be addressed by way of further information (1) details and location of public lighting, (2) submit daylight performance in respect of lower ground floors units at Blocks A, B and C, (3) address concerns in relation to overbearing visual impact of Blocks A & B, by submitting revised proposals and supporting photomontages, and (4) submit revised proposals for road design and Stage 1/2 Road Safety Audit.

3.2.3. The Planning Officer's second report dated 13<sup>th</sup> March 2025 assesses further information received. The PA, having regard to the FI submitted, recommends that permission be granted.

In relation to FI **Item 1**, the PA report considers that the proposed lighting along the pedestrian access and the internal access road is acceptable and plans to erect capped lighting which will protect residential amenities.

In respect of FI **Item 2**, the PA considers the submitted Daylight Assessment Report acceptable and notes the internal amendments to the lower ground floor apartments to enhance daylight performance.

In relation to FI **Item 3**, the PA report considers that the revised changes to the ground levels are satisfactory. It is proposed to reduce FFL by c. 0.4m which will help integrate the duplex apartments at this location. PA notes that a section drawing indicates that the western boundary is significantly higher than the FFL of the proposed scheme and will not injure residential amenities on the western boundaries.

The PA considered that the response to FI **Item 4** was acceptable.

#### 3.2.4. Other Technical Reports

- Area Engineer: - No objections subject to conditions which relate to (1) storm water, and (2) pedestrian access.
- Environment Section: - Proposal acceptable subject to standard public sewer, public mains and surface water conditions.
- Environmental Waste Management – No objections subject to conditions including submission of a Resource and Waste Management Plan, management of on-site waste, and waste disposal receipts shall be retained by owner at least 5 years post completion.
- Roads Design: - FI sought for revised proposals for road design and Stage 1/2 Road Safety Audit.

#### 3.3. Prescribed Bodies

- Uisce Eireann: - Proposal acceptable subject to conditions.

#### 3.4. Third Party Observations

3 no. observations received in relation to the planning application, and further 2 no. observations were received in relation to the additional information response, which the PA deemed contained significant additional information and revised statutory notice were required. The issues raised can be summarised as follows:

- Legal issues in relation to proposed access.
- Traffic safety.
- Increased traffic diminishing residential amenity.
- Overlooking to properties facing onto Bridge Street and Drumline Drive.
- Adverse impact on residential amenity due to dominance.
- Unusable public open space due to gradient.
- Safety of pedestrian access onto Bridge Street and unusable for accessible users.

- Proposed development will block access to a private site.
- 100% residential use fails to meet the Town Centre zoning objective of the site.
- Poor urban design.
- Inadequate water supply infrastructure and site-specific plan for stormwater and general site drainage.
- Proposed duplex units not in character with the pattern of development.
- The design revisions at FI will not address overbearing, visual impact and overlooking into rear gardens of Bridge Street.
- Negative impacts on visual amenity and character of the Bridge Street area.

## 4.0 Planning History

### 4.1. On-site

- PA Reg. 061680

Application **withdrawn** for the construction of 17 No. dwelling houses consisting of 12 No. semi-detached three storey dwellings, 3 No. terraced two storey dwellings, 1 detached three storey dwelling, one detached two storey dwelling, connection to public water and sewer and a new entrance

- PA Reg. 051653

PA decided to **refuse permission** for a total of 17 no. residential units comprising of 12 no. semi detached two storey dwelling houses, 1 no. detached two storey dwelling house, 1 no. two storey apartment block consisting of 4 no. two bedroom apartments and 2 no. detached domestic garages on sites 10 and 11, connection of water and sewage to public mains and new entrance. Reasons for refusal include (1) proposal would be injurious to existing and proposed residential amenities having regard to levels, gradients, overall heights and the inadequate private open space provision (2) visual amenities having regard to the elevated nature of the site.

### 4.2. Adjacent Site

- PA Reg. 2460622

- 4.3. Application **incomplete** for the construction of 2 no. storey and a half, detached houses and garages. Connect to mains services including water, storm and sewage and all associated site works.

## 5.0 Policy Context

### 5.1. National Planning Context

#### 5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high quality urban places), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

#### 5.1.2. Climate Action Plan 2025

Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector.

#### 5.1.3. Section 28 Ministerial Planning Guidelines

Several national planning guidelines are applicable to the proposed development. The relevant guidelines include the following:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
  - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
  - Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design



Manual for Urban Roads and Streets, 2013, including updates (DMURS).

- Section 5.3: includes achievement of housing standards as follows:
  - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
  - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
  - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
  - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations.
  - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
  - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
  - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-2 bedroom units), SPPR 4 (33% to be dual aspect units in more central and accessible urban locations), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).

## 5.2. Cavan County Development Plan, 2022 – 2028

5.2.1. The subject site is primarily zoned '**Town Centre**'. The stated objective of such lands is: '*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 is permitted in principle within this zoning objective.

5.2.2. Section 14.3.2 of the Development Plan sets out the vision for town centre sites and this includes consolidating these sites 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.

5.2.3. A small section of the site adjoining the northern boundary is zoned '**Existing Residential**'. The stated objective of such lands is: '*Protect and enhance the amenity of developed residential communities*'. Residential is permitted in principle within this zoning objective.

5.2.4. Chapter 1 'Core Strategy' sets out the settlement strategy for County Cavan and Cootehill is designated as a 'self-sustaining town' which is the third settlement tier in the county settlement hierarchy<sup>1</sup>. The Plan notes that self-sustaining towns are towns with high levels of population growth, but which require consolidation and targeted 'catch up' investment to become more self-sustaining.

5.2.5. Chapter 2 'Settlement Strategy' includes relevant policy objectives for the proposed development and this includes;

- Policy Objective CG 06 states as follows;

*'Encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities and services that meet the needs of the entire community and accord with the principles of universal design and Age Friendly standards'*.

- Policy Objective CS 01 – Provision for new residential development in Cootehill.

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<sup>1</sup> Table 5 of the CDP

- Policy Objective CS 02 states as follows:

*‘Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Cootehill’.*

- Policy Objective CS 03 – Brownfield and infill sites for residential uses
- Policy Objective CS 04 states as follows:

*‘Require proposals for new development to integrate with existing Green Infrastructure networks and contribute to the development and protection of overall Green Infrastructure assets’.*

- Policy Objective CRP 06 – Regeneration of the backlands of Cootehill

#### 5.2.6. Chapter 7 ‘Transportation and Infrastructure’.

- Policy Objective CP 01 states as follows:

*Require development proposals to provide adequate car parking provision and associated servicing arrangements. The specific amount of car parking will be determined according to the characteristics of the development and its location having regard to the standards set out in Table 7.4.*

#### 5.2.7. Chapter 13 ‘Development Management Standards’. Section 13.4 provides guidance on residential density, building height, site coverage, plot ratio, private open space, public open space, overlooking and overshadowing, and design and layout. The following policies are relevant to the proposed development.

