



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322550-25

<b>Development</b>	To retain signage, external lighting, yard area, carparking, retaining walls adjacent to public roadway and all associated site works.
<b>Location</b>	Corrycholman, Kingscourt, Co. Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2460195
<b>Applicant(s)</b>	Hanley Energy.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tomas Wilson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> July 2025
<b>Inspector</b>	Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located in a rural area situated approximately 3 km west of Kingscourt, Co. Cavan.
- 1.2. The subject site is located adjacent to the junction with the R165 and a local road (L3532). The existing site access is off the L3532. The gradient of the local road rises from the junction with the R165, and the site entrance is situated approximately 100 metres from the junction with the regional road.
- 1.3. The subject site is elevated relative to the adjoining R165 on its northeast boundary.
- 1.4. The size of the appeal site is 1.3 ha and the site comprises of a double height structure finished in plaster wall at lower level and metal sheeting at upper level. The floor area of the existing building is 1,642 sq. metres. The existing building is surrounded by a yard area and surface car parking.
- 1.5. The site has a crash barrier boundary along its northern and northwest boundary. The site boundary also includes palisade fencing along its southern boundary, adjoining the site entrance.
- 1.6. There are existing individual houses located within the immediate area of the appeal site. The predominant land use, in the local vicinity of the appeal site, is agriculture and the landscape locally is undulating.

## **2.0 Proposed Development**

- 2.1. Retention permission is sought for the following.
  - Signage
  - External Lighting
  - Yard area
  - Car parking
  - Retaining walls adjacent to the public roadway
  - All associated site works.

- 2.2. The signage relates to the business name 'Hanley Energy' which is situated on the southeast elevation.
- 2.3. The external lighting comprises of 11 no. lights in total fixed to three sides of the existing building.
- 2.4. The car park and yard area are enclosed by a crash barrier on the northeast and southeast sides. The yard area is enclosed by land banking on the NW and a crash barrier on the southern side. The overall yard area and car parking area is approximately
- 2.5. The retaining walls extend along the entire boundary with the R165 and part of the NW boundary of the site. The retaining walls are back filled with stone.
- 2.6. The applicant's submitted further information response included revised statutory notices. The revised notices referred to information consisting of upgrade of existing entrance onto public road, upgrade of the existing wastewater treatment system and percolation area, the existing surface water drainage system at vehicular entrance and replacement / upgrade of existing external lighting.

### **3.0 Planning Authority Decision**

- 3.1. The Planning Authority decided to grant planning permission for retention, subject to 9 no. conditions. The following PA conditions are bespoke.

#### Condition no. 3

The existing retaining wall against the Regional Road R165 shall be monitored once yearly by a chartered or structural engineer to ensure its structural integrity against the public road, and any defects shall be rectified immediately by the operator of the site. Should any remedial action require the removal of the said wall, it shall be repositioned a minimum of 6 metres from the edge of the Regional Road.

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

#### Condition no. 4

Any new retaining wall within the site of the proposed development consequent of the above condition shall be designed, supervised and certified by a Chartered Civil or Structural Engineer.

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

Condition no. 5

Within 3 months of the final grant of planning permission the existing vehicle restraint system on this site shall be replaced by a new vehicle restraint system certified by an independent chartered structural engineer or equivalent to include permanent work certificates and ancillary certification. The certification documents shall be submitted to the Planning Authority on completion of the said works.

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

Condition no. 6

All works relating to the revised entrance position, and frontage construction including gate piers and surface water drainage, shall be completed within 12 months of the date of final grant of planning permission. Any utility poles in the visibility splay shall be repositioned in the setback position behind the splay.

**Reason:** In the interests of traffic safety and amenity.

Condition no. 10

Within 12 months of the final grant of planning permission the effluent treatment system shall be upgraded in accordance with the plans and particulars received on 23 September 2024 and 07 April 2025. The following shall also be carried out in relation to these works: (a) Prior to commencement of the treatment system upgrade the developer shall apply to the Environment Section of Cavan County Council for a Section 4 (Local Government Water Pollution Acts) Discharge Licence. (b) The developer shall ensure that there is a sampling chamber available on the proposed wastewater treatment facilities, situated between the wastewater treatment system and the ecoflo coco filter / distribution bed. (c) The developer shall submit a certificate to Cavan County Council from the suppliers of the wastewater treatment system and ecoflo coco filter outlining to state that the developments have been installed and commissioned in accordance with the required specifications. (d) The developer shall submit a certificate to Cavan County Council indicating that the ecoflo coco filter and gravel distribution bed have been properly constructed. The certificate shall be issued by the holder of one of the following qualifications:

- Degree in Civil Engineering.

- Degree in Architecture.
- Civil Engineering Technician (Diploma).
- Architectural Technician (Diploma).
- Environmental Technician (Diploma).

