



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322498-25

<b>Development</b>	Large scale residential development. Construction of 134 residential units, a creche and all associated site works. A Natura Impact Statement (NIS) has been prepared.
<b>Location</b>	Lands at Billis and Drumalee Townlands, Cootehill Road, Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2560057
<b>Applicant(s)</b>	Shire Development Partnership
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Gerry Smith
<b>Observer(s)</b>	Michelle Dunne and Roisin Dunne
<b>Date of Site Inspection</b>	6 <sup>th</sup> June 2025

**Inspector**

Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The subject site is located off the Cootehill Road (R188) on the northern side of Cavan town, situated approximately 1.8 km north of the town centre, on the periphery of the settlement.
- 1.2. The subject site which measures approximately 4.33 ha is accessed off the R188 to the immediate west.
- 1.3. The gradient of the site rises from the western boundary, at the site entrance, adjoining the R188 towards to the east of the site.
- 1.4. The subject site is currently greenfield and is partially used for agricultural purposes, on the western side of the site, and partially unused on the eastern side of the subject site.
- 1.5. There are a number of residential properties situated on individual sites located to the immediate north and south of the appeal site, adjoining the R188.
- 1.6. There are also existing housing developments, Carrig Beag and Rocklands, located to the immediate south and southwest of the appeal site. These housing developments are situated on slightly higher ground than the appeal site.
- 1.7. There is an existing stream located along the northern site boundary, flowing towards Cavan Town.
- 1.8. An open drainage channel and culvert crosses the site. The open drain runs along the southwest boundary of the site from the point where it turns northward towards the centre of the site into a culvert, which flows into the stream at the northern site boundary.
- 1.9. Breifne College, a secondary school, is located approximately 200 metres north of the development site entrance, on the opposite side of the R188.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a total of 134 no. residential units comprising of 109 houses and 25 no. apartment units. The proposed development also includes the provision of a creche situated adjacent to the development site entrance.

- 2.2. Table 1 below provides a summary of the overall unit mix for proposed houses and apartments.

	<u>1-bed units</u>	<u>2-bed units</u>	<u>3-bed units</u>	<u>4-bed units</u>	<b>Total</b>	Building Height Range	Overall Mix
Houses	6	39	59	5	109	1-2 storeys	81%
Apartments	15	10	0	0	25	2-3 storeys	19%
<b>Total</b>	21	49	59	5	<b>134</b>		
Overall Mix	16%	36%	44%	4%			

- 2.3. In terms of the building heights the proposed 1-bed and 2-bed units are single storey bungalows, and the 3-bed and 4-bed units are two storey housing. The proposal also includes 2-bed two-storey terraced houses.
- 2.4. The proposed development includes 4 no. parcels of public open space provision throughout the site. The overall public open space provision accounts of 15% of the gross site area. Communal open space to serve the proposed apartments is also proposed.
- 2.5. The proposed development provides for associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche and apartment units.
- 2.6. The proposed single storey creche has a floor area of c. 276 sq. metres, and includes associated parking, bicycle and bin storage.
- 2.7. The proposed development will be served by public water mains and public foul sewer.
- 2.8. Table 2 below sets out the Key Development Statistics.

	<b><u>Proposed Development</u></b>
Net Site Area	4.33 ha
Total Units	134 residential units (& 1 creche unit)
Density	31 p/ha

Height	1-3 storey buildings
Public Open Space	15%
Communal Space	658 sq. m.
Car Parking Provision	240 (14 visitor spaces)
Bicycle Provision	129 (92 for apartments, 32 visitor, 5 for creche)

2.9. The first party submission in response to the third party appeal includes an amendment to the proposed southern boundary treatment adjacent to the proposed creche building. This includes a new 1.8 metre wall along the site boundary situated to the immediate south of the proposed creche building with additional planting adjacent to the boundary wall.

2.10. The application was accompanied by the following documentation:

- Water Framework Directive
- Bat Assessment
- Transportation Assessment Report
- Residential Travel Plan
- Site Specific Flood Risk Assessment
- Environmental Impact Assessment Screening
- Schools, Childcare & Social Infrastructure Assessment
- Arboricultural Impact Assessment & Method Statement
- Landscape Management and Maintenance Plan
- Resource Waste Management Plan
- Architectural Design Statement
- Energy Efficiency and Climate Change Adaptation Design Statement
- Statement of Housing Mix
- Building Lifecycle Report

- Statement of Response
- Part V Costs and Methodology
- Sunlight, Daylight and Shadow Assessment
- Operational Waste & Recycling Management Plan
- Ecological Impact Assessment
- Engineering Services Report
- Outline Construction & Environmental Management Plan
- Invasive Species Management Plan
- Terrestrial Mammal Survey
- Archaeological Heritage Appraisal Report
- Operational Waste Management Plan
- Environmental Noise Survey
- Street Design Audit
- Natura Impact Statement

### **3.0 Planning Authority Pre-Application Opinion**

- 3.1. A Section 32 Consultation Meeting took place on the 13<sup>th</sup> of November 2024 and continued on the 21<sup>st</sup> of November 2024 with representatives of the applicant and planning authority in attendance.
- 3.2. A Large-Scale Residential Development (LRD) Opinion was issued by the PA. This set out that the documentation submitted pursuant to section 32D(2) required further consideration with respect to:

1. Engineering/Environmental Matters

Specific surface water/attenuation report. Applicant to liaise with Inland Fisheries Ireland having regard to section 50 of the Arterial Drainage Act, 1945, in relation proposed culvert works. Application shall include Water Framework Directive Assessment, a Resource Waste Management Plan, an



Operational Waste Recycling Plan, NIS, Flood Risk Assessment, and Environmental Management Plan.

## 2. Traffic and Transportation

Application shall include a Quality Audit and Road Safety Audit, a Mobility Management Plan and update TTA to include pedestrian crossing options. Applicant advised to relocate main entrance. The applicant shall incorporate curved roads and staggered houses in the overall layout.

## 3. Planning and Strategic Issues

Applicant advised to incorporate Universal Design & Lifetime Homes concepts in the design units. A Climate Change Adaptation Statement required. The Design Statement shall address the location of apartments on the highest point of the site. Applicant advised to re-evaluate the amount of open space ancillary to the creche facility. Redesign of apartments to incorporate brick finishes to the rear elevations. The zig-zag footpaths should be removed and redesign to be straight.

- 3.3. The application includes a response to the LRD Opinion issued by Cavan County Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

## 4.0 **Planning Authority Decision**

- 4.1. The Planning Authority decided to grant planning permission for the proposed development, subject to 53 no. conditions which are standard for the development type.

## 4.2. **Planning Authority Reports**

- 4.2.1. The Planning Officer's report dated 14<sup>th</sup> April 2025 notes the following.
- Site is zoned 'proposed residential' and residential development is permitted in principle.
  - The proposed housing mix is supported by a Statement of Housing Mix.

- Detailed consideration given to public open spaces and landscaping.
- The landscape masterplan identifies a variety of landscaped areas.
- The proposed finishes provide for integration with the surrounding context.
- The height and mass of the proposed development is considered appropriate given the site's outer suburban location.
- The scale, bulk, massing and sitting of the residential units are considered acceptable.
- Proposal includes provision of a controlled Pedestrian / Cyclist crossing of the R-188 which will provide access to the footpath infrastructure and connectivity to the town centre and the adjacent secondary school.
- Cycle parking provided in accordance with CDP standards.
- Site to be serviced by existing foul and water services.
- Ecological Assessment, accompanying the application, recommends the retention of hedgerows along the eastern site boundary and at the centre of the site for commuting bats.
- Works required for the proposed development would not impact on four terrestrial mammals identified in the mammal survey report.
- Submitted noise report indicates that minor noise issues associated with the proposed development would be mitigated.
- No flood risk issue concerns.
- Development sub-threshold for EIA. EIA not required.
- Proposed development would not result in an adverse impact on the Natura 2000 sites identified.

#### 4.2.2. Other Technical Reports

- Waste Management Section; - Additional information sought in relation to a revised invasive species survey and an updated management plan submitted to the LA. No other issues in respect of all other Waste / Environmental matters.

- Environment Section: - The applicant is requested to submit the following (a) confirmation by Uisce Eireann of connections to public sewer and public mains, (b) confirmation and consultation with Inland Fisheries Ireland (IFI) in relation to proposed development, (c) confirm all measures specified by IFI as part of the proposed development, and (d) confirm that the environmental measures specified in the reports that accompanied the application will be implemented as part of the development.
- Road Design Office: - No objections to the proposed development.

#### 4.3. Prescribed Bodies

- Transport Infrastructure Ireland – Recommended to abide by official policy in relation to national roads. Proposed development shall be undertaken in accordance with the Transport Traffic Impact Assessment, and any recommendations shall be incorporated as conditions, if granted. Recommended that regard is had to Chapter 3 of the Spatial Planning and National Roads Guidelines (2012).
- DAU, DHLGH – No archaeological related mitigation measures are required with respect of the proposed development. All mitigation measures in the NIS and EclA shall be adhered to. A sizable area of mixed scrub has developed in the eastern section of the proposed development site, which is of local importance for terrestrial mammals and breeding birds. The loss of the mixed habitat has been assessed in the EclA to constitute a permanent, negative impact. The retention of supporting habitat on site would support the ecological integrity of the local biodiversity. Invasive species are noted on the site. Invasive species should be treated and disposed. An increase in artificial lighting in the area would also have the potential to disturb and curtail activities by foraging mammals, such as bats for example. Dark zones and low-level lighting areas are advised as per the mitigations outlined.
- Inland Fisheries Ireland – Concerns in relation to maintenance, management of pumping station. Storm water run-off from hard surfaces can contain potential pollutants as such water attenuation systems shall be put in place. Measures shall be put in place to minimise potential damage during

construction. All watercourses shall be protected. Conditions / mitigation measures are recommended to preserve water quality and aquatic habitats.

#### **4.4. Third Party Observations**

A total of 14 no. observations were received during the course of the planning application. The issues raised can be summarised as follows.

- Concerns in relation apartment block labelled 87-88 in Block 25, as the positioning and height of this block will impact on the amount of natural light entering homes in Carrig Beag.
- The height of the apartment block will impact on privacy. Reduction in height to single storey and repositioning of block would address concerns.
- A more suitable location for the apartment block would be the public or communal open space in front of Block 26.
- A potential boundary wall to ensure privacy between Carrig Beag and appeal site is undermined due to the difference in site levels.
- Further information requested regarding the proposed boundary, south of Block 15 and 25, to seek assurances that the proposed works will not adversely affect the proposed boundary between both sites.
- Concerns in relation to boundary and level of privacy between the houses in Carrig Beag and situated in front of Area 4 in front of public open spaces.
- Concerns in relation to existing heavy traffic on Cootehill Road, and capacity of existing road infrastructure to accommodate additional traffic from the proposed development.
- Maintenance of the stream from which surface water from Rocklands housing development flows is required to accommodate surface water flow.
- Questionable whether the design of the junction will facilitate larger vehicles, such as refuse vehicles, entering the development, while vehicles are queuing to exit the development.

- The proposed boundaries do not identify the difference in levels between existing houses and the proposed development. Cross sections are required to clarify this issue.
- The existing boundaries would not adequately protect residential amenities.
- The boundary highlighted in the Invasive Species Management Plan has a different boundary than the site boundary in all other application documentation.
- Sewage and water capacity is an issue.

## 5.0 Planning History

### On-site

#### **PA Reg. 11343**

Permission granted, subject to conditions, for the erection of 4 no. multipurpose playing surface pitches, full size all weather playing surface pitch with running track, full sized grass pitch, single storey dressing rooms with shower facilities, entrance, lighting, parking, connection to foul sewer and watermain and all associated and ancillary works.

#### **PA Reg. 062291**

Permission granted, subject to conditions, for a residential scheme comprising of 288 no. residential units, consisting of 95 no. houses, 149 no. apartments and 44 no. townhouses. Development also includes single storey creche facility, entrance service road, connection to foul sewer and watermain and ancillary site works.