- Policy Objective RD 01 – Encourage the densities in accordance with Section 13.4.1 of this Plan throughout the county in accordance with the Core Strategy.

Section 13.4 sets out applicable densities for different settlement categories.

- Policy Objective SCDO 01 (Site Coverage) – Individual developments assessed in accordance with NPO 13
- Policy Objective PR 01 (Plot ratio) – Individual developments assessed in accordance with NPO 13

- Policy Objective POS 02 – Require minimum private open space
  - 1- 2 bed house 48m – 55 sq. m,
  - 3, 4 and 5 bed house 60 – 70 sq. m.
- Policy Objective OO 01 – states as follows;
 

*‘A minimum distance of 22 metres of separation between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units shall generally be observed’.*
- Policy Objective OO 02 – states as follows;
 

*‘A separation distance of 35 metres will normally be required in the case of overlooking living room windows and balconies at upper floors’.*
- Policy Objective OO 07 – Daylight and sunlight in accordance with A Guide to Good Practice (B.R. 209, 2011).
- Policy Objective DL 02 – Provide a range of dwelling sizes and typologies

### 5.3. Natural Heritage Designations

- Lough Oughter and Associated Loughs SAC (site code 000007) – 15.2 km west
- Lough Oughter SPA (site code 004049) – 20 km southwest
- Dromore Lakes pNHA (site code 000001) – 0.6km northeast

## 6.0 EIA Screening

- 6.1. 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.

## 7.0 The Appeal

7.1. The grounds of appeal may be summarised as follows.

### Invalid Application / Legal Title

- No letter of consent is provided by the legal registered landowner.
- Previous application (LA Reg. 24/60233) was invalid as no letter of consent was provided.
- The Council has taken in charge Bellamont View, however the Council are not registered legal owners of green spaces. The green space adjacent to the proposed access is essential to facilitating access to the proposed development.
- Control over the green space is required to implement road safety audit measures.
- The 'taken in charge' of Bellamont View, was completed in 2017 and the maintenance of the public open spaces remained the responsibility of the homeowners within the estate. Legal title regarding public open spaces was not transferred to the Council.
- In accordance with landdirect.ie the site boundary is under the ownership of a third party.
- The Council have taken in charge the estate but are not the legal site owners. No letter of consent is provided by the third-party owners.
- A pedestrian link was considered between Bellamont View and Drumlin Drive. Residents in Drumlin Drive opposed the pedestrian link and it did not proceed. It is questioned why the views of the residents in Drumlin Drive carries more weight than the residents of Bellamont View, who oppose the road link to the proposed development.
- There was a recent planning application for two houses on the site adjacent to the proposed access.

### Proposed Vehicular Access

- The road infrastructure in Bellamont View is not designed to accommodate an additional 26 no. residential units.
- The RSA has not demonstrated that the existing roads in Bellamont View are of an acceptable standard and capacity to cater for additional traffic. RSA has not identified problems and solutions for the access.
- Proposal would result in significant additional traffic at a busy junction opposite a national school.
- Traffic will have an adverse impact on the quality of life of residents.
- Sightlines from the access into Bellamont View onto the R188 can be restricted.
- Gradient of the estate road relative to the R188 can be challenging and is a road safety issue.
- The R188 (Cavan – Monaghan Road) is a heavily trafficked road.

#### Works recommended by Road Safety Audit Report

- The green open spaces within Bellamont View (privately owned) are maintained by the residents and not taken in charge.
- RSA Problem 3.1 recommends a realignment of a kerb, however this area of the site is not within the ownership of the applicant or the Council.
- Similarly, Problem 3.2 and 3.3 and their recommendations relate to lands outside the ownership of the applicant or the Council.
- Unclear how FI 4(i) was appropriately addressed given that no measures are proposed for straight section of road in Bellamount (c. 114 metres). It is questioned who will assess whether a redesign is required to prevent vehicles travelling at high speeds.
- Condition no. 29 (Road Safety Audit implementation) cannot be implemented.

#### Residential Amenity & Depreciation of Value of Property

- The proposed development will destroy the existing cul-de-sac setting, which is a safe place for children to play.
- Proposal will cause of a depreciation in the value of property.

- Additional traffic will result in associated noise and emissions impacting on residential properties.
- No details in relation to construction traffic access provided with the application.
- Construction traffic will have an adverse impact on established residential amenities.

#### Responsive Built Form

- Proposed development fails to integrate with established pattern of development in the area.
- The 3D images submitted with FI fail to demonstrate how the development will integrate with the existing streetscape.
- Proposal will erode the strong sense of identity which exists along Bridge Street within Bellamont View.
- The gradient of the pedestrian path to Bridge Street is not universally accessible with no passive surveillance provided.
- The proposed layout has not responded to natural features and will destroy the natural features of the site contrary to policy objective CS04 of CDP which requires proposals for new development to integrate with existing green infrastructure.

#### Urban Design

- The proposed duplexes and semi-detached units are not in keeping with the character of the area.
- Proposal not consistent with policy objective HO5 of CDP which requires new development to integrate with existing urban fabric.
- Proposal will dominate the skyline over properties along Bridge Street and will seriously impact on the amenities of the area.
- Proposal will result in overbearing urban design.

#### Public Open Space

- Public open space is substandard due to the site gradients and has inadequate size.
- Policy objective PCOS of CDP requires a high standard of public open space. The proposed development is contrary to this policy objective as the public open space is unusable.
- The open space is not suitable for vulnerable users.

#### Town Centre Zoning

- 100% residential use fails to meet the Town Centre zoning objective of the site.

## **7.2. Applicant Response**

7.2.1. The applicant submits the following.

#### Invalid Application / Legal Title

- The proposed access road (L2032) is in the control of the Council.
- The development is consistent with Art. 22(2)(g) of the P&D Regulations, which requires written consent of the owner to make an application.
- ABP are referred to case law McCallig v ABP (2011) which determined that legal matters are not for the planning system to determine.
- ABP are referred to s. 5.13 of the Development Management Guidelines.

#### Bellamont View – Planning History / Validation of application – letter of consent

- No comments, except refer to point above.

#### Proposed Vehicular Access / Works recommended by Road Safety Audit

- All recommendations within the RSA can be fully complied with having regard to the applicant's and the Council's land ownership.
- The Road's Dept. of the PA have no objections to the RSA.