(e) The wastewater treatment facilities shall be located within the site in accordance with the minimum distance as per table 6.2 of the 2021 Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ). (f) The developer shall decommission all existing wastewater treatment facilities in line with EPA guidelines. Any existing septic tank wastewater (liquid and sludge) shall be pumped out completely by a licensed hauler and shall be disposed/recovered at an appropriately permitted facility. The developer shall maintain receipts of decommissioning and septic tank wastewater disposal for review by Cavan County Council.

**Reason:** In the interest of public health and amenity

### 3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 27<sup>th</sup> June 2024, notes the following.

- Hanley Energy is the current occupier of the premises, which was built on foot of a 1984 planning permission for a factory.
- This planning application follows a refusal by ACP (ABP-316071-23) for a factory extension of 1,572 sq. m. on an expanded site area. The previous application was refused permission for the following reasons, (1) its rural location and reference to Objective REE 01 and s. 12.4 of the Cavan CDP, 2022 – 2028, and (2) prematurity on account of elements of the proposed development not specifically referenced in the statutory notices.
- The purpose of the application is to regularise unauthorised development on the site having regard to refusal reason no. 2 in ABP-316071-23.
- Paragraph 7.12 of the Inspector's Report (ABP-316071-23) refers to outstanding issue of structural stability of the retaining walls would need to be

addressed, along with proximity to the regional road, and its landscape and visual impacts. This informed refusal reason no. 2.

- Sufficient legal interest has been demonstrated by the applicant in the land.
- Deficiencies in the existing wastewater treatment system would need to be addressed.
- There are no concerns with the location of the site entrance or restricted visibility at the R165 / L3532 road junction. The design of the junction could be addressed by a more regular bellmouth alignment similar to that in the FI response to PA Ref. 22/372.
- The development would not be likely to have a significant effect on European Sites.

3.2.2. The Planning Officer's report recommended that the following be addressed by way of further information

1. provide certificate from an independent chartered structural engineer for the retaining wall and the vehicle restraint system along the eastern perimeter of the car park,
2. provide a revised site entrance design for a standard regulated bellmouth entrance at right angles,
3. revised site layout plan for surface water drainage,
4. provide specific details on the type and size, including PE of the wastewater treatment system installed,
5. submit details of percolation area,
6. provide further details on all foul effluent discharges from the premises,
7. in the event of requiring a wastewater treatment upgrade the applicant shall carry out a site assessment, and
8. provide additional details in relation to external lighting.

3.2.3. The Planning Officer's second report dated 5<sup>th</sup> November 2024 assesses the further information received.

In relation to FI **Item 1**, the PA report considers that the response in respect of the retaining wall is insufficient in detail and requires clarification.

In respect of FI **Item 2**, the PA report considers the applicant has adequately addressed issues in relation to the sight entrance. Sightlines of 90m are shown, measured from 3 metre setback.

**FI Item 3** – PA confirms that surface water drainage addressed to their satisfaction.

In relation to **FI Items 4 – 7** clarifications required to address the details of site assessment.

In respect of **Item 8** it is proposed to replace existing floodlighting with 16 no. 4-metre-high lights with auto shut-off, positioned on the car park perimeter, mostly against the public roads, but directed onto the site. Clarification required in respect of design detail in relation to floor mounted lighting.

3.2.4. The Planning Officer's report recommended that the following be addressed by way of clarification of further information (1) further details in respect of certificate from an independent chartered structural engineer for the retaining wall and the vehicle restraint system, (2) clarify details in relation to FI response no. 7 and submit details of a revised site layout plan showing the proposed waste water treatment system, and (3) in relation to FI request no. 8 clarify details on the position and design of the proposed floor mounted external lighting.

3.2.5. The Planning Officer's third report dated 29<sup>th</sup> April 2025 assesses the clarification of further information received.

In relation to CFI **Item 1**, the PA report is satisfied with the submission of an additional structural condition report in respect of the existing retaining wall, prepared by Thorne Consulting Engineers Ltd. It is now proposed to remove the existing vehicle restraint system along the eastern perimeter and replace with new certified vehicle restraint system.

In respect of CFI **Item 2**, the PA considers that the details in relation to the wastewater treatment plant are acceptable.

In relation to CFI **Item 3**, further details are provided that clarify the external lighting. This includes a drawing (External Lighting Plan PP(00)005)) and a specification



report for the external mounted lights is also submitted. The PA considers the response satisfactory.