#### **PA Reg. 02966**

Permission granted, subject to conditions, to erect 8 no. fully serviced semi-detached two-storey dwellings with attached domestic garages and 1 no. fully serviced detached dwelling with attached domestic garage, construct new foul sewer ejector station with rising main to connect to LA sewage system, new entrance and access road, and all associated site works.

#### **PA Reg. 98753**

Permission granted, subject to conditions, to extract rock.

## 6.0 Policy Context

### 6.1. National Planning Context

#### 6.1.1. 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).

#### 6.1.2. 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.

#### 6.1.3. Section 28 Ministerial Planning Guidelines

Note: Circular Letter NSP 03/25 confirms that the Design Standards for New Apartments, Guidelines for Planning Authorities (2025) are not applicable to the current development before the Commissioners. The Apartment Guidelines (2025) are applicable to any application for planning permission or to any subsequent appeal or direction application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9<sup>th</sup> July 2025. The Design Standards for New Apartments, Guidelines for Planning Authorities (2023) applies to current appeals or applications that were the subject of consideration within the planning system on or before the 8<sup>th</sup> of July 2025.

Several national planning guidelines are applicable to the proposed development. The relevant guidelines for the proposed residential development 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).

The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).

#### 6.1.4. Northern and Western Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2020

This RSES provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF). The vision of the RSES is to play a leading role in the transformation of the region into a vibrant, connected, natural, inclusive and smart place to work and live.



6.1.5. Under the RSES, Cavan Town is designated as a 'Key Town'. The RSES recognises that 'Key Towns' are those regionally strategic employment centres of significant scale that can act as regional drivers that complement and support the higher-order urban areas within the settlement hierarchy (i.e. Regional Growth Centres and Galway Metropolitan Area).

6.1.6. **RPO 3.1** Develop urban places of regional-scale through:

- Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth:
- Delivering significant compact growth in Key Towns; and
- Developing derelict and underutilised sites.

6.2. **Cavan County Development Plan, 2022 – 2028, incorporating a Local Area Plan for Cavan Town, 2022 – 2028.**

6.2.1. The subject site is zoned '**Proposed Residential**'. The stated objective of such lands is: '*Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure*'. Residential is permitted in principle within this zoning objective.

6.2.2. Section 14.6.2 of the Development Plan sets out the vision for 'proposed residential' sites and this includes ensuring the provision of high quality new residential environments with good layout and design, high energy efficiency rating, sustainable transport links and within walking distance of community facilities. The vision for these lands also relates to the provision of an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

6.2.3. Chapter 1 'Core Strategy' sets out the settlement strategy for County Cavan and Cavan Town is designated as a 'key town' which is the highest settlement tier in the county settlement hierarchy<sup>1</sup>. The Plan notes that Cavan Town has large economically active services that provide employment for their surrounding areas

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

and with high-quality transport links and the capacity to act as growth drivers. Policy objective KTC 04 is relevant, and states as follows.

*‘Require sustainable, compact, sequential growth in Cavan Town by consolidating the built up footprint through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth’.*

6.2.4. 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 Cavan Town.
- 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 Cavan Town’.*

- Policy Objective CS 03 – Develop infill sites for residential uses within urban footprints.

6.2.5. Chapter 4 ‘Sustainable Communities’ includes relevant policy objectives for the proposed development and this includes;

- Policy Objective SCCC 06 – Residential Developments (greater than 10 units) to bring about improved social benefit and amenity to the area (e.g. creche).

6.2.6. 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.*

Table 7.4 provides for Parking Standards (car and bicycle parking).

6.2.7. 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

### 6.3. Natural Heritage Designations

- Lough Oughter and Associated Loughs SAC (site code 000007) – 3.1 km west
- Lough Oughter SPA (site code 004049) – 3.5 km west
- Lough Oughter And Associated Loughs pNHA (site code 00007) – 3.1 km west
- Drumkeen House Woodland pNHA (site code 000980) – 1.5 km west

## 7.0 EIA Screening

7.1. EIA pre-screening and an EIA screening determination included in Appendix 1 and 2 of this Report.

7.2. The EIA Screening Determination concludes that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required. This conclusion is based on regard being had to the following:

1. the criteria set out in Schedule 7, in particular
  - a. the limited nature and scale of the proposed development, which is below the threshold in respect of Class 10 'Infrastructure projects', as set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, specifically, and (b) (i) construction of more than 500 dwelling units, and (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
  - b. the absence of any significant environmental sensitivity in the vicinity.
  - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

2. the results of other relevant assessments of the effects on the environment submitted by the applicants
  3. the features and measures proposed by applicants envisaged to avoid or prevent what might otherwise have been significant effects on the environment.
- 7.3. The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## **8.0 The Appeal**

- 8.1. The grounds of appeal may be summarised as follows.

### Boundary Treatment

- The proposed boundaries do not accurately identify the difference in levels between the existing houses and the proposed development.
- Cross sections are required to clarify the boundary issue.
- Applicant proposing to raise the boundary by 1400mm. The existing ground level is 85.406 and the proposed level is 86.800.
- The existing gardens and existing ground levels of the proposed site are similar levels as such additional boundary treatment is required.
- Contended that the floor areas of the proposed houses are too high, and that a retaining structure should be proposed.
- The issue of levels and boundaries applies to the creche building and houses no. 71 – 83, and the proposal will impact on the existing residential amenities and privacy.
- Submitted that adequate protection is required on the development site to protect residential amenities.
- Figure no. 4 of the appeal submission illustrates the limited protection of existing residential amenities.

- Contended that the drawings incorrectly illustrate the presence of trees and shrubberies on the northern site boundary which do not exist.
- Figure no. 5 of the appeal submission indicates the location of the properties, located to the northwest of the appeal site, impacted by the boundary treatment.
- The existing boundaries are therefore not sufficient to protect residential amenities. Additional boundary planting is required.

#### Traffic Congestion

- There is a significant traffic problem on Cootehill Road, as it carries substantial traffic around school times, with a secondary school located on the opposite side of the road from the appeal site.
- Vehicles park on either side of the public road during school drop off / collection. This will impact on access, egress and sight lines.
- The provision of traffic lights at Drumalee Cross causes build-up of traffic during busy school times.
- The secondary school is one of the largest in Co. Cavan and attendees of the school are vulnerable road users.
- The existing footpaths and cycle lanes will lose affect with the volume of traffic, existing and proposed, and the typical pattern of parking.

#### New Entrance / Junction

- The design of the junction raises questions as to whether larger vehicles, such as refuse vehicles, can enter the development during busy times, while vehicles are queuing to exit the development.
- This would result in traffic becoming stationary on the Cootehill Road until the entrance becomes free for such large vehicles to enter.
- It is questioned why the design of the junction is staggered as opposed to straight.

#### Site Boundary Line

- The site boundary highlighted in the Invasive Species Management Plan has a different site boundary than all other application documentation.

#### Sewage and Water Supply

- The application documentation does not illustrate assurances from Uisce Eireann regarding connections.
- There are ongoing issues with the existing foul sewage in this area.
- Concerns that a large development is connecting to a sewage system already overburdened without any upgrades.
- The existing water supply in the local area is also under pressure.

## 8.2. **Applicant Response**

The applicant's submission includes the following;

1. An appeal response statement,
2. A Technical Note by Parkhood (Chartered Landscape Architects) on Boundary Treatments, and
3. Drawing PL23-010-401 'Site Layout Plan, Sections and Proposed Boundary Wall'.

The appeal response statement includes details of the proposed development, planning policy context and responses to the ground of appeal. The following is a summary of the responses to the grounds of appeal.

#### Appeal Ground no.1 Boundary Treatment

- Condition no. 9 of PA condition addresses third party concerns in relation to boundary treatments.
- The levels bounding the appellant's dwelling to the south of the site are only marginally above the existing garden levels of the appellant's dwelling.
- The proposed development and its relationship with the appellant's dwelling is consistent with Section 5.3.1 and SPPR 1 of the Compact Settlement Guidelines.

- Appeal drawing PL23-010-401 illustrates treatment of level differences between the project site and the appellant's property.
- The difference in levels between the appellant's property and the appeal site does not result in any unacceptable impacts. In summary,
  - Creche FFL is 0.076m lower than appellant's finished FLL.
  - The existing boundary wall defining this party boundary is 1 m high.
  - The party wall on the appeal site raises 800mm above the existing boundary wall.
  - New party boundary wall is located entirely within the applicant's lands.
  - Proposed FFL of dwelling no. 71 relative to the appellant's property is only 0.524m above the FFL of the appellant's dwelling.
  - Proposed dwellings no. 71-76 are set back 35m from the appellant's dwelling which is acceptable in an urban context.
- Submitted that the proposed boundary wall is exempt having regard to the provisions of the planning regulations.
- A new band of planting is proposed inside of the boundary wall to ensure adequate screening.
- The submitted Daylight, Sunlight and Shadow Assessment that accompanied the planning application demonstrates no issues of overlooking, overbearing or overshadowing impacts will arise, as such no loss of residential amenity.
- In relation to the boundary treatment along the northwestern boundary it is submitted that the existing mature planting will be retained, as they provide ample screening between the development site and the appellant's property.
- The boundary will be augmented by additional tree planting. This proposed boundary treatment is supported by the appellants.
- Domestic outbuildings on third party properties situated to the north west of the appeal site will also provide screening.



### Appeal Ground no.2 Traffic Congestion

- The Traffic and Transport Assessment that accompanied the planning application confirms that the established existing road network, and the development access junction, are more than adequate to accommodate the worst-case traffic associated with the development.
- The TTA assessment confirms that the full occupation of the housing development will have negligible impact upon the operation of the adjacent road network.
- The TTA should be read in conjunction with the Mobility Management Plan which outlines non-car accessibility to the site.
- The proposed parking standards conforms to the relevant standards.
- The development access and internal layout comply with DMURS.
- The Board are referred to the junction analysis in the TTA which provides robust evidence base demonstrating that the proposal is acceptable.
- The Area Engineer's Report of the PA (dated 7<sup>th</sup> April 2025) concludes that the TTA is robust.

### Appeal Ground no.3 New Entrance / Junction

- The Traffic and Transport Assessment that accompanied the planning application confirms that the established existing road network, and the development access junction, are more than adequate to accommodate the worst-case traffic associated with the development.
- The TTA assessment confirms that the full occupation of the housing development will have negligible impact upon the operation of the adjacent road network.
- The entrance and all internal roads are designed in accordance with DMURS.
- The proposed sightline provision (2.4m x 59m) is consistent with the requirements for DMURS for a 60km/hr speed limit, which is the correct design at this location.

- The controlled crossing north of the site access will have a calming effect on ambient traffic speeds towards the town.
- The TTA report confirms that proposed development generates very low traffic volumes of traffic during weekday AM and PM peak commuter periods.
- The PA's Engineer's Report supports the proposed development.
- On this basis there is no justification for appeal ground 3.

#### Appeal Ground no. 4 - Site Boundary Line

- The Commissioners are referred to the invasive species plan included with the application, in particular fig. 1 & 2, which illustrates full details of site area.
- A condition can be attached to a grant of permission ensuring that an invasive species plan is managed in accordance with best practice.
- There is no basis for appeal ground no. 4.

#### Appeal Ground no. 5 – Site Services

- The Commissioners are referred to Confirmation of Feasibility from Uisce Eireann which accompanied the application<sup>2</sup>.
- Uisce Eireann have confirmed available capacity for the proposed development.
- The PA are satisfied with the proposed site servicing.
- There is no basis for appeal ground no. 5.

### **8.3. Planning Authority Response**

The Planning Authority submit the following.

- No new issues arise in the appeal submission relative to the issues already considered by the PA. The Board are referred to the Planner's Report.

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<sup>2</sup> Appendix F of the Engineering Services Report submitted by Alan Traynor Consulting Engineers

- The PA would recommend an additional planning condition to address issues with site boundary treatments and rear garden levels where applicable.

#### **8.4. Observations**

1 no. observation was received. The issues raised in the observation are summarised as follows.