#### Residential Amenity and depreciation of value of property

- Depreciation of value of property is not a planning matter.



- The subject lands are zoned town core and only accessible via the existing housing estate.
- The small area at the end of the cul-de-sac is not large enough to provide a play area for children.

#### Responsive Built Form

- Proposed development is linear design is similar to the existing development to the north.
- The proposed 3D images and photomontages and site sections demonstrate the integration of the development into the existing landscape which will not have a negative visual effect from Bridge Street.

#### Urban Design

- House designs are high quality with a mixture of finishes.
- Private open space provision consistent with Compact Settlement Guidelines (2024) and s. 13.4 of the CDP.
- Public open space provision accounts for 19.5% of the site area and meets the requirements of the guidelines.

#### Town Centre Zoning

- Residential is permitted in principle within the town centre zoning objective and meets the zoning requirements.

### **7.3. Planning Authority Response**

#### 7.3.1. The Planning Authority submit the following.

- The PA is satisfied that items 2 – 4 in the first party appeal were adequately addressed in the planner's report.
- The PA consider the planning application valid with relevant letter of consent. The housing estate (Bellamont View) was taken in charge in 2017, including the internal access road.
- The Board is requested to uphold the PA decision to grant planning permission.

## 8.0 Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Residential Density
- Validity of Application
- Impacts on Established Residential Amenities
- Compliance with Residential Standards
- Transportation Matters
- Built Form and Urban Design
- Site Services

### 8.1. Principle of Development

8.1.1. The appeal site is primarily zoned 'Town Centre' with the objective 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'.*

8.1.2. A small portion of the subject site adjoining the northern site boundary is zoned 'Existing Residential'. The Cavan CDP, 2022 – 2028, advises that residential use is permitted in principle within both the 'Town Centre' and 'Existing Residential' zoning objectives.

8.1.3. I would note that the appellant raises concerns in respect of the proposed 100% residential use within a 'Town Centre' zoning objective. However, the Cavan CDP does not restrict the quantum of residential use within the 'Town Centre' zoning objective, accordingly, I am satisfied that the proposed development is consistent in principle with zoning provisions of the current Development Plan. Further the

development of a residential scheme on the subject site would not preclude commercial development on other adjacent town centre sites.

- 8.1.4. A key component of the Cavan CDP is the achievement of compact urban forms through the utilisation of infill development and regeneration of brownfield sites (policy objectives CS 03 and CRP 06).
- 8.1.5. The intensification of development on the subject town centre site is consistent with national planning policy, including the National Planning Framework – First Revision<sup>2</sup> and policies such as NPO 7 (compact growth), NPO 9 (compact growth) and NPO 45 (increased density).
- 8.1.6. Furthermore, regional policy objectives in the NWRA Regional Spatial Economic Strategy supports compact growth (RPO 3.1 and RPO 3.2) and regeneration (RPO 3.9).
- 8.1.7. The principle of the development which involves the intensification of an existing town centre site, is therefore consistent with national, regional and local policy objectives.

## 8.2. **Residential Density**

- 8.2.1. Section 13.4.1 ‘Residential Density’ of the Cavan CDP advises that the concept of 15–20-minute walkable communities will be sought and created, and accordingly appropriate residential densities will be encouraged within walking distance to town centres and public transport infrastructure.
- 8.2.2. Cootehill is designated as a ‘self-sustaining town’ which is the third settlement tier in the county settlement hierarchy, and the appeal site is located within the ‘town core’ of Cootehill. Section 13.4 of the Cavan CDP recommends achieving a residential density of 25 – 30 units per ha in the town/village core of self-sustaining towns.
- 8.2.3. The Cavan CDP provides for a degree of flexibility in terms of density standards. The Plan advises ‘*density ranges are targets and should not be read as maxima*’. In addition, the Plan advises that the densities outlined in the Plan indicate approximate

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<sup>2</sup> April 2025

key residential outputs over the lifetime of the plan and site density will be determined on a case-by-case basis.

- 8.2.4. Separately the Compact Settlement Guidelines (2024) advise that small to medium sized towns that within the town centre area it is policy and objective of the Guidelines that the scale of new development in the central areas of these settlements should respond positively to scale, form and character of existing development.
- 8.2.5. The proposed development provides for 26 no. residential units on a site area of 0.81 ha, and as such the residential density for the proposed development is 32 units per ha. However as discussed above the recommended density ranges in the Cavan CDP are targets and are not maximums. As such I would consider that the residential density in respect of proposed residential development would not contravene the Cavan CDP in respect of residential density.
- 8.2.6. I would consider that the residential density would be acceptable given town centre location of the site with good proximity to amenities and services and a key component of the Cavan CDP is the achievement of compact urban forms and further having regard to the provisions of the Compact Settlement Guidelines (2024) to achieve compact forms of development.

### 8.3. **Validity of Application**

- 8.3.1. The appellant's assert that the application does not include a letter of consent from the relevant landowner to ensure the validity of the planning application.
- 8.3.2. I would acknowledge that a previous planning application on the appeal site (Ref. No. 2460233) was invalidated by the PA as the development included works outside the red line boundary and outside the applicant's ownership. These works related to the extension of the cul-de-sac into the existing estate.
- 8.3.3. The current application (Ref. No. 2460508) includes a letter of consent from Cavan County Council consenting to the use an area of land situated between Bellamont View and the appeal site for the purpose of submitting the planning application.
- 8.3.4. I note from Question 10 (legal interest) of the submitted planning application form that the applicant submits that they are the owner of the application site.

- 8.3.5. It is also important to note that the submissions on the file from the PA and appellant both confirm that the Council has ‘taken in charge’ the L2032 (the access road within Bellamont View) in 2017. I noted from my site assessment that the L2032 terminates as a cul-de-sac. I would further note that the appellant’s submission does not include any evidence to support their ownership claim.
- 8.3.6. I would therefore consider, on the basis of information available, that the applicant has demonstrated sufficient legal interest in the subject site in order to make the planning application. However, the Board will note, that section 34(13) of the Planning and Development Act, 2000 (as amended) states a person is not entitled solely by reason of a permission to carry out any development. As such any further legal dispute is considered a Civil matter outside the scope of the planning appeal, which is a matter to be resolved by the respective parties.
- 8.3.7. I have concluded above that the applicant has sufficient legal interest to proceed with the application, as such I would not consider that the application can be invalidated by reason of insufficient legal interest.
- 8.3.8. I note that the appellant raises the issue of a previously proposed pedestrian link which was proposed from Bellamont View to Drumlin Drive. The appellant submits that the pedestrian link did not proceed having regard to concerns from residents of Drumlin Drive, and as such the appellant questions how current concerns of Bellamont View are not appropriately considered in relation to the proposed road link. I would not consider that issues in respect of merits of a pedestrian or road link are pertinent to legal ownership or validity of this planning application, and I would consider such issues in the assessment under ‘Transportation Matters’ below.