3.2.6. The PA, having regard to the submitted clarification of FI, recommended that retention permission be granted.

3.2.7. Other Technical Reports

- Municipal District Engineer –
  - The **first report** (dated 27/06/24) requests FI in relation to structural details of the retaining wall and the vehicle restraint system along the eastern perimeter of the site. Details confirming that surface water does not flow onto the public road from the existing open drains along the western site boundary. Revised design details in respect of the site entrance and a dedicated turning circle for HGV turning movements are required. FI recommended.
  - The **second report** (dated 8/10/2024) MDE is concerned in relation to the overall structural integrity of the retaining wall and vehicle restraint system in the absence of any certified design, construction or monitoring works. It is considered that a potential hazard exists should an element of the retaining wall or vehicle restraint system fail.
  - The **third report** (dated 25/04/25) notes the response included a new report on the structural stability of the retaining wall and the removal of the vehicle restraint barrier and its replacement with a new certified vehicle restraint barrier. The response is considered acceptable subject to approved conditions (6 & 7) of the previous planning permission (PA Ref. 22/372).
- Environment Section –
  - **The first report** (dated 22/05/24) outlines that further details are required in respect of the surface water drainage and wastewater treatment system. FI recommended.
  - The **second report** (dated 04/10/2024) notes that the existing wastewater treatment system will be decommissioned, however the proposed wastewater treatment facility is not clearly denoted on the

site layout map. The report notes that discharge from the wastewater treatment facilities will require licencing with Section 4 of the Local Government (Water Pollution) Acts, as amended. Recommends CFI demonstrating on a revised site layout map the proposed wastewater treatment facilities and the surface water soakway serving the access drain.

- The **third report** (dated 14/04/25) outlines that the response to CFI is acceptable. Conditions recommended.
- Roads Design: - The report concurs with the MDE in respect of the retaining wall and the vehicle restraint system.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

The PA received 2 no. observations during the course of the application and the issues raised are summarized as follows:

- The test of retention applications is whether it would have been granted in the first place.
- Current application for works was previously refused permission by ACP and as such should be refused again.
- Adequacy of wastewater treatment system is not addressed.
- The site entrance has inadequate vehicular sightlines.
- The adequacy of the retaining wall has not been demonstrated.
- The current lighting on the building is not suitable and causes a traffic hazard for drivers along the R165 during darkness. The current lights dazzle motorists. Changing the direction of the lighting towards the building, and away from the road, would address the issue.
- Questionable whether night-time lighting is required when the building and car park are empty.

## 4.0 Planning History

### 4.1. On site

#### L.A. Ref. 22372 (ABP-316071-23)

4.1.1. The PA **granted** permission, subject to 21 no. conditions, for the construction of single storey extensions to front/side/rear of the existing manufacturing facility. Proposal includes toilets, staff facilities and offices, re-cladding and alterations to front and side elevations of existing two-storey adjoining building, connection to all existing services, upgrade existing wastewater treatment system and percolation area. Also includes landscaping, boundary treatments, retain signage with external lighting and associated site works.

4.1.2. On appeal the Board **refused** permission for the following reasons.

1. Having regard to:

- the location of the site within a rural area,
- the proposed expansion of the existing industrial/commercial site onto agricultural land, and
- Objective REE 01 and Section 12.4 of the Cavan County Development Plan 2022 – 2028,

it is considered that, in the absence of any stated site-specific advantages or requirements for the applicant's non-rural based enterprise to be located on the existing site, the scale of the proposed expansion onto agricultural land within this rural area by means of the proposed building extension and accompanying enlarged parking and circulation area, the proposed development would be contrary to Objective REE 01 and would contravene the relevant provisions of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing works at the application site incorporating the provision of a yard surface, car parking spaces, and a retaining wall adjacent to the regional road, which do not appear to have the benefit of planning permission, and in the absence of specific referencing to these in the statutory

notices accompanying the planning application and the absence of full detailed plans and particulars of these elements, submitted formally with the planning application in accordance with the relevant requirements of the Planning and Development Regulations 2001, as amended, to enable a determination of the proposed development and any elements of the development for which retention permission is sought, it is considered that any further development on existing working site or adjoining land would be premature, in advance of a full planning assessment of these works and in advance of any possible regularisation of these works, which do not appear to have the benefit of planning permission.

**PA Ref. 84/15202**

Permission **granted** for the erection of a factory with ancillary services.

## **5.0 Policy Context**

### **5.1. Cavan County Development Plan 2022-2028**

5.1.1. Section 12.4 of the Development Plan relates to Rural Enterprise and Economy. The following objectives are of relevance to the proposal:

- REE 01 Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with.
- REE 02 Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable, and that the proposal would not be viable at an alternative location.
- REE 03 In accessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application:

- Positive contribution that the proposed development will make to the rural economy.
- Nature and scale of the proposal.
- Is the business more suitably accommodated at the proposed location than an urban setting.
- Potential impacts on public health, environment and amenity.
- Potential traffic impact on the road network in the area.

#### 5.1.2. Chapter 7 'Transportation and Infrastructure'.

- Policy Objective CP 01 states as follows:

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

## 5.2. **Natural Heritage Designations**

- Killyconny Bog (Cloghbally) SAC (site code 000006) – 15km southwest
- Breakey Loughs pNHA (site code 001558) – 6km southwest
- Ballyhoe Lough pNHA (site code 001594) – 9km east

## 6.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 The Appeal

7.1. The third-party submission is by Liam Madden, on behalf of Tomas Wilson, and the grounds of the appeal may be summarised as follows.