- Observation fully supports the appeal grounds and the observations made to the PA in the original planning application.
- Concerns in relation apartment block labelled 87-88 in Block 25, as the positioning and height of this block will impact on the amount of natural light entering homes in Carrig Beag and impact on privacy.
- Concerns in relation to the boundary between the proposed development and Carrig Beag.
- It is noted that Cavan – Monaghan Education Training Board has recently given approval for the secondary school (Breifne College) to apply for planning permission for an extension.

#### **9.0 Planning 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
- Compliance with Residential Standards
- Boundary Treatment and Adjacent Residential Properties
- Impacts on Established Residential Amenities
- Transportation Matters

- Site Services
- Site Boundary Line
- Other Matters

## 9.1. **Principle of Development**

- 9.1.1. The appeal site is zoned 'Proposed Residential' with the objective to
- 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'.*
- 9.1.2. The Cavan CDP, 2022 – 2028, advises that residential use is permitted in principle within the 'Proposed Residential' zoning objective. The development plan vision for 'proposed residential' zoning objective includes ensuring the provision of high quality new residential environments with good layout and design.
- 9.1.3. The core strategy of the county development plan sets out the settlement strategy for the county. Cavan Town is designated as a 'Key Town' which is the highest settlement tier in the county settlement hierarchy<sup>3</sup>. Section 10.2.1 of the Plan outlines its commitment to the delivery of sustainable, compact, sequential growth in Cavan Town by consolidating the built-up footprint. In addition, the NWRA Regional Spatial Economic Strategy advocates that Cavan Town performs a regional function being the largest town within the Cavan/Monaghan/ Leitrim sub-region.
- 9.1.4. A key component of the Cavan CDP therefore is the achievement of compact urban forms and sequential growth through the utilisation of infill development and brownfield sites (policy objectives KTC 04 and CS 03).
- 9.1.5. The intensification of development on the site zoned for 'proposed residential' within the town boundary is consistent with national planning policy, including the National Planning Framework – First Revision<sup>4</sup> and policies such as NPO 7 (compact growth), NPO 9 (compact growth) and NPO 45 (increased density). 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).

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<sup>3</sup> Table 5 of the CDP

<sup>4</sup> April 2025

- 9.1.6. The proposed creche facility within the development would be consistent with the provisions of the s. 28 Guidelines (Childcare Facilities Guidelines (2020)) and Policy Objective SCCC 06 of the Cavan CDP, and further would also be consistent with the site zoning objective which requires residential development in tandem with necessary social and physical infrastructure.
- 9.1.7. I am satisfied that the proposed development is consistent in principle with zoning provisions of the current Development Plan. Further I am satisfied the principle of the development which involves the development of a site zoned for residential purposes and an ancillary creche facility, is consistent with national, regional and local policy objectives.

## 9.2. **Residential Density**

- 9.2.1. Section 13.4.1 'Residential Density' of the Cavan CDP, 2022 – 2028, 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.
- 9.2.2. As noted above Cavan Town is designated as a 'Key Town', and the appeal site is located outside of the 'town core' of Cavan. Section 13.4 of the Cavan CDP recommends achieving a residential density of 18 – 22 units per ha on sites zoned 'Proposed Residential' within Cavan Town.
- 9.2.3. 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 key residential outputs over the lifetime of the plan and site density will be determined on a case-by-case basis.
- 9.2.4. Separately the Compact Settlement Guidelines (2024) advise that in the case of a Key Town it is a policy objective that residential densities of 30 dph to 50 dph shall generally be applied at suburban and urban extension locations of Key Towns.
- 9.2.5. The proposed development provides for 134 no. residential units on a net site area of 4.33 ha, and as such the residential density for the proposed development is 31 units per ha. As stated above in para. 9.2.2 the recommended density range in the

current Cavan Development Plan is 18 – 22 dwellings per ha on sites zoned 'Proposed Residential' within Cavan Town, and while the proposed density would exceed 18 – 22 units per ha, the Commission should note that the Plan expressly states that the range is a target and not a maximum.

- 9.2.6. I would consider that the residential density would be acceptable given the Key Town designation in respect of Cavan Town, having regard to the location of the site with good proximity to amenities and services and the objectives of the Cavan CDP to achieve compact forms of development. Furthermore, the proposed development density of 31 dph is consistent with the provisions of the Compact Settlement Guidelines (2024) which recommend that residential densities of 30 dph to 50 dph shall generally be applied at suburban and urban extension locations of Key Towns.

### 9.3. **Compliance with Residential Standards**

#### 9.3.1. **Houses**

The proposed development provides for 109 no. houses and mix of housing units is illustrated in Table 3 below.

<b><u>House Type</u></b>	<b><u>No. of Units</u></b>
1-bedroom units	6
2-bedroom bungalows	24
2-bedroom two-storey units	15
3-bedroom units	59
4-bedroom units	5

#### 9.3.2. **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 3, 4 or 5 bedroom houses.

- 9.3.3. 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.

9.3.4. The Site Layout Plan, submitted with the application, illustrates that the private open space provision for all the proposed houses is in the form of rear gardens. It is also notable from the submitted Site Layout Plan that the quantum of private open space ranges of each of the residential typologies.

9.3.5. I have set out in Table 3 below the range of the proposed private open space provision for each of the housing typologies in the proposed development, relative to the development plan standards and the Compact Settlement Guidelines (2024).

Housing Typology	Proposed Private Open Space range	CCDP min. standard	S. 28 min. standard
1-bed Unit	48 – 55 sq. m.	48 – 55 sq. m.	20 sq. m.
2-bed Unit (bungalow)	48 – 92 sq. m.	48 – 55 sq. m.	30 sq. m.
2-bed Unit (2-storey terraced)	33 – 123 sq. m.	48 – 55 sq. m.	30 sq. m.
3-bed Unit	51 – 79 sq. m.	60 – 75 sq. m	40 sq. m.
4-bed Unit	63 – 149 sq. m.	60 – 75 sq. m	50 sq. m.

9.3.6. It is evident from Table 3 above that the proposed 1-bed houses, 2-bed bungalows and 4-bedroom houses in the development proposal would achieve the minimum required standards for private open space provision in relation to Policy Objective POS 02 of the Cavan CDP and would also exceed the minimum requirements of the Compact Settlement Guidelines (2024).

9.3.7. However, in the case of the of the proposed 2-bed (2-storey terraced) houses 11 out of 15 would provide less private open space than the minimum development plan requirement of 48 sq. metres. In the case of the proposed 3-bedroom houses 26 out of 59 units would provide less private open space provision than the minimum development plan requirement of 60 sq. metres. The proposed development would therefore materially contravene a development plan standard in relation to private open space provision.

- 9.3.8. However, SPPR 2 of the Compact Settlement Guidelines (2024) requires a minimum of 30 sq. metres private open space for 2-bedroom houses and 40 sq. metres private open space for 3-bedroom houses. The proposed development would exceed the minimum requirements of SPPR 2.
- 9.3.9. Notwithstanding that the proposed development would contravene the development plan requirement as outlined it would comply with the SPPR 2 requirement and having regard to Section 28 (1C) of the Planning and Development Act, 2000 (as amended) the Commission shall, in the performance of their functions, comply, with specific planning policy requirements. I would consider the private open space provision acceptable having regard to SPPR 2 of the Compact Settlement Guidelines (2024).
- 9.3.10. In addition, I would consider that the private amenity spaces are acceptable having regard to the location of the site which is an urban site located within a designated 'Key Town' with good proximity to amenities and services. I would also note that the PA's Planner's Report raises no concerns in relation to the private open space provisions for the proposed houses.

#### Conclusion

Therefore, having regard to the provisions of the Cavan County Development Plan, 2022 – 2028, and SPPR 2 of the Compact Settlement Guidelines (2024), I would conclude that the proposed private open space provision is acceptable for the proposed houses.

#### Minimum Floor Areas

- 9.3.11. 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.
- 9.3.12. Table 4 below sets out the target floor areas in the respective guidelines and minimum floor areas in respect of the individual housing typologies proposed.



Housing Typology Proposed	Target Floor Area of Guidelines	Minimum floor Area Provided
4-bed/ 6 Person	110	117
3-bed/ 4 Person	83	98
2-bed/4 person (2 storey)	80	83.6
3-bed/ 3 person (1 storey)	60	72.7
1 bed/ 2 Person (1 storey)	44	56.4

9.3.13. The proposed houses in the development proposal would exceed the minimum required standards for floor areas, and would therefore offer a good standard of residential amenity for future occupants.

9.3.14. Public Open Space Provision

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) in respect of public open spaces in new residential developments.

9.3.15. Policy and Objective 5.1 – ‘Public Open Space’ of the Guidelines (2024) states that the development plan requirement in respect of public open space shall be not less than 10% and not more than 15% of the site area save in exceptional circumstances. The proposed development provides four areas of public open space throughout the development site, and overall, the public open space provision measures 15% of the site area which is an acceptable provision in the context of the location of the development proposal, which is outer suburban, and having regard to the Guidelines (2024).

9.3.16. I note the public open spaces are well located throughout the scheme (accessible, overlooked, provide visual interest), vary in size (meeting different user needs), range in function and landscaping. I would consider that the proposed open spaces are of high quality, well-considered, and satisfactory.

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

### 9.3.18. Conclusion

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

### 9.3.19. Apartments

The proposed development provides for 25 no. apartments in 3 no. blocks primarily situated to the southeast of the development site. 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.

9.3.20. 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.

9.3.21. Tables 5, 6 and 7 below set out the private open space provision, floor areas and storage provision for the apartments proposed in Blocks D, H and I relative to the minimum standards recommended in the Apartment Guidelines (2023).

Table 5 – Block D

Block	Unit Type	No. of units	Min. Required Floor Area	Proposed Floor Area	Required Amenity space	Proposed Private Open Space	Required storage space	Proposed Storage
D	1-bed unit ground floor units	2	45 m <sup>2</sup>	52m <sup>2</sup>	5 m <sup>2</sup>	> 5 m <sup>2</sup>	3 m <sup>2</sup>	3 m <sup>2</sup>

D	1-bed unit first floor	2	45 m <sup>2</sup>	52m <sup>2</sup>	5 m <sup>2</sup>	> 5 m <sup>2</sup>	3 m <sup>2</sup>	3 m <sup>2</sup>
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**Table 6 – Block H**

Block	Unit Type	No. of units	Min. Required Floor Area	Proposed Floor Area	Required Amenity space	Proposed Private Open Space	Required storage space	Proposed Storage
H	1-bed unit ground floor units	3	45 m <sup>2</sup>	55m <sup>2</sup>	5 m <sup>2</sup>	> 33 m <sup>2</sup>	3 m <sup>2</sup>	3.6 m <sup>2</sup>
H	2-bed unit first floor	2	63 m <sup>2</sup>	74m <sup>2</sup>	5 m <sup>2</sup>	> 8.8 m <sup>2</sup>	5 m <sup>2</sup>	6.1 m <sup>2</sup>

**Table 7 – Block I**

Block	Unit Type	No. of units	Min. Required Floor Area	Proposed Floor Area	Required Amenity space	Proposed Private Open Space	Required storage space	Proposed Storage
I	1-bed unit ground floor units	8	45m <sup>2</sup>	> 55 m <sup>2</sup>	5 m <sup>2</sup>	> 36.5 m <sup>2</sup>	3 m <sup>2</sup>	> 3 m <sup>2</sup>
I	2-bed unit first and second floor	8	73 m <sup>2</sup>	> 92 m <sup>2</sup>	7 m <sup>2</sup>	> 7.7 m <sup>2</sup>	6 m <sup>2</sup>	> 6.6 m <sup>2</sup>

9.3.22. As set out in Tables 5, 6 and 7 above, the proposed floor areas, the private open space and storage provision exceeds the minimum requirements for each parameter as set out in the Apartment Guidelines (2023).

9.3.23. Other Amenity Standards for Apartments

Dual aspect orientations are proposed for all 25 no. apartment units, within Blocks D, H and I, which will ensure a good standard of residential amenity for future occupants.