#### 8.4. **Impacts on Established Residential Amenities**

##### 8.4.1. Overlooking

The proposed apartments are situated on an elevated site relative to the existing residential properties to the east of the appeal site, which face onto Bridge Street, and also properties to the west at Drumline Drive, and would potentially give rise to overlooking as the front elevations and terraces of the proposed duplex units face towards the rear of the residential properties on Bridge Street.

8.4.2. I would note that the Cavan CDP includes policy objectives in section 13.4.9 of the Plan, to ensure that new development avoids overlooking of existing or proposed residential units. Policy Objective OO 01 requires a minimum separation distance of 22 metres between opposing first floor rear windows, and Policy Objective OO 02 requires a separation distance of 35 metres in the case of overlooking living room windows and balconies at upper floors. Furthermore, SPPR 1 of the Compact Settlement Guidelines (2024), requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses.

8.4.3. Bridge Street Properties

Having regard to the separation distance from the proposed duplex units to the rear elevations of residential properties on Bridge Street, which varies from a minimum distance of 50m, I would consider, having regard to the town centre site and also to the provisions of the Cavan CDP and the Compact Settlement Guidelines (2024), that the proposed separation distance would adequately protect residential amenities from any undue overlooking, notwithstanding the difference in levels.

8.4.4. Proposed Development

The rear elevation of the proposed duplex units (west facing) are two-storey in height. The western elevation of the proposed duplex units face the proposed front elevations of the houses in Blocks D, E and F. The proposed apartment Blocks A and B face towards the single storey houses and are set back c. 26 metres from the proposed houses. Having regard to the single storey nature of the proposed houses, a separation distance of c. 26 metres is acceptable to prevent any undue overlooking concerns.

8.4.5. The proposed apartment Block C is set back from the proposed two-storey houses (Block F) by a distance of c. 26 metres. The opposing first floor windows in both the duplex units and the two-storey houses are serving bedrooms and a minimum separation distance of 22 metres between opposing first floor windows would be achieved and Cavan CDP Policy Objective OO 02 would not apply in this instance. Furthermore, I would consider that having regard to the development site location, adjacent to the town centre, that the proposed relationship between proposed Block C and Block F is acceptable.

#### 8.4.6. Drumline Drive

There is an existing housing development (Drumlin Drive) located to the immediate west of the appeal site and to the rear of the proposed houses in Block D, E and F. I would note from the submitted cross-section that accompanied the further information response that the proposed houses (Blocks D, E and F) are on the same level with the adjacent houses in Drumlin Drive, however the level of the proposed houses are lower than the western site boundary, which would ensure that the potential overlooking from the development site is mitigated.

8.4.7. The rear elevations of the proposed single storey houses are set back from the rear elevations of Drumlin Drive in excess of 28 metres. In relation to the proposed two-storey houses (Block F) the set back distance from the adjacent house in Drumlin Drive is approximately 26 metres. The proposed development would exceed the minimum separation distance of 22 metres between opposing rear windows, and the proposed relationship with Drumline Drive is therefore acceptable.

#### 8.4.8. Conclusion

8.4.9. In conclusion therefore, having regard to the above considerations, I would consider that the proposed development would not overlook established or proposed residential amenities, and would be consistent with the Cavan Development Plan development management standards in terms of achieving adequate separation distances to prevent any such overlooking.

#### Visual Overbearing and Overshadowing

8.4.10. In terms of visual prominence and integration with the pattern of development I will discuss this separately below in the assessment under para 8.5 '*Built Form and Urban Design*'. In relation to visual overbearing and potential impacts on established residential amenities, I would accept that the proposed development, having regard to the elevated nature of the appeal site, would be visible from adjacent residential developments.

8.4.11. However, having regard to the submitted cross sections that accompanied the planning application and also in reply to the further information response, I would note that the development proposal includes a cut to the site and a reduction in the site levels which would mitigate visual impact of the proposed development.

8.4.12. Furthermore, and having regard to the separation distances that I have noted above from the proposed residential development to existing residential developments, I would consider that the proposed development would be adequately set back to avoid any adverse visual overbearing on any established residential amenities.

#### Shadowing

8.4.13. I would consider, based on orientation of the development and separation distances outlined above in para 8.4.3 that shadowing would not adversely impact on established residential amenities. I have considered in para. 8.5 below the issue in relation to concerns of daylight on the lower ground floor units at Block A, B and C, in the context of proposed residential amenities.

#### Other Impacts

8.4.14. The appellant raises concerns in respect of the construction of the proposed development and impacts on established residential amenities in Bellamont View. The impacts in terms of noise and traffic would be short term temporary during the construction phase of the development and would not be significant in terms of loss of residential amenity.

### **8.5. Compliance with Residential Standards**

The Cavan CDP includes development standards to be applied in the assessment of residential developments to ensure that development provides a good standard of residential amenity for future occupants and would not adversely impact on any established amenities.

#### Apartments

8.5.1. The proposed development provides for 20 no. apartments in 3 no. blocks situated in the centre of the appeal site. This includes a total 10 no. ground floor units and 10 no. duplex units. In terms of assessing the standard of residential amenity for future occupants, relevant standards include private open space provision, minimum floor areas, storage provision and floor areas for bedrooms and living spaces.

8.5.2. The Cavan CDP advises that proposals for new apartment schemes shall be designed in line with the design criteria as set out in the 2018 Ministerial Guidelines – Sustainable Urban Housing – Design Standards for New Apartments, Guidelines



for Planning Authorities or any subsequent update. The Apartment Guidelines (2023) have replaced these guidelines and would be a relevant consideration. The Cavan CDP does not include minimum amenity standards in respect of apartments in the development plan.

8.5.3. Table 1 below sets out the private open space provision, floor areas and storage provision for the proposed apartments in Blocks A, B and C relative to the minimum standards recommended in the Apartment Guidelines (2023).