### PA Ref. 22/372 and Ref. ABP-316071-23

- There was a title dispute in the previous planning application, and the application was incorrectly invalidated.

### PA Ref. 22/372 and PA Ref. 24/60195

- It is contended that PA Ref. 22/372 and PA Ref. 24/60195 are the same applications apart from the extensions.
- It is submitted the Local Authority have disregarded the refusal in Ref. ABP-316071-23.
- An Bord's refusal reason is a legal and planning precedent.
- Submitted that the multiple illegal developments on site should be the subject of Enforcement action by the PA.
- It is concerning that the uncertifiable retaining wall is within 2m from the public road. No reliable further information or certification exists in relation to the retaining wall relative to the previous application.
- It is contended that the PA cannot set aside a decision by ACP. This current application was already refused permission by ACP.

## 7.2. Planning Authority Response

The Planning Authority response considers that the appeal grounds have been addressed in the Planning Officer's Report during the course of the application. The Commission are advised to uphold a decision to refuse permission.

## 8.0 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
- Procedural Issues
- Retaining Walls
- External Lighting
- Signage
- Car Parking and Access
- Waste Water Treatment and Surface Drainage
- Other Matters

#### 8.1. **Principle of Development**

- 8.1.1. The development to be retained in this application relates to an established electrical business located in a rural area. The existing business, Hanley Energy, operates on a site that obtained planning permission<sup>1</sup> in 1984. As such the principle of the industrial / factory use on the site, which has a gross floor area of 1,642 sq. metres, is established in this rural area.
- 8.1.2. In respect of businesses in rural areas the relevant policy objective in the Cavan CDP, 2022 – 2028, (Policy REE 01) supports the establishment, or suitable expansion, of small-scale businesses in rural areas where it is demonstrated that the development serves as an addition to the local economy. This policy also requires compliance with the normal development management and technical requirements.
- 8.1.3. In the previous planning application<sup>2</sup> on the appeal site the Board refused permission, for an extension to the existing business having regard to the scale of the proposed expansion onto agricultural land without any stated site-specific

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<sup>1</sup> PA Ref. 84/15202

<sup>2</sup> PA Ref. 22/372 (ABP-316071-23)

advantages. The Board decided that the development would be contrary to Objective REE 01.

- 8.1.4. Refusal reason no. 2 of the Board's decision referred to works on the site, specifically the provision of a yard surface, car parking spaces, and a retaining wall adjacent to the regional road which do not appear to have the benefit of planning. The Board's refusal reason no. 2 considered that any further development on the existing working site or adjoining land would be premature, in advance of both a full planning assessment of these works and any possible regularisation of these works.
- 8.1.5. This current application, before the Commission, sets out to regularise works that do not have the benefit of planning permission. The development elements to be retained includes signage, external lighting, yard area, car parking, retaining walls, and all associated site works. In addition to these elements for retention the applicant submitted revised statutory notices with the FI response for upgrades to the external lighting, site access and the on-site wastewater treatment facility.
- 8.1.6. I would consider, on the basis of the established use on the site and in light of the ancillary nature of the development elements, both for retention permission and for upgrade works, that the development is acceptable in principle subject to compliance with development management standards and the protection of neighbouring amenities.

## 8.2. **Procedural Issues**

- 8.2.1. The appeal submission argues that the previous planning application (PA Ref. PA Ref. 22/372) and the current application (PA Ref. 24/60195) are the same applications apart from the extensions and that it is not possible for the PA to disregard the refusal of planning application Ref. ABP-316071-23. The appellant argues that all the elements in this current application for retention were previously refused permission by ACP.
- 8.2.2. I note the grounds of the appellants argument above, however refusal reason no. 2 of the previous application, related more so to the absence of the specific referencing of these elements in the statutory notices accompanying the planning application and the absence of detailed particulars in relation to these elements.



- 8.2.3. Accordingly, the current application before the Commission, arose from refusal reason no. 2 of the previous application and appeal. Following the previous decision the applicant seeks to regularise these same elements in this current application for retention.
- 8.2.4. In addition, the appellant argues that the multiple illegal developments on site should be the subject of enforcement action by the PA. The enforcement function ensures that there is a process in place and sanctions available for those who do not apply for planning permission. In the current case before the Commission, the applicant is proceeding with a planning application to regularise development, as such enforcement action would not arise at this point.
- 8.2.5. Each planning application will be considered on its own individual merits, and I am satisfied that the PA in their assessments have considered the application based on its merits. On this basis and having regard to the nature of the refusal reason no. 2 in the previous application I would be of the view that there is no substance to the appellant's argument in respect of procedural issues.
- 8.2.6. I am satisfied that the current application for retention permission, is appropriate and consistent with the provisions of the Planning and Development Regulations, 2001 (as amended).