9.3.24. 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) –  $13 + 7.1 \text{ sq. m.} = \underline{20.1 \text{ sq. m.}}$
- Two bedrooms (4 person) –  $11.4 + 13 \text{ sq. m.} = \underline{24.4 \text{ sq. m.}}$
- Three bedrooms –  $11.4 + 13 + 7.1 \text{ sq. m.} = \underline{31.5 \text{ sq. m.}}$

9.3.25. In terms of bedroom spaces, I note from the application documentation that in the case of the 3-storey apartment block the two-bedroom apartments include bedrooms with floor areas of 13.1 – 16.4 sq. metres for the primary bedroom, and 11.7 sq. m. – 13.3 sq. metres for the second bedroom. The bedroom floor areas for the one-bed units would exceed 11.4 sq. metres. As such the proposed bedroom floor areas in the 3-storey apartment block would meet the minimum requirements of the Apartment Guidelines (2023).

9.3.26. In the case of Block 25 which comprises of 5 apartment units, the one-bed units have bedroom floor areas of 11.5sq. metres, and in the case of two-bedroom units the apartments range from 15 sq. metres for the first bedroom and 9 sq. metres for the second bedroom.

9.3.27. I would be satisfied that the bedroom floor areas in respect of the apartment units are all a good standard and exceed the requirements of the Apartment Guidelines (2023).

9.3.28. Daylight Provision for Proposed Development

- 9.3.29. The file documentation includes a Sunlight, Daylight and Shadow Assessment (Impact on Neighbours & Development Performance) prepared by CSC. The Report tests the daylight performance of the apartment units 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 illuminances values are exceeded over at least 50% of the points.
- 9.3.30. The results of the report confirm that 100% of rooms comply with BS EN 17037 Annex NA room targets for 50% of the floor area tested. This report therefore demonstrates that the proposed development would provide good standards in terms of daylight provision for the proposed apartments.

9.3.31. Conclusion

In conclusion therefore and based on the above considerations, I would consider that future residents of the proposed apartment units 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).

9.4. **Boundary Treatment and Adjacent Residential Properties**

- 9.4.1. The appellant asserts that the proposed boundaries do not accurately reflect the difference in levels between the existing houses and the proposed development. Furthermore, the appellant considers that cross sections are required to determine the difference in levels between the existing residential property to the immediate south of the proposed creche building. The appellant also submits that there is insufficient boundary treatment to protect existing residential amenities to the immediate north of the development site.
- 9.4.2. The applicant's response to the appeal includes a drawing<sup>5</sup> which includes 4 no. cross sections. These are as follows:

Section A-A

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<sup>5</sup> Drawing no. PL23-010-401

- Relates to a cross section drawing of the proposed creche building and the existing neighbouring dwelling to the south.

#### Section B-B

- Relates to a cross section drawing of the proposed road to east of the creche building and the rear garden of the existing neighbouring dwelling to the south.

#### Section C-C

- Relates to a cross section drawing of proposed dwelling no. 72 and the existing dwelling to the south of the site and its rear garden

#### Section D-D

- Relates to a cross section drawing of proposed dwelling no. 74 and the existing dwelling to the south of the site and its rear garden.

- 9.4.3. I can confirm to the Commissioners, having regard to my review of Section A-A of the submitted drawing, that the proposed creche building FFL is 0.076m lower than the neighbouring residential property (appellant's property) to the immediate south of the proposed creche building. The submitted drawing Section B-B also illustrates a FFL difference of 0.076m between the two properties.
- 9.4.4. In addition, I can confirm having regard to the submitted Section C-C that the proposed FFL of proposed dwelling no. 72 is 0.524m above the FFL of the appellant's dwelling. The submitted Section D-D also illustrates that that the proposed FFL of proposed dwelling no. 74 is 0.674m above the FFL of the appellant's dwelling.
- 9.4.5. I would therefore consider that the submitted cross sections has adequately demonstrated that the proposed FFL would not have an adverse effect on adjacent established residential amenities.
- 9.4.6. In addition to the above, I note that the drawing no. PL23-010-401 includes an amendment to the proposed site boundary situated between the creche building and the existing residential property, which the applicant submits will increase privacy. I note from the submitted drawing that the proposal includes a new 1.8 metre wall on the development site side with additional planting adjacent to the boundary wall. I

would consider, on the basis of the submitted drawing, that this boundary would be acceptable and would ensure that existing residential amenities are adequately protected.

9.4.7. Further I would consider that the proposed relationship between proposed Block 13 and Block 14 and the appellant's property is acceptable having regard to the site levels referred to above, and the separation distance of approximately 38.7 metres between opposing rear elevations.

9.4.8. The appeal submission also refers to an inadequate boundary treatment along the north-west boundary of the appeal site adjacent to two existing residential properties. In respect of this boundary, I would note that the applicant's response submission includes a Technical Note, prepared by Parkhood (Chartered Landscape Architects) on Boundary Treatment. In summary the main points in this Technical Note are as follows.

- Site meeting attended by project Landscape Architects and Project Architects with applicant on 5<sup>th</sup> June 2025 to review existing landscape setting and vegetation on site boundaries, including the north-west boundary.
- The NW boundary is defined by a ditch and watercourse inside the site boundary, which measures approximately 5 – 10 metres in width.
- The boundary was surveyed as 'Group 62' in the Tree Survey conducted by John Morris Arboriculture Consultancy in February 2025. Survey noted the boundary largely comprised of Grey Willow.
- The Grey Willow was retained to provide visual buffer to the properties to the northeast.
- Additional landscape areas are proposed as part of the Landscape Plan submitted with the planning application along the southern edge of this belt within the application site as part of the open space provision.
- The site meeting reviewed potential works that could enhance the visual buffer and woodland, while noting that the existing boundary is performing well as a screening function.

- The Tree Survey measures recommended pruning of trees to reduce their height and width (on the application site) and encourage internal growth within the belt. Also proposed is remove any dead trees to encourage new growth.
- In addition to improve the boundary screening function it is further proposed to install a steel chain-link mesh fence to the southern edge of the woodland belt. The fence will follow the canopy line of the existing belt and an additional belt of native tree and shrub would be planted to its front (within the application site) comprising of holly, hawthorn, blackthorn, hazel and maple.
- The applicant is willing to accept this as a planning condition to install the fence and undertake additional planting.

9.4.9. I would acknowledge the details of the amended northwest boundary treatment as set out in the applicant's Technical Note, which accompanied the applicant's response to the appeal. In addition, I noted the existing boundary treatment along the north-west site boundary during my site assessment as having good screening potential. Overall, I would be satisfied with the level of screening, based on existing boundary and the proposals in the site layout plan, that accompanied the planning application, which illustrated additional planting along the northwest boundary.

9.4.10. Furthermore, the applicant's proposals to enhance the boundary, as outlined in the submitted Technical Note, would supplement the existing boundary, and in my view, provide a visual buffer that would adequately protect established residential amenities to the northwest of the appeal site.

9.4.11. I would therefore recommend, if the Commissioners is minded to grant permission, that a condition is attached which requires additional boundary treatment to the north-west boundary, as contained in the applicant's response to the appeal submission. This additional boundary treatment includes the installation of a steel chain-link mesh fence to the southern edge of the woodland belt and an additional belt of native tree and shrub would be planted to its front. I would be satisfied that this additional planting would adequately protect established residential amenities.

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

### 9.5.1. Context



The proposed development provides for a design and layout approach that has had regard to the policy context established at national level for compact growth and building height and to the character of the receiving environment and the proximity of surrounding building. The proposed development is primarily two-storey in height, with the exception of the 3-storey apartment block (Block 27 and Block 28), located to the southeast of the development site. The proposed development also includes single storey units primarily located centrally in the proposed development.

9.5.2. In terms of assessing impacts on established residential properties I would note that there are established residential properties located adjacent to the development site boundary to the northwest, south and west, all of which are zoned '*Existing Residential*' in the Cavan CDP, 2022 – 2028. The development plan zoning objective for 'Existing Residential' is to '*protect and enhance the amenity of developed residential communities*'.

9.5.3. Furthermore, the land bank located to the immediate east and northeast of the appeal site is zoned '*Residential Strategic Reserve*' and the development plan stated objective for such lands is to '*provide for and protect the future housing requirements of the town*'.

9.5.4. 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.

9.5.5. Residential Properties facing onto Cootehill Road

The following assessment relates to the relationship between the proposed development and the existing properties, facing onto Cootehill Road, situated to the immediate south, west and north of the appeal site.

9.5.6. I have assessed the impact of the proposed development on the most southern property in section 9.4 above, and concluded, having regard to proposed separation

distance and FFL, that the proposed development would have no material impact on this property.

9.5.7. I note from the submitted Site Layout Plan, that accompanied the planning application, that the proposed development is adequately set back from two existing properties facing onto the Cootehill Road to the west of the appeal site. The set back distances between opposing rear elevations from the proposed development to adjacent properties is 42 metres and 35 metres respectively.

9.5.8. In relation to the existing residential properties located to the immediate north of the development site I have assessed the boundary treatment between these properties in para. 9.4.7 and para 9.4.8 above, which will be supplemented to prevent any undue overlooking. I am satisfied that the existing north-west site boundary treatment and the additional north-west site boundary treatment proposed in the site layout plan, that accompanied the application, would provide adequate screening. Further the supplementary boundary treatment contained in the applicant's response to the appeal submission, would provide an additional layer of planting to adequately protect established residential amenities from overlooking or any adverse visual impacts.

9.5.9. In addition to the above screening measures, the separation distances between any of the proposed residential units and the existing residential properties to the northwest are well in excess of 22 metres.

9.5.10. Therefore, having regard to the proposed boundary treatment and the proposed separation distances the proposed development will not unduly impact on established residential amenities to the immediate north of the development site.

9.5.11. No. 5 Carrig Beag

No. 5 Carrig Beag is a single storey detached house and is located to the immediate south of the proposed Block 15. Block 15 is located in the south east corner of the proposed development site. The proposed Block 15 comprises of 4 no. two-storey houses with front elevations facing eastwards, similar to no. 5 Carrig Beag, and proposed Block 15 follows the established building line of no. 5 Carrig Beag.

9.5.12. The southern gable elevation of proposed Block 15 is set back approximately 5 metres from the site boundary, and c. 7.1 metres from the gable elevation of no. 5

Carrig Beag which I would consider acceptable separation distance between opposing gable elevations.

9.5.13. I would also note that the proposed site levels, as illustrated in drawing PL23.010-105<sup>6</sup>, outline that the proposed development is situated at a lower level than no. 5 Carrig Beag. The site level of the most southern house within Block 15 is approximately 1.1 metre lower than the site level of the existing house at no. 5 Carrig Beag, and the development site levels fall further away from the development site boundary in a northern direction.

9.5.14. Overall having regard to the proposed relationship between the proposed Block 15 and no. 5 Carrig Beag, including the layout of Block 15 relative to no. 5 Carrig Beag, the separation distances and the site levels, I would not consider that the proposed development would unduly impact on the established residential amenities.

9.5.15. No. 8 – 15 Carrig Beag

The rear elevations of the existing two storey properties face towards a proposed public open space serving the proposed residential development. The separation distances in respect of rear elevations to opposing residential development would adequately exceed the minimum development plan standards in respect of separation distances. In addition to the adequate separation distances there is comprehensive boundary treatment along the site boundary, both existing and proposed. I would therefore consider that this relationship is acceptable, and the proposed development would not unduly impact on established residential amenities of no. 8 – 15 Carrig Beag.

9.5.16. The submitted observation to the appeal outlines concerns in relation to Block 25 and its impact on established residential amenities in Carrig Beag. Proposed Block 25 is located adjacent to the southern boundary of the appeal site. The proposed Block 25 comprises of 5 no. apartments, 3 no. apartments at ground floor level and 2 no. apartments at first floor level. I would note from the submitted drawing PL23.010-105<sup>7</sup>, that the development site is situated at a lower level than the adjacent site boundary and the neighbouring site to the south, which would provide favourable protection to existing residential amenities. I would also note the rear elevation of

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<sup>6</sup> Site Layout with Topography

<sup>7</sup> Site Layout with Topography

Block 15 faces towards the gable elevation of no. 8 Carrig Beag, and there is a setback distance of approximately 25 metres from the proposed Block 15 to the gable elevation of no. 8 Carrig Beag.