Block	Units no.	Bedrooms	Floor Area	Min. Required Floor Area	Proposed Private Open Space	Required Amenity space	Storage	Required storage space
A	1, 2 & 3.	2-bed unit ground floor units	67.1 m <sup>2</sup>	63 m <sup>2</sup>	c. 12.3 m <sup>2</sup>	6 m <sup>2</sup>	5 m <sup>2</sup>	5 m <sup>2</sup>
A	1, 2 & 3	3-bed unit duplex units	104.5 m <sup>2</sup>	90 m <sup>2</sup>	c. 26 m <sup>2</sup>	9 m <sup>2</sup>	9.4 m <sup>2</sup>	9 m <sup>2</sup>
B	1, 2 & 3.	2-bed unit ground floor units	67.1 m <sup>2</sup>	63 m <sup>2</sup>	c. 12.3 m <sup>2</sup>	6 m <sup>2</sup>	5 m <sup>2</sup>	5 m <sup>2</sup>
B	1, 2 & 3	3-bed unit duplex units	104.5 m <sup>2</sup>	90 m <sup>2</sup>	c. 26 m <sup>2</sup>	9 m <sup>2</sup>	9.4 m <sup>2</sup>	9 m <sup>2</sup>
C	1, 2, 3 & 4.	2-bed unit ground floor units	67.1 m <sup>2</sup>	63 m <sup>2</sup>	c. 12.3 m <sup>2</sup>	6 m <sup>2</sup>	5 m <sup>2</sup>	5 m <sup>2</sup>
C	1, 2, 3 & 4.	3-bed unit duplex units	104.5 m <sup>2</sup>	90 m <sup>2</sup>	c. 26 m <sup>2</sup>	9 m <sup>2</sup>	9.4 m <sup>2</sup>	9 m <sup>2</sup>

8.5.4. The Cavan CDP does not include guidance on minimum bedroom standards, however the Apartment Guidelines (2023) requires the following minimum bedroom sizes

- One bedroom – 11.4 sq. m.

- Two bedrooms (3 person) – 13 + 7.1 sq. m. = 20.1 sq. m.
- Two bedrooms (4 person) – 11.4 + 13 sq. m. = 24.4 sq. m.
- Three bedrooms – 11.4 + 13 + 7.1 sq. m. = 31.5 sq. m.

8.5.5. It is evident from Table 1 above that the floor areas for the proposed apartments will exceed the minimum floor areas as recommended by the Apartment Guidelines (2023), and also the storage provision within the proposed apartments is acceptable having regard to the provisions of the Apartment Guidelines (2023).

#### 8.5.6. Private Open Space for Apartments

The private open space for the proposed ground floor apartments consists of a ground level terrace and as evident from the Table 1 above these units would provide a good standard of residential amenity relative to that recommended in the Apartment Guidelines (2023). I also note that the ground floor apartments include a lightwell (c. 20 sq. metres). The ground floor units, as proposed, would offer a good standard of private open space provision to future occupants.

8.5.7. The proposed duplex units offer a first-floor terrace and a second-floor balcony which would exceed the minimum recommended standards in the Apartment Guidelines (2023), and therefore the private open space provision for these units is acceptable.

#### 8.5.8. Other Amenity Standards for Apartments

8.5.9. Dual aspect orientations are proposed for all 20 no. apartment units, within Blocks A, B and C, which will ensure a good standard of residential amenity for future occupants.

8.5.10. I would note that the PA had concerns in relation to the performance of daylight for the proposed ground floor apartments. Having regard to the site levels of the ground floor apartments I note from the submitted drawings that the front elevation has ground floor access and the rear elevation face onto a lightwell which is below ground level. The applicant responded to concerns by submitting a '*Daylight Assessment of the Lower Ground Floor Apartments of a Proposed Residential Development*' in response to an FI request.

8.5.11. The applicant's report tests the daylight performance of the ground floor apartments in relation to BS EN 17037 which gives a target illuminance value for residential

settings being 200 lux for kitchens, 150 lux for living rooms, and 100 lux for bedrooms. The Report, based on UK practice, advises that target illuminance values are exceeded over at least 50% of the points.

- 8.5.12. The Report confirms that the light distribution was computed by modelling the internal configuration of rooms and windows placed within the existing topography and the adjacent buildings and then running an analysis on the same. The results are tabulated within the report and demonstrate that the ground floor apartment rooms in Block A, B and C comply with the requirements defined in BS EN 17037 Annex NA room targets for 50% of floor area tested, and the compliant areas achieve the relevant target Lx (bedrooms, Living/Kitchen/Dinning) are in excess of the required 50%.
- 8.5.13. The report concludes that to enhance daylight performance in the lower ground floor apartments of Block A, B and C, design changes were implemented, including widening the glazing and aligning walls to create flush surfaces. The purpose of these alterations is to maximise natural light penetration and improve overall daylight distribution within the rooms.
- 8.5.14. I would accept that the applicant's report has demonstrated that the ground floor apartments will receive adequate daylight provision for future occupants. I would also note the PA considered that the daylight performance of the ground floor apartments was satisfactory. Therefore, on balance I would be satisfied that the daylight provision in the ground floor apartments provides an acceptable standard of residential amenity.
- 8.5.15. In terms of bedroom spaces, I would acknowledge that bedroom floor areas in respect of the apartment units in the ground floor units and the duplex units are all a good standard and exceed the requirements of the Apartment Guidelines (2024).
- 8.5.16. Conclusion
- I consider that future residents will be provided with residential accommodation of an acceptable standard and level of residential amenity, having regard to the provisions of the Cavan CDP, and the Apartments Guidelines (2023).
- 8.5.17. Houses

The proposed development provides for 6 no. houses situated adjacent to the western boundary of the appeal site.

8.5.18. Private Open Space for Houses

Policy objective POS 02 of the Cavan CDP requires private open space of 48 – 55 sq. m. for a 1 – 2 bed house, and 60 – 75 sq. m. for a 3, 4 or 5 bedroom houses.

8.5.19. SPPR 2 of the Compact Settlement Guidelines (2024), which superseded the adoption of the Cavan CDP, 2022 – 2028, is also relevant. SPPR 2 requires minimum private open space for houses in the order of 20 sq. m. for a 1-bed house, 30 sq. m. for a 2-bed house, and 40 sq. m. for a 3-bed house.

8.5.20. I have set out in Table 2 below the proposed private open space provision for Blocks D, E and F, which relate to housing units, relative to the development plan standards and the Compact Settlement Guidelines (2024).

Block	Unit no.	Bedrooms	Proposed Private Open Space	CCDP min. standard	S. 28 min. standard
D	1	2-bed unit	77.6 sq. m.	48 – 55 sq. m.	30 sq. m.
D	2	2-bed unit	68.2 sq. m.	48 – 55 sq. m.	30 sq. m.
F	1	2-bed unit	68.9 sq. m.	48 – 55 sq. m.	30 sq. m.
F	2	2-bed unit	68.7 sq. m.	48 – 55 sq. m.	30 sq. m.
F	1	3-bed unit	60 sq. m.	60 – 75 sq. m.	40 sq. m.
F	2	3-bed unit	60.1 sq. m.	60 – 75 sq. m.	40 sq. m.