### **8.3. Retaining Walls**

- 8.3.1. The retaining walls are located along the entire northeast site boundary adjacent to the R165 and approximately 20 metres along the northwestern boundary. According to the applicant's documentation the retained height of the wall varies from approximately 1m at the southeastern end of the wall to approximately 2.5m at the northwestern end. The precast panels are 1m wide.
- 8.3.2. The key issue in relation to the retaining wall is the requirement that the applicant demonstrates, by an independent structural engineer, permanent work certificates and ancillary certification for the retaining wall against the public road (R165).
- 8.3.3. The application was accompanied by a report by Alan Clarke & Associates, Civil and Structural Engineers. In summary I would note the following from the submitted report.

- The purpose of the report is to carry out an inspection of existing retaining wall and prepare a report in relation to the condition of the wall.
- The wall was constructed in 2017.
- No design certification was provided at the time the wall was designed and constructed.
- The report includes a visual inspection in order to examine the form and nature of the structure and advise on any defects.
- No opening of the wall was carried out.
- The wall is set back approximately 6.3m from the edge of the public road at the eastern end and approximately 2.1m at its western end.
- The wall appears to be robust and stable.
- Most likely failure mechanisms for this type of wall would be movement or structural failure of the steel posts or deformation or cracking/failure of the precast concrete panels. The structure appears to be adequately performing the retaining function.
- The condition of the wall should be occasionally monitored and adequate maintenance carried out to ensure that the exposed steel is protected from corrosion.

8.3.4. In addition to the above report an additional structural engineer's report was submitted by the applicant in response to the PA's clarification of further information (CFI) request. The second report prepared by thorne Consulting Engineers Ltd. is based on a visual inspection of the retaining wall and includes photographs of the structure. The report concludes that the existing embedded retaining wall has been shown to be in good condition with no obvious signs of structural distress or significant movement recorded. Future inspections are recommended to verify the condition of the wall.

8.3.5. The certification of the retaining wall is a structural engineering matter, and I would acknowledge both reports submitted with the application conclude that the retaining wall is robust, stable and in good condition. The reports also conclude that there are no obvious visible signs of distress, movement, deformation or deterioration and

future monitoring and maintenance is recommended. The PA's Municipal District Engineer, in his third report on the application, concludes that the structural engineers' reports are acceptable subject to the approved conditions (no. 6 & 7) in the previous planning permission (PA Ref. 22/372) on the site. I would therefore consider, based on the information on the file, including that of two structural engineers' reports, that the structural condition of the wall is deemed to be robust, and I acknowledge that monitoring is recommended to ensure its structural integrity.

- 8.3.6. The PA sought further information in the form of permanent work certificates and ancillary certification for the existing vehicle restraint along the eastern perimeter of the car park. The applicant confirmed, to the satisfaction of the PA, in their response to CFI that it is proposed to remove the existing vehicle constraint system and replace with a new certified vehicle constraint system. I would therefore consider that this issue is addressed.
- 8.3.7. The PA in their grant of permission included a condition (condition no. 3) to ensure that the retaining wall is monitored annually by a chartered or structural engineer to ensure its structural integrity against the public road. I would recommend a similar condition to the Commission, should they be minded to grant permission, that the structural integrity of the retaining wall is monitored. In the interest of security and safety I would also recommend a condition to the Commission that the delineated car parking spaces shall be set back 1 metre from the retaining wall.
- 8.3.8. I am satisfied that the issues raised in relation to the structural stability in respect of the retaining wall have been adequately addressed by the applicant, in both of the submitted reports, and that future monitoring and maintenance can be conditioned to the permission.

#### 8.4. **External Lighting**

- 8.4.1. The existing building includes 11 no. external lights fixed to the northeast, southeast and the southwest elevations. The existing external lighting is situated at the upper level of the building approximately 4 metres above the ground level. A total of 4. no. lights are fixed to the northeast elevation which faces the R165. I noted from my site assessment that the external lighting is not downlighting nor is the existing lighting

capped. These design measures are typically used to protect adjacent amenities from light overspill.

- 8.4.2. The PA received a third-party observation, in respect of the external lighting, which submits that the existing external lighting can dazzle motorists on the R165. The observation also questions whether it is necessary to have external lighting switched on in the evenings when the building is not in use. The observer suggested that external lighting facing towards the site would address these issues.
- 8.4.3. Following the PA's request at FI and CFI to address concerns in relation to lighting intensity, overspill and proposals for automatic switch-off, the applicant submitted revised proposals. The revised proposals submitted at FI stage were accompanied by revised statutory notices.
- 8.4.4. The revised proposals, to replace existing lighting, provide for external lighting (16 no. in total) located around the perimeter of the site, mainly on the site boundary adjoining the public road and the local road as illustrated in submitted drawing PP(00)005. The height of the lights are 4m above ground level and directed downwards into the site to minimise light pollution. The response to the FI also includes a lighting brochure with the proposed lighting specifications, illustrating a slender lighting pole.
- 8.4.5. The submitted drawing also indicates the light overspill at ground level. I would be satisfied based on submitted drawing PP(00)005 that the light overspill, which is inward facing and directed away from the public roads, would minimise glare towards passing motorists and would not impact neighbouring amenities. I would note that the revised external lighting also includes automatic switch-off which avoids the use of lighting when the building is not operational. Further the amended proposal includes floor mounted upward illumination lighting to avoid excessive angling of the luminaire.
- 8.4.6. The applicant submitted an amended drawing for PP(00)005, as part of the CFI, which indicates the location of the proposed floor mounted lights. The proposed floor mounted lights (8 no. in total) are located to the front of the northeast, southeast and the southwest elevations. The response to the CFI also includes a lighting brochure with the proposed lighting specifications.