9.5.17. The proposed first floor apartments include first floor balconies, and having regard to the separation distance of 25 metres, I would not consider that these balconies would overlook any established amenities.

9.5.18. No. 34 – 41 Rocklands

9.5.19. In respect of no. 34 – 41 Rocklands situated to the immediate south of the car parking provision serving the proposed apartments, I would consider, that the separation distances, exceeding 36 metres at a minimum from the proposed apartment development (Block I), would adequately protect residential amenities and the proposed development would not unduly impact on the established residential amenities of these properties.

9.5.20. Sunlight, Daylight and Shadow Impacts on Adjacent Properties

9.5.21. In addition to the above separation distances and site levels which would provide favourable protection of adjoining residential amenities I would note that the file documentation includes a Sunlight, Daylight and Shadow Assessment (Impact on Neighbours & Development Performance) on No. 8 – 15 Carrig Beag and No. 34 – 41 Rocklands.

9.5.22. The report assesses the impact, if any, that the proposed development would have on daylight access and sunlight access to the rear of existing dwellings. The report also assesses the impact that the proposed development would have on sunlight access to existing amenity space.

9.5.23. The report states that the assessment was carried out using the methodology and quantifiable metrics as outlined in the BR 209 Guidance Document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022).

9.5.24. The results from this Report demonstrate that the daylight availability to the rear of these nearby residential properties is not adversely affected and the proposed development is therefore compliant with BR 209 (2022) Guidance. This is confirmed by the fact that the Vertical Sky Component (VSC) measured at the centre of the existing main windows is either greater than 27% or that the change in difference is

less than 8% its former value, having regard to the VSC with the existing adjacent residential properties at No. 8 – 15 Carrig Beag and No. 34 – 41 Rocklands.

9.5.25. In relation to sunlight analysis the Report advises that the BR 209 Guideline recommends, where a living room window capable of receiving 25% of annual probable sunlight hours (including 5% of annual probable sunlight hours during the winter months) that the windows will be adequately sunlight throughout the year. The results from this Report demonstrate that the properties tested adequately comply with the annual probable sunlight hours.

9.5.26. Finally existing amenity spaces were tested to determine adequacy of sunlight throughout the year. In accordance with BR 209 guidelines, it is recommended that an amenity space to appear adequately sunlight throughout the year it is required that at least half of the amenity space should receive at least two hours of sunlight on the March 21<sup>st</sup>. The results from the report confirm that 100% of tested neighbouring amenity spaces pass the 2-hour test requirements on the 21<sup>st</sup> March.

9.5.27. I would accept, on the basis of the information available, that the applicant has adequately demonstrated compliance with BR 209 Guidelines and the proposed development would not adversely impact on residential amenities in terms of loss of sunlight and daylight or sunlight access to amenity spaces.

9.5.28. Residential Strategic Reserve

9.5.29. The proposed development provides for future access points to serve the land bank zoned '*Residential Strategic Reserve*' situated to the immediate east and northeast of the development site. I would consider that the proposed layout and design, of the development proposal before the Commissioners, would not, in view, preclude future development of the residential strategic reserve land.

9.5.30. Conclusion

In conclusion therefore, having regard to the above considerations, I would consider that the proposed development would be adequately set back from existing residential properties, and would be consistent with the Cavan Development Plan development management standards in terms of achieving adequate separation distances to prevent any such overlooking or visually overbearing impacts. The applicant has demonstrated that the proposed development would not adversely

impact on residential amenities in terms of loss of sunlight and daylight or sunlight access to amenity spaces. Overall the proposed development would not adversely impact on established residential amenities.

## 9.6. **Transportation Matters**

### 9.6.1. **Traffic Impacts**

9.6.2. The appeal submission contends that there are traffic capacity issues on Cootehill Road, adjacent to the appeal site. In addition, the appellant raises concerns in respect of the existing traffic lights at Drumlee Cross, which is located c. 800 metres south of the appeal site, and which causes build-up of traffic. In response the applicant's submission asserts that the submitted Transportation Assessment Report, that accompanied the application, confirms that full occupation of the scheme will have a negligible and unnoticeable impact upon the operation of the adjacent road network.

9.6.3. In terms of road capacity, the submitted Transportation Assessment Report (TAR) undertook traffic surveys of the adjacent road network, and by applying Transport Infrastructure Ireland guidance on annual growth factors, established future year traffic conditions.

9.6.4. The TAR traffic survey on Cootehill Road (R188) identified that the road is operating at 30% capacity. The TAR estimated traffic generation by the proposed development, using TRICS<sup>8</sup>, and based on traffic growth rates, using TII Project Appraisal Guidance, that the existing road network would adequately accommodate the worse-case vehicular demands with the development. I would also note that the TAR analysis also takes into account the existing transportation demands locally.

9.6.5. In addition, the TAR has assessed priority junctions using 9-PICADY for four junctions, as follows;

- Cootehill Rd / Site Access T-Junction
- Cootehill Rd / Rocklands Housing Access T-Junction
- Cootehill Rd / Breifne College combined access

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<sup>8</sup> Appendix C of the Transportation Assessment Report

- Cootehill Rd / Cathedral Road T-junction

- 9.6.6. The modelling demonstrates that the junctions have sufficient geometric design capacity to accommodate the worst-case traffic flows, with the ratio of flow to capacity below 0.85, and in many cases well below this level.
- 9.6.7. I would therefore acknowledge that the application documentation has demonstrated that the road network and local junctions have sufficient capacity to accommodate the proposed development.
- 9.6.8. In addition to the traffic surveys and modelling outlined above, the applicant has submitted a Residential Travel Plan<sup>9</sup> (Mobility Management Plan) with the application. The Residential Travel Plan (RTP) sets out the applicant's commitment for the promotion of more sustainable travel habits among the end occupiers/ residents of the scheme by supporting the use of more sustainable transport modes such as walking, cycling and shared transport. The RTP includes a package of measures to promote more sustainable modes of transport which includes information campaigns contained in Section 4 of the RTP to promote walking, cycling, public transport usage, go-car usage and car sharing. The implementation of the plan involves setting targets to achieve modal shift, which is to be overseen by a Travel Plan Coordinator. I would recommend should the Commissioners be minded to grant permission, the inclusion of a condition requiring the implementation of the RTP, to assist in achieving a modal shift towards active travel.
- 9.6.9. Separately I would note that the submission to PA from TII raises no objections to the proposed development in respect of road capacity. In addition, the PA's Road Design Office report (dated 7<sup>th</sup> April 2025) considers that the applicant's TAR accords with TII's Traffic and Transport Assessment Guidelines, and further that the methodology employed is considered robust and provides an analysis of the worst-case traffic scenario from the proposed development. The Road Design Office accepts the conclusions contained in the TAR in respect of road and junction capacity.
- 9.6.10. I am therefore satisfied that the traffic generated by the proposed scheme would not have an adverse impact on the capacity of the surrounding road network and the

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<sup>9</sup> Appendix J of the Transport Assessment Report

local junction capacity as they currently exist and would not result in a traffic hazard by reason of the location of the proposed priority junction. Furthermore, I consider that the proposal would result in a positive outcome from an active travel perspective on the basis of measures contained in the RTP.

9.6.11. Sightline Provision

There is an existing site access onto the R188, and it is proposed to relocate the development site entrance to the south along the R188 by approximately 40 metres. The location of the site access is within the 60km/h speed limit zone where DMURS standards are applicable. The application includes sightline provision of 2.4m x 59m in accordance with DMURS. I would note that the report by the Road Design Office of the PA considered that the proposed sightline provision is acceptable and compliant with DMURS.

9.6.12. The documentation presented in respect of sightlines provide that the requisite sightlines required are achievable. My site visit would confirm the veracity of the information presented. I therefore would consider that the proposed access, would be acceptable in terms of traffic safety and convenience and would not endanger public safety by reason of a traffic hazard.

9.6.13. Car Parking Provision

The proposed development provides for 240 no. car parking spaces. Table 7.4 of the Cavan CDP 'Parking Standards' recommends maximum car parking standards for specific uses of development types.

9.6.14. 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 218 no. spaces is the maximum required for the 109 no. houses. I have estimated that 30 car parking spaces is the maximum required provision for the proposed 25 no. apartment units.

9.6.15. Accordingly, the maximum car parking provision for the proposed development is 248 spaces and the proposed development provides 240 no. spaces which is consistent with the development plan standards.

9.6.16. In addition, 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.

9.6.17. I am satisfied that adequate car parking provision is provided to serve the proposed development.

9.6.18. Cycle Parking

9.6.19. 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. I am satisfied that the cycle parking provision of 129 spaces would adequately serve the proposed development.

9.7. **Site Services**

9.7.1. The appellant raises concerns in respect of the capacity of the existing foul drainage system and the existing water supply system.

9.7.2. The submitted he Outline Construction Environmental Management Plan (OCEMP), that accompanied the planning application, confirms that water supply to serve the proposed development will connect to the existing watermain located in the Cootehill Road (R188) at the entrance to the site. It is proposed to make a 150mm diameter HDPE connection to the existing watermain.

9.7.3. In relation to wastewater the OCEMP confirms that the nearest Uisce Eireann gravity sewer is located at the entrance of Carrig Beag, approximately 200m from the development site entrance. Having regard to the local topography, rising from the development site entrance to the entrance of Carrig Beag, the development proposal includes a wastewater pumping station located in the middle of the site towards the northwest side, approximately 75 metres from the site entrance.

- 9.7.4. The application documentation includes an Uisce Eireann confirmation of feasibility in respect of water connection and wastewater connection to serve the proposed development which is included in Appendix F of the Engineering Services Report, submitted with the application. In relation to the proposed water connection Uisce Eireann confirm that both water and wastewater connections are feasible subject to upgrades. In relation to water Uisce Eireann state that minor upgrade works are required and in relation to wastewater Uisce Eireann state a 250m foul sewer network extension will be required to service the development. I am therefore satisfied that the existing public services would accommodate the proposed development in terms of water and wastewater.
- 9.7.5. I would also note that the submitted Environmental Impact Assessment Screening Report, that accompanied the planning application, includes an assessment of the Cavan Wastewater Treatment Plant (WWTP). Wastewater from the proposed development will be conveyed to the Cavan WWTP, via the proposed onsite pumping station. The EIA Screening Report submits that the PE for the proposed development is calculated at 500PE, and this would increase the current load from 20,858<sup>10</sup> to 21,358 PE for the current Cavan WWTP, which is well within the 30,000 PE design capacity.
- 9.7.6. In addition to the above considerations, I would also note that the PA Environmental Services Section of the Local Authority, in their report dated (21<sup>st</sup> March 2025) have no objections in relation to water and wastewater services, subject to conditions.
- 9.7.7. I am satisfied that the proposed wastewater and water supply services would have sufficient capacity to accommodate the proposed development.

## 9.8. **Site Boundary Lines**

- 9.8.1. The appellant submits that the site boundary in respect of the submitted Invasive Species Management Plan differs from the site boundary identified in all other application documentation. I have reviewed the site boundary in the Invasive Species Management Plan, and I note a discrepancy in the site boundary line relative to the site boundary indicated in the application documentation.

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<sup>10</sup> EIA Screening Report based on EPA AER 2021 data.

- 9.8.2. The relevant site boundary for the purpose of the application is the red line boundary submitted with the Site Location Map (scale 1:2500). Notwithstanding the boundary discrepancy contained in the Invasive Species Management Plan, I would consider the purpose of the map on the Invasive Species Management Plan is to identify Japanese Knotweed in the site which is clearly identified in an orange colour within the map.
- 9.8.3. On this basis I would not consider that the discrepancy in the site boundary contained in the Invasive Species Management Plan relative to the application documentation would be anyway misleading to the assessment and decision making process in respect of the proposed development. I am therefore satisfied that the discrepancy described above will not materially impact on the outcome of the planning application.