It is evident from Table 2 above that the proposed houses in the development proposal would exceed the minimum required standards for private open space provision

Minimum Floor Areas

8.5.21. The proposed single storey 2-bedroom units all have a floor area of c. 67 sq. metres and the two-storey semi-detached 3-bedroom units have a floor area of c. 106 metres.

8.5.22. I would acknowledge that the Cavan CDP does not include any minimum standards in respect of floor areas for houses, however Section 5.3: ‘Internal Layout and Space

Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) recommends minimum standards for houses. The Guidelines advise that the minimum standard for the proposed two-bed unit is 60 sq. metres, and the minimum floor area for the proposed 3-bedroom house is 92 sq. metres.

8.5.23. The proposed houses in the development proposal would exceed the minimum required standards for floor areas.

8.5.24. Public Open Space

8.5.25. The proposed public open space provision for the development is primarily located adjacent to the eastern and southern boundary of the development site. Policy PCOS 01 of the Cavan CDP refers to compliance with the Sustainable Residential Development Guidelines (2009) which was replaced by the Compact Settlement Guidelines (2024).

8.5.26. The proposed development provides for greenspace of 19.5% of the site area and this would be acceptable provision, having regard to the gradient of the site which is challenging in terms of providing usable public open space.

8.5.27. I would consider and noting the appellants comments regarding the sloping site and the usability of the proposed public open space provision that the submitted drawing 'Site Survey' which accompanied the planning application, indicates that the public open space would fall in level towards the eastern site boundary, however I would note that falls in levels would generally be gentle in nature and would not prohibit use of the space.

8.5.28. I would acknowledge that the level of the public open space is varied and acknowledging that in some locations the fall in level is more pronounced than other areas within the open space. The public open space also offers areas that are generally flat and proposes appropriate landscaping and has a high level of surveillance overlooking.

Overall, I would consider that the public open space, having regard to the quantum of space, would provide a good standard of residential amenity for future occupants.

8.5.29. Conclusion

The proposed houses in the development proposal would exceed the minimum required standards for private open space provision and minimum floor areas and there is an adequate provision of public open space, and as such I would conclude that the proposed development would offer a good standard of residential amenity for future occupants of the proposed houses.

## 8.6. **Transportation Matters**

### 8.6.1. **Introduction**

The proposed development is to be accessed from the adjacent housing development, Bellamont View, situated to the immediate north of the appeal site. I noted from my site assessment that Bellamont View, is suburban in character, comprising of detached two-storey housing units. Bellamont View is designed as a series of residential cul-de-sacs, and the centrally located cul-de-sac turning area adjoins the appeal site and is proposed as the vehicular access to serve the proposed development.

8.6.2. Bellamont View has access onto the R188 (Cavan – Monaghan Road) approximately 160 metres further north along Bridge Street from the proposed pedestrian access onto Bridge Street to serve the development proposal.

8.6.3. A number of observations to the PA have raised concerns in respect of traffic safety, particularly having regard to the additional traffic generation from the proposed development which would access Bellamont View.

8.6.4. The Road Design section of the PA sought a Road Safety Audit (RSA), as an FI request, principally in relation to site layout and its junctions with the public road and also sought proposals from the applicant to ensure that excessive speeds are curtailed along straight sections of the access road.

8.6.5. The appellant in addition to raising traffic safety issues given the additional traffic generation also challenges the some of the recommendations in the RSA having regard to ownership issues.

### 8.6.6. **Traffic Impacts**

8.6.7. The RSA audit submitted by the applicant as part of the FI response, has identified safety issues. In summary these safety issues relate to the following,

1. The alignment of kerb lines between the existing development and the proposed development.
2. Footpath continuity adjoining the existing development.
3. Cars parked at the existing cul-de-sac may reduce the residual width of the alignment and lead to side-swipe collisions.
4. The buildout adjacent to Block B may restrict access to car parking.
5. A desire line will exist between Block A & B, and Block B & C and should be resurfaced.
6. Appropriate design details required for raised tables.
7. Ramp for bikes incorporated to pedestrian access from Bridge Street.

8.6.8. The RSA has proposed recommendations to address all these safety concerns. The Stage 1/2 Road Safety Audit confirms that any features of the design has been removed or identified in order to improve the safety of the proposed development.

8.6.9. I would note that the appellant has raised concerns in respect of RSA recommendations no. 1, 2 and 3 on the basis that the site identified for improvement is not within the ownership of the Council. I have considered issues in respect of ownership in para. 8.3 above, and I would consider that the Council, and the applicant, have sufficient legal interest to proceed with the planning application, and would therefore have sufficient legal interest to address the RSA recommendations no. 1, 2 and 3. I would also note that the appellant asserts that the PA condition no. 29 (RSA recommendations) cannot be implemented, however having regard to the above considerations I would be satisfied that condition no. 29 can be implemented, should the Board be minded to grant permission.

8.6.10. Separately I note the appellants comment regarding green open spaces within Bellamont View, which the residents are responsible for their maintenance and are not 'taken in charge' by the PA. The proposal will impact on a verge adjoining the site boundary, rather than a green space at the end of the cul-de-sac. I would note the recommendations within the RSA and the overall proposal will have no material impact on green spaces.

8.6.11. Bellamont View is an established housing development with off-street car parking provision for at least 2 no. spaces for each property. The road within Bellamont View

(L2032) is sufficiently wide to facilitate passing traffic on both sides of the road and includes public footpath provision on both sides of the L2032. The public footpaths include street lighting provision. The estate road (L2032) adjacent to the junction with the proposed development is approximately 100 metres in length. In terms of traffic generation from the proposed development the proposal provides for 26 no. residential units, with 52 no. car parking spaces.