- 8.4.7. In conclusion I am satisfied that the external lighting proposals as submitted with the FI and CFI, that provide for automatic switch-off, will minimise the light intensity and overspill, to avoid glare against the adjoining public roads.
- 8.4.8. The Commission will note that the lighting upgrade differs to the existing external lighting fixed to the building. However, the proposed external lighting, in my view and based on the above considerations, would be an improvement on the existing external lighting in terms of protecting neighbouring amenities from light overspill and mitigating impacts on passing traffic. Furthermore, I would recommend a condition to the Commission, in the interest of protecting residential amenities, requiring the removal of the existing 11 no. external lights fixed to the northeast, southeast and the southwest elevations, which will be replaced by the revised lighting proposals.

## 8.5. **Signage**

- 8.5.1. The signage proposed to be retained relates to the business name 'HANLEY ENERGY' which is situated on the southeast elevation of the existing building. The signage comprises of upper-case white lettering. The letter 'G' in the word 'ENERGY' is green in colour and consists of a different font style to the rest of the lettering contained in the signage. The signage is approximately 1 m in height and is positioned approximately 5.2 metres above the ground level.
- 8.5.2. Appendix 16 of the Cavan County Development Plan identifies areas of scenic viewing points and scenic routes in the county, and these are illustrated in map form. I would note from Appendix 16 that the appeal site or the area in the immediate vicinity is not located in an area designated scenic viewing points or scenic routes, as such the signage will have no impact on these designated areas.
- 8.5.3. Appendix 18 'High Landscape Areas and Major Lakes' of the Cavan Development Plan identifies an area to the east of Kingscourt as an 'Area of Special Landscape Interest Reference (SL1 - Kingscourt/ Dun a Ri)'. The appeal site located to the west of Kingscourt ensures that the development to be retained will have no impact on this landscape designation.
- 8.5.4. Based on my site assessment I would not consider the subject signage visually dominant, and, in my view, the signage integrates with the existing metal green

coloured sheeting at upper level. Furthermore, I would consider that the colouring of the signage comprising of white lettering also integrates with the white coloured plaster wall finishes at lower level. The PA in their assessment conclude that the subject signage does not have an undue visual impact.

- 8.5.5. I would be satisfied that the signage proposed to be retained would integrate visually with the existing building and would not unduly impact on visual amenities in the local area and therefore is acceptable.

## 8.6. **Car Parking and Access**

The development seeks retention permission for a service yard area and 53 no. car parking spaces as indicated in the submitted Site Layout Plan<sup>3</sup>. The car parking spaces are located along the northeastern and northwestern site boundary of the appeal site.

- 8.6.1. I would note that Table 7.4 'Parking Standards' of the Cavan CDP is relevant and recommends maximum car parking standards for specific uses of development types.
- 8.6.2. Table 7.4 of the CDP requires that for manufacturing uses the car parking requirement is '*1 space per 50 m. sq. of working floor space but individually assessed based on the number of employees, operating patterns etc*'. The existing building, which has the benefit of planning permission, has a gross floor area of 1,642 square metres. The application documentation does not include floor plans for the existing building. However, I would note from the documentation associated with the previous application (LA. Ref. 22372) that the manufacturing area is 1,421 sq. metres.
- 8.6.3. The car parking requirement in accordance with Table 7.4 of the CDP, for the development based on the manufacturing area, would be approximately 28 spaces, however the number of spaces can be individually assessed based on the number of employees and operating patterns. I would note that the submitted site layout plan PP(00)001 outlines that 33 no. car parking spaces are required as per the Cavan CDP, and this relates to the gross floor area of 1,642 square metres. There is

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<sup>3</sup> Drawing no. PP(00)001

therefore an overprovision of car parking spaces relative to the requirements of Table 7.4 of the Cavan CDP.

- 8.6.4. While not specifically raised by the PA or any of the parties, I note the previous decision by the Board in respect of the proposed expansion of development and consider that any future application would be considered on its own merits. As such, the overprovision of car parking in this subject development, would not, in my view, justify any future expansion plans on the appeal site.
- 8.6.5. Notwithstanding the overprovision of car parking spaces relative to the requirements of Table 7.4 of the Cavan CDP, I would consider that the Cavan CDP allows flexibility on two counts, and I will examine this flexibility below to determine whether the proposed development is acceptable.
- 8.6.6. Firstly, Table 7.4 of the Cavan CDP, states as follows that for manufacturing uses the car parking requirement is '*1 space per 50 m. sq. of working floor space but individually assessed based on the number of employees, operating patterns etc*'. This would allow flexibility in terms of the car parking requirement as developments can be individually assessed based on employment numbers and operational needs. However, there is, in my view, insufficient information on the file, setting out specifically the number of employees and the operating patterns of the development that would justify flexibility within Table 7.4.
- 8.6.7. Secondly, I would note Policy objective CP 01 of the Cavan CDP. Policy objective CP 01 states.