#### 9.9. **Other Matters**

- 9.9.1. **Ecological Impact Assessment (EclA):** The applicant engaged Whitehill Environmental Consultants to prepare an Ecological Impact Assessment (EclA), dated May 2024, and this was included in support of the application.
- 9.9.2. Although ecology was not raised in the grounds of appeal or any of the submitted observations, I would note that the EclA describes the site as having a 'mosaic of transitioning habitats' including areas of recolonising bare ground, willow / gorse scrub, dry meadows and grassy verges and dry calcareous and neutral grassland habitat.
- 9.9.3. No rare or protected flora species are recorded. No protected terrestrial mammal species were recorded on the site based on surveillance surveys.
- 9.9.4. Protected fauna species recorded at and using the site includes bats. However, the EclA concludes that there were low levels of bat activity, recorded in the Bay Survey, which included the presence of soprano pipistrelle calling and feeding within the site and a Leisler's Bat was also recorded along a hedgerow within the site. However, no bats were seen entering, exiting or swarming at any trees, and no roosts were found.
- 9.9.5. I note the submission from DHLHG to the PA which identifies that an increase in artificial lighting in the area would also have the potential to disturb and curtail

activities by foraging mammals, such as bats and that low-level lighting areas are recommended. A bird survey confirmed bird species of local importance.

- 9.9.6. The site was evaluated as not offering suitable ex-situ habitat for wintering bird species (foraging or roosting) including bird species associated with the Lough Oughter SPA (site code 004049).
- 9.9.7. The EclA notes an Invasive Species Survey was carried out and confirmed that Japanese Knotweed is present on the site. The survey identified two locations of infestations of Japanese Knotweed located towards the centre and southern areas of the site within areas designated for green space as part of future development.
- 9.9.8. The EclA concludes having regard to the range of habitats on the site it is considered to be of medium-high value on a local level. The site is not considered to be of high ecological value for bats, but is of local importance for terrestrial mammals and birds. Section 6 of the EclA recommends mitigation measures, and in Section 7 of the EclA concludes that with the inclusion of mitigation measures that the proposed development will have no significant negative impacts upon local ecology and biodiversity of the area. In addition, Section 7 of the EclA concludes that the creation of new habitats on the site through landscaping will be a positive benefit to the local ecology, and with good management of green spaces, local areas of biodiversity will be allowed to develop.
- 9.9.9. I therefore consider that the EclA demonstrates that the proposed development would not have a significant impact on flora and fauna. The appropriate landscaping of this site, the provision of such measures as bat friendly lighting and hedgerow highways will ensure that such species continue to inhabit these lands.
- 9.9.10. **Invasive Species:** An Invasive Species Management Plan was prepared by Avrio Environmental Management, with survey work undertaken in February and March 2024. The survey work identified two locations of infestations of Japanese Knotweed located towards the centre and southern areas of the site. The Invasive Species Management Plan considers a number of options for the removal of the Japanese Knotweed from the subject site (section 5.2) and recommend two management options and this includes (section 6.1) excavation, on-site bunding and RBM Intallation and secondly management method 2 (section 7.1) is in-situ Herbicide Treatment.

- 9.9.11. The submission to the PA from the DHLGH recommends the treatment of the invasive species and their disposal in accordance with s. 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011).
- 9.9.12. The Waste Management Section of the PA recommended that a new Invasive Species Survey should be carried out at the proposed site by a qualified ecologist and an updated management plan shall be submitted to the PA.
- 9.9.13. I noted that the recommendations (section 8) of the Invasive Species Management Plan states that since invasive species spread quickly and it is recommended that prior to the commencement of management works or treatment, a pre-works/pre-treatment survey should be undertaken. The survey work will identify the extent of Invasive Species at the time and the information shall be used to update the Invasive Species Management Plan.
- 9.9.14. I would consider that the issue raised by the Waste Management Section can be adequately addressed by condition, requiring a pre-works/ pre-treatment survey, should the Commissioners be minded to grant permission.

## 10.0 AA Screening

### 10.1. Appropriate Assessment Screening – Stage 1

- 10.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information provided by the applicant, I conclude that the proposed development could result in significant effect on the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (Stage 2) of the proposed development is required.
- 10.1.2. This determination is based on:
- An ecological pathway from the development site to the nearest European Sites.
  - Location-distance from the nearest European Sites.

### 10.2. Appropriate Assessment - Stage 2

- 10.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 10.2.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 10.2.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
  - Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
  - Application of planning conditions to ensure application of these measures.
- 10.2.4. I am also satisfied that the proposed development will not affect the attainment of conservation objectives for the Lough Oughter & Associated Loughs SAC and Lough Oughter Complex SPA.

## **11.0 Water Framework Directive**

- 11.1. Refer to Appendix 5. I conclude that on the basis of objective information, that the proposed development, subject to mitigation measures set out in the submitted EIA screening report and submitted NIS, will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 12.0 Recommendation

Following from the above assessment, I recommend that permission is **GRANTED** for the development as proposed for the following reasons and considerations, and subject to the conditions set out below.

## 13.0 Reasons and Considerations

13.1. Having regard to the land use zoning of the site 'Proposed Residential' where the objective is: 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.', the design, layout and density of the proposed development, and to the nature and pattern of existing development in the vicinity. I am satisfied that the development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, accord with the proper planning and sustainable development of the area.

## 14.0 Recommended Commission Order

**Planning and Development Acts 2000 to 2022 as amended.**

**Planning Authority:** Cavan County Council

**Planning Register Reference Number:** 2560057

Appeal by Gerry Smith against the decision made on the 16<sup>th</sup> April 2025 to grant permission to Shire Development Partnership for the proposed Large Scale Residential Development Application.

**Location:** Lands at Billis and Drumalee Townlands, Cootehill Road, Cavan.

**Proposed Development:**

Development of a Large-scale Residential Development (LRD) will consist of:

(a) provision of a total of 134no. residential units along with provision of a crèche.

- (b) Site excavation works to facilitate the proposed development to include excavation and general site preparation works.
- (c) The provision of a total of 109no. residential dwellings which will consist of 6no. 1bed units, 39no. 2 bed units, 59no. 3 bed units and 5no. 4 bed units. The residential dwellings range in height from one to two storeys. (c) The provision of a total of 25no. duplex apartment units consisting of 15no.1 bed units and 10no. 2bed units. The duplex apartment units range in height from two to three storeys.
- (d) Provision of a single storey creche with associated parking, bicycle and bin storage.
- (e) Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche and duplex apartment units.
- (f) Provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site.
- (g) Provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities.
- (h) The provision of an internal culvert along with decommissioning of existing drainage channel within the site. Culvert works to include for provision of a headwall at the outfall to the watercourse.
- (i) Creation of a new access point from the public road with associated works to include for a connections to the existing public footpath along with a pedestrian crossing point.
- (j) Provision of internal access roads and footpaths and associated works to include for regrading of site levels as required.
- (k) Provision of residential communal open space and public open space areas to include formal play areas along with all hard and soft landscape works with public lighting, planting and boundary treatments to include boundary walls, railings & fencing.
- (l) Internal site works and attenuation systems which will include for provision of a hydrocarbon and silt interceptor prior to discharge.
- (m) All ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul via a rising main and provision



of a foul pumping station, water connections and ESB network connection to include for provision of a substation.

**Decision:** Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

### **Matters Considered**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

In coming to its decision, the Commission had regard to the following:

- (a) the location of the site in an area where residential and childcare use is permitted under Proposed Residential zoning objective, where the objective is to: 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure' of the Cavan County Development Plan 2022-2028.
- (b) the policies and objectives of the Cavan Development Plan 2022-2028;
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The planning history of the site;
- (e) The pattern of existing and permitted development in the area;
- (f) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024
- (g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2023;
- (h) The provisions of the Climate Action Plan 2025;

- (i) The policies and objectives set out in the National Planning Framework
- (j) The policies and objectives of the Regional and Spatial Economic Strategy for the North West Regional Assembly
- (k) The grounds of appeal received;
- (l) The observation received;
- (m) The submission from the Planning Authority,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment (AA)**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the development on serviced lands, the nature of the receiving environment which comprises a site on the edge of an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's Report.

Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development could result in significant effects on the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Lough Oughter

& Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049) in view of the above sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of the conservation objectives of the sites. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

### **Environmental Impact Assessment Screening**

The Commission completed an Environmental Impact Assessment Screening Determination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment.

Regard has been had to:

- (a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- (b) The location of the site on lands zoned lands (Proposed Residential), and other relevant policies and objectives in the Cavan County Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- (c) The greenfield nature of the site and its location in an urban area which is served by public services and infrastructure.
- (d) The pattern of existing development in the area.
- (e) The planning history at the site and within the area.
- (f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- (h) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.
- (i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment, Environmental Noise Survey, Resource & Waste Management Plan, Operational Waste & Recycling Management Plan, Site Specific Flood Risk Assessment, Outline Construction and Environmental Management Plan, Invasive Species Management Report, and Transport Assessment Report.

In so doing, the Commission concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this suburban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, and height, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants. The Commission considered that the proposed development would be compliant with the provisions of the Cavan Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 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 An Coimisiún Pleanála on the 9<sup>th</sup> day of May 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 development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

3. 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.

4. 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.

5. A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along north west boundary consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works. (b) 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 order to screen the development, in the interest of visual amenity.

6. Prior to the commencement of any further works on site, a revised Invasive Species Management Plan shall be submitted to the Planning Authority to address the potential recent spread of invasive plant material across part of the site arising from recent works, and with specific recommendations to be agreed in writing with the Planning Authority. The revised report shall contain the following as a minimum:

- (a) New Survey Findings, and
- (b) The Preferred Management Option of Removal and Disposal of Invasive Species.

The proposed development shall then be carried out in accordance with the above revised report as agreed with the Planning Authority.

**Reason:** In the interest of safeguarding the natural environment and biodiversity.

7. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

8. 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.

9. 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.

10. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 25<sup>th</sup> February 2025. The specific measures detailed in Section 4 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 2 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

11. 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.

12. 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.

13. 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.



14. 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.

15. 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.

16. 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 Coimisiún 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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 Coimisiún Pleanála for determination.

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

22. (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.

23. 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 Coimisiún 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

25<sup>th</sup> July 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322498-25
<b>Proposed Development Summary</b>	Large scale residential development. Construction of 134 residential units, a creche and all associated site works.
<b>Development Address</b>	Lands at Billis and Drumalee Townlands, Cootehill Road, 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) (threshold is 500 dwelling units)</p> <p>Class 10, (b), (iv) (threshold is 10 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><b>Yes</b> <input checked="" type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

## Appendix 2 - Form 3 - EIA Screening Determination

A. CASE DETAILS		
<b>An Coimisiún Pleanála Case Reference</b>	<b>ABP 322498-25</b>	
<b>Development Summary</b>	Development will consist of the construction of 134 residential units, comprising of 109 no. houses and 25 no. apartments along with provision for a creche.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	Undertaken and included with Planner's report concluding that an EIAR was not required.
<b>2. Has Schedule 7A information been submitted?</b>	Yes	EIA Screening Report with Schedule 7A information accompanied the application.
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes	An Appropriate Assessment Stage 1 Screening Report and Stage 2 Natura Impact Statement accompanied the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/C).
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	No	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	Yes	Other assessments carried out include: <ul style="list-style-type: none"> <li>An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/C).</li> <li>A site-specific Flood Risk Assessment (FRA) which considers the content of the EU Floods Directive (2007/60/EC).</li> </ul>