- 8.6.12. I would acknowledge that the proposed development would generate additional traffic via Bellamont View, having regard to the proposed access, however I would consider that the road infrastructure in Bellamont View, as outlined above, would be capable of accommodating the additional traffic generation, without any adverse traffic impacts. In support of this view I would note that the PA, who has taken in charge the L2032 since 2017, had no concerns with the road infrastructure within Bellamont View in respect of the proposed development.
- 8.6.13. I noted from my site assessment that the gradient of the L2032 rises and falls, having regard to the local topography, however I would not consider that visibility would be impaired such that it would give rise to safety issues, having regard to the existing width of the L2032, and the existence of footpaths.
- 8.6.14. The L2032 has access onto the R188 and I would also note, and accept, that the traffic along the R188 is heavy, given that this is the main Cavan – Monaghan route and also having regard to its town centre location with many uses proximate to the L2032 / R188 junction. The speed limit along the R188 is 50kph.
- 8.6.15. On the basis of my site assessment, I noted that sightlines are achievable at the junction with R188, which is an established access and having regard to the adequate width of the L2032 for traffic movements, I would consider that the proposed development and the associated vehicular movements from the proposed development, would be acceptable in terms of traffic safety and convenience and would not endanger public safety by reason of a traffic hazard.
- 8.6.16. I am also satisfied that that the revised site layout submitted as part of the further information response has been updated to indicate buildouts designed as a traffic-calming measurement in compliance with DMURS standards to ensure excessive speeds are curtailed along the straight sections of access roads. This response adequately addresses 4(i) of the PA further information request.



8.6.17. Car Parking Provision

8.6.18. The proposed development provides for 52 no. car parking spaces. Table 7.4 of the Cavan CDP 'Parking Standards' recommends maximum car parking standards for specific uses of development types.

8.6.19. Table 7.4 requires that 2 no. car parking spaces are required for residential, and that 1 no. space plus 25% visitor provision is required for apartments. On this basis I have calculated that 12 no. spaces is the maximum required for the 6 no. houses, and the proposed development is compliant with this standard.

8.6.20. I have estimated that 25 car parking spaces is the maximum required provision for the proposed 20 no. apartment units, however the proposed development provides 40 no. car parking spaces for the proposed apartments, which is an overprovision of 15 no. spaces relative to the maximum car parking standard. I would consider that a grant of permission for the proposed development, would materially contravene a development plan development management standard in respect of maximum car parking provision.

8.6.21. Notwithstanding I would consider this acceptable having regard to Policy objective CP 01 of the Cavan CDP which states.

*'It is a requirement of development proposals to provide adequate car parking provision and associated servicing arrangements. The specific amount of car parking will be determined according to the characteristics of the development and its location having regard to the standards set out in Table 7.4'.*

8.6.22. Table 7.4 of the Cavan CDP applies a flat rate of maximum of 1 no. car parking space per apartment unit across all settlements in the county, however as noted above policy objective CP 01 of the Cavan CDP states the specific amount of car parking is to be determined by characteristics of the development and its location. Further the Compact Settlement Guidelines, 2024, define 'accessibility' for the purpose of SPPR 3 (Car Parking Standards). Having regard to Table 3.8 of Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), the appeal site is neither located within a city centre or an accessible location where the lower rates of car parking standards would apply. The appeal site is located, as defined in Table 3.8 of the said Guidelines, in an intermediate or peripheral location and the car parking standard in accordance with

SPPR 3 for these locations is a maximum rate of 2 no spaces for per residential unit. The proposed development would be consistent with SPPR 3 in terms of car parking provision for the proposed apartments.

8.6.23. In addition to the above considerations on car parking provision the PA planners report, in assessing the proposed car parking provision, concluded that designated car parking areas will reduce car parking on footpaths and access road, eliminating parking in non-specified parking areas therefore eliminating obstructions, and the car parking provision in the proposed development meets the Cavan CDP standards.

8.6.24. Therefore, having regard to Policy Objective CP 01 of the Cavan CDP and the Compact Settlement Guidelines, 2024, I would consider that the proposed car parking provision is acceptable, having regard to the characteristics of the development and its location.

8.6.25. The Cavan CDP requires the provision of necessary wiring and ducting to be capable of accommodating future Electric Vehicle charging points, at a rate of 10% of total space numbers. The application documentation does not detail the provision of electric vehicle charging points, as such I would recommend to the Board, should they be minded to grant permission, to include a condition providing for compliance of the EV charging points provision.

#### 8.6.26. Cycle Parking

The Cavan CDP (Policy BPD 01) requires the provision of appropriate bicycle parking standards for developments in urban areas to assist with supporting modal shift away from private cars to more sustainable modes of transport. The application documentation has not clearly demarcated locations for proposed cycle parking. I would recommend that issues in relation to cycle parking provision is addressed by condition, should the Board be minded to grant permission.

### 8.7. **Built Form and Urban Design**

8.7.1. In considering the built form and urban design of the proposed development I would note that the section 13.3.2 of the Cavan CDP advises that the design of development must demonstrate compliance with relevant national, regional and local

planning policy while promoting best practice in architectural design, and this includes having regard to relevant section 28 guidelines.

- 8.7.2. Similarly, the development plan, in section 13.4.10 'Design and Layout' advises that new residential developments should deliver high quality architectural design, layout and mix and shall demonstrate compliance with the relevant section 28 guidelines. The relevant section 28 guidelines are the Compact Settlement Guidelines (2024).
- 8.7.3. I note the appellants comments that the proposed development would fail to integrate with the established pattern of development and would not integrate with the streetscape.
- 8.7.4. I would consider, having regard to the photomontages submitted by the applicant with the application, that there would be minor visibility of the proposed development from the entrance to the site, off Bridge Street. In addition, having regard to the established tight urban grain of Bridge Street, I would consider, that the proposed development would not be visible from Bridge Street and therefore would have no impact on the existing streetscape. Furthermore, I note the photomontages submitted with the FI would also indicate minor visibility of the proposed development from Bridge Street.
- 8.7.5. I would also acknowledge the submitted cross sections that accompanied the planning application and the further information response. The proposed development includes a cut and fill and therefore reducing the site levels at its most prominent points which would mitigate visual impact of the proposed development. The level of cut from the site ranges, as illustrated in the submitted cross sections, from 1 metre to 4 metres across the site. The maximum reduction in site level, c. 4 metres, is located on the western part of the site, at the highest point of the site. As such the proposed development would not, in my view, dominate the skyline along Bridge Street.
- 8.7.6. In terms of wider views of the proposed development I would note that the gradient of Bridge Street, which falls and rises, is a factor in terms of potential visibility of the proposed development from within the town. I noted from my site assessment that immediately north of the site access onto Bridge Street, the street rises in level to north of Bellamont View and then falls in level as Bridge Street continues in a northern direction. Bellamont View is situated at a higher level than the Bridge Street

level and therefore would screen any potential views of the proposed development from the north of the town. In the opposite direction from the site entrance onto Bridge Street the level of Bridge Street falls and then rises towards the Bridge Street / Church Street junction. The site is partially visible at the junction of Bridge Street / Church Street due to the local levels. However, the Bridge Street / Church Street junction is set back approximately 280 metres from the subject site, and the visibility of the site would be passing visibility, owing to the falling levels at the junction, and overall, I would not consider the visual impact of the proposed development would be significant as viewed from the south of the appeal site along Bridge Street.