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

- 8.6.8. Table 7.4 of the Cavan CDP applies a flat rate of maximum car parking spaces across all settlements and rural areas in the county. However as noted above Policy Objective CP 01 of the Cavan CDP states the specific amount of car parking is to be determined by characteristics of the development and its location.
- 8.6.9. The appeal site is not located within an urban area nor is the appeal site served by public transport, as such the characteristics of the location would be a factor in

considering the specific amount of car parking provision. Therefore, the principle in the overprovision of car parking would not be unacceptable. Notwithstanding, Policy objective CP 01 also requires that the specific amount of car parking is determined by the characteristics of the development. However, as outlined in para. 8.6.6 above, there is, in my view, insufficient information on the file, setting out specifically the characteristics of the development that would justify a divergence from Table 7.4.

8.6.10. In conclusion therefore and having regard to Table 7.4 and Policy Objective CP 01 of the Cavan CDP, I would consider that the applicant has not adequately demonstrated the proposed overprovision of car parking spaces to justify a deviation from the requirements as set out in Table 7.4 of the CDP. Accordingly, I would recommend a condition to the Commission, should they be minded to grant permission, requiring that the car parking provision shall not exceed 28 spaces and a detailed parking layout which shall be agreed in writing with, the planning authority.

8.6.11. Access

The appeal site has an established vehicular access onto a local road, the L3532. The existing site access is angled onto the local road, and the PA received an observation from a third-party raising concern in respect of inadequate vehicular sightlines.

8.6.12. The PA considers the existing sightline provisions adequate, however requested further information requiring the applicant to provide for a standard regulated bellmouth entrance at right angles to the existing public road.

8.6.13. The applicant's further information response included drawing no. 22206-500 illustrating an upgraded vehicular entrance designed as a regulated bellmouth entrance. The upgraded entrance provides sightlines of 90 metres in either direction measured from a 3 metres setback, which is consistent with the sightline provisions of the existing entrance.

8.6.14. The revised statutory notices referred to an upgrade of existing entrance onto the public road. I would consider, based on the submitted plans that accompanied the FI response, that the redesigned entrance would improve visibility from the site entrance, and I would acknowledge that the revised entrance design is prepared to the satisfaction of the Municipal District Engineer.



- 8.6.15. Therefore, based on the improved visibility I would consider that the upgraded site entrance would improve traffic safety accessing and exiting the site and would therefore be acceptable, in terms of public safety and convenience.
- 8.6.16. Finally, the report by the Municipal District Engineer, dated 27<sup>th</sup> June 2024, requested design details in respect of a dedicated turning circle for HGV turning movements. I note that this issue was addressed to the satisfaction of the MDE in submitted drawing PP(00)001 which illustrates HGV turning movements to the immediate south of the existing building. I am satisfied, on the basis of the submitted drawings, that this issue is now addressed.

## 8.7. **Waste Water and Surface Water Drainage**

### 8.7.1. **Waste Water Treatment**

The development includes an upgrade to the existing wastewater treatment facility to serve the established development. The PA's further information request no. 7 required that should an upgrade of the existing wastewater treatment facility be necessary that the applicant shall carry out a site assessment in accordance with the current EPA Code of Practice.

- 8.7.2. The applicant submitted a site character assessment, prepared by Traynor Environmental Ltd. The submitted site character assessment indicates that the aquifer category is poor, vulnerability is moderate, groundwater is not at risk and that the groundwater protection response is R1.

- 8.7.3. Having regard to Table E1 (Response matrix for DWWTS) of EPA COP, (2021) I can confirm that the groundwater protection response for the subject site is R1. The EPA COP advises that this type of site is '*acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)*'.

- 8.7.4. I would note that the site character assessment indicates that groundwater and bedrock was not encountered in the trial hole, which was a depth of 2.1m below ground level. Winter groundwater was encountered in the trial hole at a depth of 1.00m below ground level.