		<ul style="list-style-type: none"> <li>• An Outline Construction and Environmental Management Plan (OCEMP) which considers the content of the Waste Directive (2008/98/ED as amended by 2018/851).</li> <li>• A Building Lifecycle Report which considers the content of the Energy Performance in Buildings Directive (2010/31EU).</li> <li>• A Water Framework Assessment which considers the content of the Water Framework Directive (2000/60/EC).</li> </ul> <p>SEA was undertaken by the planning authority in respect of the Cavan County Development Plan 2022-2028.</p>	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The proposal comprises of the construction of mid-scaled, medium density residential development on zoned lands.</p> <p>The site comprises of an undeveloped site located to the immediate north of existing housing</p>	No

		developments. The project does not differ significantly from the surrounding area in terms of character (residential uses exist in the area, suburban estate designs and layouts, with surface parking, landscaped open spaces, conventional boundary treatments) or in terms of scale (use of conventional houses and duplex and apartment block), moderate increase in building height.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The proposal will involve physical changes to the existing site, involving the provision of houses and apartments in different residential formats, including terraced housing, semi-detached housing, a single detached residential units and a series of open spaces.</p> <p>There are no existing on-site structures that require demolition. The proposed development will not give rise to the removal of any of the mature hedgerow or treeline vegetation. Construction of the proposed development will initially involve excavations to facilitate the construction of foundations and the installation of services, and then construction of the proposed development itself.</p> <p>The watercourse along the north western boundary of the development site will be retained and the topography of the site will be retained with the site gradient falling towards the west of the site adjacent to Cootehill Road.</p>	No

		In the context of the wider locality these physical changes are consistent with the character of the existing area.	
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the OCEMP/ final CEMP (required by condition). These are not considered to be in short supply. No significant use of natural resources in operational phase.	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	<p>Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for the construction activity on the site.</p> <p>The OCEMP proposes that hazardous construction materials shall be stored appropriately to prevent contamination of watercourses or groundwater. Spill kits will be kept in designated areas for re-fuelling of construction machinery.</p> <p>Noise and dust emissions during construction phase are likely. The operational phase of the project does not involve the use, storage or production of any harmful substance.</p> <p>Any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>	No

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Conventional waste will be produced from construction activity and will be managed through the implementation of the OCEMP/ final CEMP (required by condition) as outlined above.</p> <p>Discharge of foul effluent to existing public infrastructure.</p> <p>Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Construction works will include excavation and removal of material from the site for foundations and site profiling.</p> <p>A risk of contamination is typical at all such sites during construction and operation. No discharge of pollutants to ground or surface waters. OCEMP contains measures to address accidental spillages.</p> <p>The OCEMP includes details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction. The OCEMP also outlines the appropriate methodology for storing hazardous construction materials on site in connection with the construction works only, such as fuels / oils and other known hazardous substances.</p>	<p>No</p>

		<p>Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Appendix 3 and Appendix 4 of my report.</p> <p>However, having regard to the mitigation measures contained in the application documentation, including the OCEMP, the framework of mitigation measures in the applicant's NIS and EcIA, and the implementation of best construction practice including, Guidelines on Protection of Fisheries during Construction Works and Adjacent to Waters (Inland Fisheries Ireland, 2016, I do not anticipate that the project will lead to risks of contamination to ground or surface waters.</p> <p>I therefore do not consider this aspect of the project is likely to have a significant effect on the environment.</p>	
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	Yes	<p>Noise and vibration impacts are likely during the site development works.</p> <p>These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the OCEMP/ final CEMP (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition).</p> <p>The Environmental Noise Survey, submitted with the application, confirms with noise mitigation measures that noise will not exceed TII recommended construction noise levels. Vibration activity on the site from the construction phase is not expected to be significant. Overall, the</p>	No

		<p>Environmental Noise Survey concludes that with appropriate design methods noise issues will be mitigated on any noise sensitive locations.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	Yes	<p>The proposed development is anticipated to be constructed over a 24–36 month period. The potential for water contamination, noise and dust emissions during the construction phase is likely.</p> <p>The OCEMP includes details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction. The Natura Impact Statement and the Ecological Impact Assessment includes construction phase mitigation measures to address surface water pollutants entering local water bodies.</p> <p>Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Surface water flows during operational stage will be directed to a diverted culvert just prior to where the culvert discharges to the stream to minimise works to the stream bank. Having regard to likely construction mitigation measures I do not consider that the project will lead to risks to human health due to water contamination.</p>	No

		Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	No risk of major accidents given nature of project.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	<p>Employment will be short term during the construction phase over the anticipated construction period 24-36 months. The proposed development provides 134 residential units, consisting of 109 no. houses, comprising a mix of 4-bedroom, 3-bedroom, 2-bedroom and 2-bedroom houses which will cater for a range of occupancies. The proposed development also includes 25 no. apartments.</p> <p>The receiving area is a developing suburban location with amenities including education, amenities and public transport, and has the capacity to accommodate the impacts associated with the additional population arising from the proposed development. The Development Plan's core strategy has capacity to accommodate the additional population associated with the proposed development.</p> <p>I do not consider this the proposed development is likely to result in a significant effect on the social environment of the area.</p>	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	The proposed residential use is consistent with the zoning of the subject lands as set out in the Cavan County Development, 2022 – 2027 (as	No

		varied). The zonings on the site are within the settlement of Cavan effectively will serve the settlement to 2028. The proposed residential development is therefore part of a wider large-scale change proposed for the area by the CDP until 2028.	
<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection. There are European sites within a possible influence of the proposed development.</p> <p>The project is not in a place, site or feature of ecological interest for which there is a development plan objective to protect.</p> <p>It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS.</p> <p>The submitted Natura Impact Statement sets out mitigation measures to safeguard ground and surface water quality in this regard including through the implementation of a CEMP and connection to public services for waste and surface water.</p> <p>Accordingly, I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and other documentation submitted in</p>	No



		<p>support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of any European Site. See Section 10.0 and Appendix 3 and Appendix 4 of my report.</p> <p>Water Framework Directive is discussed under Section 11 and Appendix 5 of the Inspector's Report.</p> <p>I therefore do not consider this aspect of the project is likely to have a significant effect on the environment.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	Yes	<p>An Ecological Impact Assessment Report confirms the site is not under any wildlife or conservation designation.</p> <p>The applicant's EclA describes the site as having a 'mosaic of transitioning habitats' including areas of recolonising bare ground, willow / gorse scrub, dry meadows and grassy verges and dry calcareous and neutral grassland habitat.</p> <p>No rare or protected flora species are recorded.</p> <p>No protected terrestrial mammal species were recorded on the site based on surveillance surveys.</p> <p>Protected fauna species recorded at / using the site includes bats. However, the EclA concludes that there were low levels of bat activity, recorded in the Bay Survey, and no bats were seen entering, exiting or swarming at any trees, and no roots were found. A bird survey confirmed bird species of local importance.</p> <p>The site was evaluated as not offering suitable ex-situ habitat for wintering bird species (foraging</p>	No

		<p>or roosting) including bird species associated with the Lough Oughter SPA (site code 004049).</p> <p>The EcIA concludes having regard to the range of habitats on the site it is considered to be of medium-high value on a local level. The site is not considered to be of high ecological value for bats, but is of local importance for terrestrial mammals and birds.</p> <p>An Invasive Species Management Plan was submitted, identifying an infestation of Japanese Knotweed and proposes management measures to remove the invasive species from the site.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of biodiversity (protected habitats, flora, and fauna).</p>	
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>The site is undeveloped / greenfield in nature and there are no existing structures on the site. The site contains no recorded archaeological monuments and there is no evidence of archaeological features on site.</p> <p>The Archaeological Heritage Appraisal Report submitted with application identified no monuments on the site, and no surface features of archaeological interest / potential were noted by a review of historic mapping and aerial photography, and no traces of archaeological potential were noted on the subject lands.</p> <p>The land use zoning map in the Cavan County Development Plan, 2022 – 2024, pertaining to the</p>	No

		<p>site indicates no landscape sensitivity or protected views relevant to the development site or its immediate context.</p> <p>The site is not identified for any cultural importance.</p> <p>I do not consider the project is likely to result in a significant negative effect on the environment in terms of archaeology and cultural heritage.</p>	
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such resources on or close to the site.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>There is a stream located along the northern site boundary, Kinnypottle Stream.</p> <p>A proposed new 900mm culvert will divert an open drain present on the site that runs along the southwest boundary of the site from the point where it turns northward towards the centre of the site. The diverted culvert will run along the southwest and west boundary of the site and located to have minimal impact on the buildings, roads and services of the proposed development. The new culvert will discharge to the Kinnypottle Stream along the northwest boundary approximately 10m downstream of the existing culvert discharge point which will be made redundant.</p> <p>SUDs system proposed with discharge rates restricted to maximum values by means of a</p>	No

		<p>hydrobrake. The surface water drainage proposals include permeable paved parking areas, and a suitably sized network to collect all run-off from the proposed hardstanding/roof areas. The discharge from the proposed development to the diverted culvert will be restricted to a maximum value by a hydrobrake. When the discharge restriction is exceeded, all excess water will be attenuated in two proposed attenuation tanks located in green areas within the development site.</p> <p>The Site-Specific Flood Risk Assessment that accompanied the application confirmed that the subject site is located within Flood Zone C, and the site is therefore appropriate for residential development having regard to the Flood Risk Management Guidelines (2009). The SSFRA concludes that the proposed culverts are adequately sized to cater for channel flows in all scenario's and will not increase flood risk elsewhere. Finally, the SSFRA concludes that the flood risk to and from the development is considered to be low if the mitigation measures are implemented. Further the SSFRA confirms that the development is not therefore predicted to result in an adverse impact to the existing hydrological regime of the area or increase flood risk elsewhere and is therefore considered to be appropriate from a flood risk perspective.</p>	
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		Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of water.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	No evidence of these risks.	No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	<p>There are no key transport routes such as national primary routes connected to the site.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline CMP/ final CEMP (required by condition) and measures in the TTA.</p> <p>The Traffic and Transport Assessment, which accompanied the planning application, concluded that Cootehill Road (R188) and the rest of the local road network would have sufficient capacity to cater for this additional traffic generated by the proposed development.</p> <p>The key transport routes in the vicinity of the site will not be congested by or otherwise affected by the project.</p>	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is undeveloped and greenfield in nature and located on the edge of a settlement. The site is located on the opposite side of the Cottehill Road from a secondary school. The secondary	No

		<p>school is situated approximately 200 metres north the site entrance of the proposed development.</p> <p>However, the nature of the proposed development and its location would not negatively affect sensitive land uses or community facilities.</p>	
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No cumulative significant effects on the area are reasonably anticipated.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	X	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<p>Having regard to: -</p>			

1. the criteria set out in Schedule 7, in particular

(a) the limited nature and scale of the proposed development, which is below the threshold in respect of Class 10 'Infrastructure projects', as set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, specifically, (b) (i) construction of more than 500 dwelling units, and (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(b) the absence of any significant environmental sensitivity in the vicinity.

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

2. the results of other relevant assessments of the effects on the environment submitted by the applicants

3. the features and measures proposed by applicants envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

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

## Appendix 3 – Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Case file ABP-322498-25</b>	
<b>Brief description of project</b>	<p>Large Scale Residential Development</p> <p>134 residential units, comprising of 109 no. houses and 25 no. apartments along with provision for a creche</p> <p>See section 2 of Inspectors Report</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>I have provided a description of the proposed development in Section 2 and detailed specifications of the proposal are contained within Section 3.1 of the Natura Impact Statement and other planning documents provided by the applicant. In summary, the proposed development comprises of construction of 134 no. residential units, comprising of 21 no. 1-bed units, 49 no. 2-bed units, 59 no. 3-bed units and 5 no. 4-bed units vehicular / pedestrian access onto Cootehill Road (R188), 240 no. surface car parking spaces and landscaped public open spaces. The development also includes the provision of a single storey creche building.</p> <p>The proposed development will occur on lands that are hydrologically connected to the Lough Oughter and Associated Loughs SAC, and Lough Oughter SPA, via the Kinnypottle Stream, which is located adjacent to the northwest boundary of the appeal site. The Kinnypottle Stream flows into the Cavan River which flows into Lough Oughter.</p> <p>In respect of the capacity of the wastewater treatment plant, I can confirm, based on the documentation on the file, that no issues arose in relation to capacity during the operational phase of the proposed development. Foul waters will be connected to the foul water network along Cootehill Road, via a proposed pumping station on the development site.</p> <p>Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:</p>