- 8.7.7. In terms of proposed visual impacts on the existing Bellamont View situated to the immediate north of the appeal site, I noted from my site assessment that there was an established difference in levels, with Bellamont View situated at a lower level than the appeal site. As such the proposed reduction in levels on the appeal site would reduce the scale of the proposed development as viewed from Bellamont View and I would note from the submitted site survey that the proposed levels along the northern boundary, adjacent to Block A, would be flush with the adjacent green space in Bellamont and the access road.
- 8.7.8. In relation to integration with the established pattern of development, the proposed development offers an alternative form of housing, comprising of ground floor apartments and duplex units in a town centre site which contributes to achieving compact forms of development a key objective of local, regional and national planning policy. The proposed development also offers a range of dwelling typologies which is consistent with Policy CG 06 of the Cavan CDP, 2022 – 2028.
- 8.7.9. I would consider, having regard to the separation distances of the proposed development of over 50 metres from residential properties on Bridge Street, and the proposed apartment and duplex block are situated c. 50 metres from the houses in Drumlin Drive, and further c. 50 metres from the nearest property in Bellamont View, that the proposal would be adequately set back. The adequate set back distances would, in my view, avoid any adverse impacts on the established pattern of development. The proposed development is not contrary to Cavan CDP Policy in respect of integration with the established pattern of development.

8.7.10. In terms of the pedestrian access to Bridge Street I would accept that the proposed pedestrian access would not offer universal access due to the existing steep topography of this area, however the Sustainable Residential Development and Compact Settlements, 2024, advocate that new developments should, as appropriate, include a street network, that creates permeable and legible urban environments, by optimising sustainable modes and active travel. The proposed pedestrian access to Bridge Street would provide permeability from the appeal site to the town centre, which is a key planning goal of the s. 28 guidelines and the Cavan CDP. The proposed development would provide universal access to the town centre via Bellamont View.

8.7.11. In relation to responding to natural features of the site I would consider that the proposed development provides an appropriate level of landscaping, a generous quantum of the greenspace, and that the proposed boundary treatment is acceptable, notwithstanding the loss of the existing hedgerow along the northern boundary, and I note that the PA considered the boundary treatment acceptable. The proposed development includes partial planting boundary planting and selected tree planting along the eastern boundary of the development site which would mitigate potential visual impacts of the proposed development from the town. This proposed planting is evident from the submitted site layout plan and the photomontages.

#### 8.7.12. Conclusion

Overall, I would consider the proposed development, having regard to the above considerations, would be acceptable in terms of urban design and built form.

### 8.8. **Site Services**

8.8.1. The proposed development will be served by existing foul main and water supply infrastructure.

8.8.2. It is proposed to make a 100mm connection to the watermain in Bellamont View and a lay a new 100mm watermain in the footpath of the proposed development.

8.8.3. In respect of foul services, it is proposed to connect the proposed development to the existing foul sewer situated to the east on Bridge Street. It is proposed that a connection from the site is via the proposed pedestrian access from the site to Bridge Street.

- 8.8.4. The proposed surface water drainage includes the provision of an attenuation tank on the development site and drainage from the site will be limited by hydrobrake. The proposed attenuation tank is sized to cater for a 1 in 100-year storm event with an additional 20% allowance for climate change.
- 8.8.5. The file documentation includes a confirmation of feasibility from Uisce Eireann in relation to the proposed watermain connection and the foul sewer connection. I would also note that the PA Area Engineer and Environment Section have no objections to the proposed development.
- 8.8.6. I would consider that the proposed site services are acceptable for the development.

## 9.0 AA Screening

- 9.1. I have considered case ABP-322198-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises of the construction of 20 no. apartments and 6 no. houses. The closest European Sites, part of the Natura 2000 Network, is the Lough Oughter and Associated Loughs SAC located approximately 15.2 km west of the proposed development. The European Site, Lough Oughter SPA, is located c. 20 km southwest of the proposed development.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:

- The nature and scale of the proposed development and the location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.
- Location-distance from nearest European site.

9.5. 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.

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

## 10.0 Recommendation

I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the nature of the proposed development, the zoning objectives of the site for town centre and residential development, the design and layout of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of the Cavan County Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), and the Sustainable Urban Housing: Design Standards for New Apartment, Guidelines for Planning Authorities (2023). The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31<sup>st</sup> 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 disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

3. 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.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs 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).



**Reason:** In the interest of amenity and of traffic and pedestrian safety.

5. (a) Secure bicycle parking spaces shall be provided within the site consistent with Policy Objective BPD 01 and Table 7.4 of the Cavan County Development Plan, 2022 – 2028. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. (b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

6. Parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

8. 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.

9. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

10. Proposals for duplex/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and duplex/apartment numbers, shall be provided in accordance with the agreed scheme. 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).

**Reason:** In the interest of urban legibility.

11. 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 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.

12. 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 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.

**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.

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

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

14. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each duplex and apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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.

**Reason:** To ensure the satisfactory completion of the development.

18. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

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

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Kenneth Moloney  
Senior Planning Inspector

14<sup>th</sup> July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322198-25
<b>Proposed Development Summary</b>	26 no. residential units
<b>Development Address</b>	Magheranure, Cootehill, Co. Cavan
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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



## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322198-25
<b>Proposed Development Summary</b>	26 no. residential units
<b>Development Address</b>	Magheranure, Cootehill, Co. Cavan
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<p>The proposed residential development consists of construction of 20 no. apartments and 6 no. houses, in Cootehill, Co. Cavan. The layout of the proposed development comprises of 6 no. blocks. Blocks A, B &amp; C are 3-storey in height and consist of ground floor apartments and duplex units above. Blocks D &amp; E include single storey housing and Block comprises 2 no. two-storey semi-detached houses. The site is a located within the town centre and adjoins existing housing developments to the north and the west. The proposal is not considered exceptional in the context of neighbouring residential developments.</p> <p>During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. No demolition works are proposed. The proposed development includes site excavations to reduce the site levels however I would consider that the impacts are site specific and would have a localised impact. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance.</p> <p>The nearest designated European Site to the appeal site is the Lough Oughter and Associated</p>

<p>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).</p>	<p>Loughs SAC (site code 000007) located approximately 15.2 km west of the proposed development. The European Site, Lough Oughter SPA (site code 004049), is located c. 20 km southwest of the proposed development.</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the scale of the proposed development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>N/A.</p>
<p>There is a real likelihood of significant effects on the environment.</p>	<p>N/A.</p>

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)