	<ul style="list-style-type: none"> <li>• Construction related - uncontrolled surface water/silt/ construction related pollution.</li> <li>• Operational phase – hydrocarbon contaminated surface or ground waters</li> <li>• Cumulative Impacts with other existing / proposed developments.</li> </ul>
<b>Screening report</b>	<p>Yes</p> <p>Cavan County Council screened in the need for AA.</p>
<b>Natura Impact Statement</b>	Yes
<b>Relevant submissions</b>	<p><u>Department of Housing Local Government and Heritage</u></p> <ul style="list-style-type: none"> <li>• Noted that the application site does not lie within any designated site, but hydrological connectivity exists to the Lough Oughter &amp; Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049).</li> <li>• All mitigation measures in the NIS shall be adhered to.</li> </ul> <p><u>Inland Fisheries Ireland</u></p> <ul style="list-style-type: none"> <li>• Conditions / mitigation measures are recommended to preserve water quality and aquatic habitats.</li> </ul>

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The development site is not located in or immediately adjacent to a European site. The closest European sites are Lough Oughter and Associated Loughs SAC (site code 000007) situated 3.1 km west of the development site, and Lough Oughter SPA (site code 004049) situated 3.5 km west of the proposed development. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening
Lough Oughter and Associated Loughs SAC (site code 000007)	<p>Natural eutrophic lakes Bog woodland Otter</p> <p><u>Conservation Objectives</u> <a href="https://www.npws.ie/protected-sites/sac/000007">https://www.npws.ie/protected-sites/sac/000007</a></p>	3.1 km	Yes	Yes

Lough Oughter SPA (site code 004049)	Great Crested Grebe Whooper Swan Wigeon Wetland and Waterbirds  <u>Conservation Objective</u> <a href="https://www.npws.ie/protected-sites/spa/004049">https://www.npws.ie/protected-sites/spa/004049</a>	3.5km	Yes	Yes
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b>  <b>Lough Oughter and Associated Loughs SAC (site code 000007)</b>  Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]  Bog woodland [91D0]  Lutra lutra (Otter) [1355]	<u>Direct:</u> None  <u>Indirect:</u> Localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction. Hydrocarbon contamination of ground and surface waters during operational stage.	Given that the proposed development site is hydrologically linked to the Lough Oughter and Associated Loughs SAC the potential arises for contaminated surface waters released during the construction phase and operational phase to enter the SAC and a reduction in water quality has the potential to negatively impact on the aquatic habitats and natural conditions that are required to maintain or achieve the specific attributes and targets of the qualifying interests associated with the SAC.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>N/A</b>	
	Impacts	Effects
<b>Site 2:</b>  <b>Lough Oughter SPA (site code 004049)</b>	As above	Disturbance during construction. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability.

Great Crested Grebe (Podiceps cristatus) [A005]		
Whooper Swan (Cygnus cygnus) [A038]		
Wigeon (Mareca penelope) [A855]		
Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>N/A</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA.		
I concur with the applicant's findings that such impacts could be significant in terms of the stated objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitat and species.		

## Screening Determination

### Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (Stage 2) of the proposed development is required.

This determination is based on:

- An ecological pathway from the development site to the nearest European Sites.
- Location-distance from the nearest European Sites.



## Appendix 4 - Appropriate Assessment

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed residential development in view of the relevant conservation objectives of the Lough Oughter and Associated Loughs SAC and the Lough Oughter SPA, based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by Whitehill Environmental, June 2024 (Revised February 2025).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

**Submissions/observations**

Department of Housing Local Government and Heritage

- Noted that the application site does not lie within any designated site, but hydrological connectivity exists to the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049).
- All mitigation measures in the NIS shall be adhered to.

Inland Fisheries Ireland

- Conditions / mitigation measures are recommended to preserve water quality and aquatic habitats.

**Lough Oughter and Associated Lough SAC (Site Code 000007)**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

**(i) Water quality degradation (construction and operation)**

**See Table 1 of the NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives  Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation [3150]	Restore the favourable conservation condition	Water quality degradation during extensive earthworks, e.g. silt and sediment release. Potential	Application of Inland Fisheries construction works guidance

	Restore appropriate water quality to support the habitat.	spillage of contaminants during construction phase, e.g. fuels, oils, chemicals. During operational phase potential for release of hydrocarbons.	Pollution Control  Management of Aggregate / Concrete  Management of Hydrocarbons
Lutra lutra (Otter) [1355]	maintain the favourable conservation condition  (fish biomass available)	Water quality degradation during construction/ operation – indirect impacts by a reduction in prey population.	Site operations, landscaping and Protection of Biodiversity
Other QI's			
Bog woodland [91D0]	Not at risk.	Rationale for exclusion:  Outside the zone of influence and water quality is not a listed attribute for the maintenance of this habitat at favourable conservation condition.	
Assessment of issues that could give rise to adverse effects view of conservation objectives			
(i) Water quality degradation			
Surface water related pollution during the initial stages of the construction phase as a result of earthworks and the disturbance of soil, could create a potential for silt and sediment to migrate off-site from resulting stockpiles. There is potential, without mitigation measures, for sediment and silt to			

find its way from stockpiles to adjacent waterways, including the Kinnypottle Stream, by means of wind-blown dust or run-off during periods of inclement weather conditions. During the construction period there is also the possibility of spillage such as fuels, oils, chemicals and cement material which gives rise to the possibility of indirect negative impacts on downstream water quality. Fuels, oils and chemicals have a number of hazardous properties, and the constituents of concrete are alkaline and corrosive, with potential impacts on water quality and aquatic life.

During the operation phase there is potential for hydrocarbon contaminated surface water run-off to impact upon surface or groundwaters. Groundwater quality can impact upon surface water quality.

Such contamination of water quality, during construction and operational phases, could potentially have adverse impacts on the water quality of the Kinnypottle Stream that flows along the western perimeter of the application site, onwards through Cavan Town, until it joins the Cavan River, which is hydrologically connected to the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA.

### **Mitigation measures and conditions**

Mitigation measures to avoid reductions in water quality in the area surrounding the site and to ensure the protection of Natura 2000 habitats and species are to be implemented, the majority of which are considered to represent best practice. These are set out in the NIS, the accompanying '*Ecological Impact Assessment*', and the '*Outline Construction Environmental Management Plan*', and will include, in summary, the following:

#### **Pollution Control**

- Site plan provides for open space buffer along the Kinnypottle Stream, c. 10m, which will provide for best protection of the watercourse during construction and operation. The area to be fenced off prior to construction. No storage of any materials, spoil or machinery, within this buffer area.
- The existing bankside riparian vegetation along the Kinnypottle Stream to be retained during construction.
- Installation of a silt fence along the boundary of the Kinnypottle Stream at a minimum 10m out from the bank. The silt fence inspected daily, and any required repairs or repairs carried out as required.
- Cut-off drains provided to intercept clean runoff water and divert away from the site works areas.

#### **Management of Aggregate / Concrete**

- No works undertaken during heavy periods of precipitation



- Best practice concrete management applied addressing pouring and handling, secure shuttering, adequate curing times etc.
- Cement dust controlled by dampening down areas.
- Concrete wagons and mixers must be washed off site or in a bunded, designated area.
- Raw or uncured waste concrete should be disposed of by removal from site ensuring no impact of any watercourse.
- Stockpile areas for sands and gravel shall be kept to a minimum size, well away from drains and water courses.
- Registered contractors only to be used for removal to a registered site.

### **Management of Hydrocarbons**

- All fuels, lubricants and hydraulic fluids to be suitably stored.
- Refuelling and lubrication of equipment should take place on sealed and bunded surfaces to avoid the potential for accidental spillage of hydrocarbons.
- An effective spillage procedure shall be put in place.
- Provision of appropriate spill-skits.
- Oil booms and oil soakage pads put in place.
- All waste oils or hydraulic fluids should be collected, stored in appropriate containers and disposed of offsite in an appropriate manner.
- Storage areas, machinery depots and site offices should be located remotely from watercourses.
- All plant and machinery to be regularly maintained and serviced to minimise release of hydrocarbons.

### **Site Operations, Landscaping and Biodiversity**

- Only clean waters allowed into any culvert, drain or soakaway.
- Treatment by serviced sediment and oil interceptor traps.
- Additional Nature Based Solutions incorporated in the overall SuDS plan.
- Existing hedgerows / treelines retained.

### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant and the Planning Authority determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Lough Oughter and Associated Loughs SAC. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent water resource quality degradation. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment Conservation objectives of the Lough Oughter and Associated Loughs SAC. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

### **Lough Oughter SPA (site code 004049)**

#### **Summary of Key issues that could give rise to adverse effects (from screening stage):**

**(ii) Water quality degradation (construction and operation)**

**See Table 1 of the NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Great Crested Grebe (Podiceps cristatus) [A005]	maintain the favourable conservation condition	Water quality degradation during construction/ operation – indirectly affect bird species and the habitats and food chains that they depend on.	Application of Inland Fisheries construction works guidance  Pollution Control  Management of Aggregate / Concrete
Whooper Swan (Cygnus cygnus) [A038]	Restore the favourable conservation condition	As above	Management of Hydrocarbons  Site operations, landscaping and Protection of Biodiversity
Wigeon (Mareca penelope) [A855]	maintain the favourable conservation condition	As above	
Wetland and Waterbirds [A999]	maintain the favourable conservation condition	As above	

<b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b> <b>(i) Water quality degradation</b> As above <b>Mitigation measures and conditions</b> As above			
<b>In-combination effects</b> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>			
<b>Findings and conclusions</b> <p>The applicant and the Planning Authority determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, <b>or in combination with other plans and projects</b>, will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Lough Oughter SPA. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent water resource quality degradation. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.</p> <b>Reasonable scientific doubt</b> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <b>Site Integrity</b>			

The proposed development will not affect the attainment Conservation objectives of the Lough Oughter SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter Complex SPA (site code: 004049) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lough Oughter & Associated Loughs SAC and Lough Oughter Complex SPA.

## Appendix 5 – Water Frameworks Directive Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	322498-25	Townland, address	Billis and Drumalee, Cootehill Road, Cavan
Description of project		134-unit residential development with provision for creche, with connections to Uisce Eireann Wastewater and Drinking water infrastructure.	
Brief site description, relevant to WFD Screening,		<p>The gradient of the site falls to the north and west and drains to the northwest for the purpose of surface water drainage. The Kinnypottle Stream flows along the northern boundary of the appeal site towards Cavan town, until it joins the Cavan River. The applicants submitted WFD Assessment and NIS confirm that the stream is culverted through much of its journey through Cavan town. The Cavan River flows north until it meets the Annalee River.</p> <p>There is an open drain running along the southwest boundary of the site which turns north and runs into the centre of the site where it enters a culvert travelling northwest. The culvert discharges to the Kinnypottle Stream running along the northwest boundary of the site close to where the stream goes under the Cootehill Road via a culvert. As part of the development it is proposed to construct a new culvert to divert the open drain that runs along the southwest boundary of the site from the point where it turns north towards the centre of the site. The diverted culvert will run along the southwest and west boundary of the site and will discharge to</p>	

	the Kinnypottle Stream, running along the northwest boundary of the site, approximately 10m downstream of the existing culvert discharge point, which will be made redundant.					
Proposed surface water details	SUDs system proposed with discharge rates restricted to maximum values by mean of a hydrobrake.					
Proposed water supply source & available capacity	Uisce Eireann mains water connection					
Proposed wastewater treatment system & available capacity, other issues	Uisce Eireann Wastewater connection.					
Others?	No					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody			Poor	At Risk		Yes – surface run-off

	Northwest site boundary	CAVAN_010 IE_NW_36C02 0300				Agriculture, Urban run-off	
Groundwater Waterbody	Underlying site	Cavan IE_NW_G_061	Good		Not at Risk	No pressures	Yes – site is underlain by till which offers poor permeability offering some protection.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)  Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Surface Site clearance / Construction	CAVAN_010	Existing surface water drainage system in the area	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Cavan	Pathway exists	spillages	As above	No	Screened out



	Site clearance / Construction						
<b>OPERATIONAL PHASE</b>							
1.	Surface run-off	CAVAN_010	Existing surface water drainage system in the area	Hydrocarbon spillage	SUDs features	No	Screened out
2.	Discharges to Ground	Cavan	Pathway exists	Spillages	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
1.	NA	NA	NA	NA	NA	NA	NA