- 8.7.5. Table 6.3 of the EPA CoP (2021) sets out the unsaturated subsoil depths that are required for the different types of tank/plant and infiltration/treatment areas, to treat wastewater satisfactorily on a site. In the case of the subject development, and in accordance with Table 6.3 a minimum depth of 0.9m is required for a proposed tertiary treatment system.
- 8.7.6. The site character assessment recommends the installation of a 16PE wastewater treatment system served by an Ecoflo Co Co Filter. I would note that it is proposed that the WWTS will be constructed to ensure that there is a minimum of 0.90m of suitable percolating material between the base of the lowest part of the gravel distribution bed and groundwater at all times. The proposed Ecoflo Co Co Filter will be bedded on 300mm depth of crushed stone (20-30mm in sizes). The proposed wastewater treatment facility would therefore meet the requirements of Table 6.3 of the EPA CoP (2021).
- 8.7.7. Furthermore, and having regard to the location of the proposed percolation area relative to the adjacent public roads, I can confirm that the percolation area would provide the adequate 4m set-back distance from the public roads in accordance with Table 6.2 of the EPA, CoP, 2021. In relation to the distance from a slope break a minimum distance of 4m is required, and I would note that the slope between the percolation area and the regional road is more gentle than the slope at the retaining wall. Notwithstanding this is a design issue and the PA condition no. 10(e) requires that the wastewater treatment facility shall be located within the site in accordance with the minimum distance as per table 6.2 of the 2021 Code of Practice for Domestic Waste Water Treatment Systems. I would recommend a condition to the Commission, should they be minded to grant permission, that drainage arrangements shall comply with the requirements of the planning authority and further I would recommend a condition to the Commission requiring that the proposed wastewater treatment is designed in accordance with the requirements of the EPA, Code of Practice, 2021.
- 8.7.8. I would note from the Site Characterisation Form that the subsurface percolation test recorded a value of 71.7 and the surface percolation test recorded a value of 6.5. These percolation values would be consistent with the requirements of Table 6.4 of the EPA Code of Practice, 2021.

8.7.9. In conclusion therefore, and based on the foregoing, I am satisfied that the applicant has adequately demonstrated that the upgraded domestic on-site wastewater treatment proposal is capable of the safe disposal of treated effluent and would not be prejudicial to public health. In support of this view, the PA report from the Senior Executive Scientist (dated 14<sup>th</sup> April 2025) considered the proposal acceptable.

8.7.10. Surface Water Treatment

The existing surface water drainage system includes a 150mm surface water pipe, which serves roof water from the established building on the site. The pipe is routed around the existing building and towards an open drain along the western site boundary. The applicant confirms, in their response to FI, that this system was constructed at the same time in which the existing building was erected. There is therefore no change to the main surface water drainage system on the site which is illustrated on submitted drawing no. 22206-500 Rev P2.

8.7.11. In addition to the above surface water drainage, it is proposed that a small soakage area serves the ACO drain at the site entrance. The remainder of the car park/yard area is surfaced with permeable hardcore and the surface water from these areas' infiltrates to the ground through the yard surfaces.

8.7.12. I am satisfied that the surface water drainage system is largely pre-existing, except for the proposed small soakage area which serves the ACO drain, which would improve the existing surface water drainage regime on the site. I would acknowledge that the PA is satisfied with the surface water drainage system. Overall, I consider that the surface water drainage measures are acceptable.

8.7.13. Other Matters

8.7.14. In respect of title I would acknowledge that the application documentation includes a letter of consent from the site owner permitting the applicant to make the planning application. I would therefore be satisfied that the applicant has sufficient legal interest and there are no issues in relation to title.

8.7.15. The Environment Section of the PA, in their report dated 4<sup>th</sup> October 2024, submits that discharge from the wastewater treatment facilities will require licencing with

Section 4 of the Local Government (Water Pollution) Acts, as amended. I would note that the PA, in Condition no. 10(a) of their notification to grant permission, require that the applicant shall apply to the Environment Section of the County Council for a section 4 (Local Government Water Pollution Acts) Discharge Licence. The Development Management Guidelines, 2007, refer, in section 7.8, to 'Conditions Relating to Other Codes'. In this instance the guidelines advise that the existence of a planning condition, or its omission, will not free a developer from responsibilities under other codes. The guidelines advise against the use of the development management process to attempt to force a developer to apply for other code licences, approvals, consents, etc. Accordingly, should the Commission be minded to grant permission, I would not recommend to the Commission to include Condition 10(a) included in the PA's Schedule 2 of the PA's Notification of Decision to Grant.

## **9.0 AA Screening**

- 9.1. I have considered case ABP-322550-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
  - 9.1.1. The development comprises of retention of signage, external lighting, yard area, car parking, retaining wall adjacent to the public roadway and all associated works. The development also includes upgrade works relating to the external lighting, site access and the on-site wastewater treatment facility.
- 9.2. The closest European Site, part of the Natura 2000 Network, is the Killyconny Bog (Cloghbally) SAC (site code 000006) situated 15km southwest of the development site.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
  - The absence of any ecological pathway from the development site to the nearest European Site.
  - Location-distance from nearest European site.
  - The nature of the development and the minor scale of works.

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

## **10.0 Water Framework Directive**

Refer to Appendix 3. I conclude that on the basis of objective information, that the proposed development, subject to standard construction practice during construction phase and SUDs features and flood risk mitigation measures, 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.

## **11.0 Recommendation**

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

## **12.0 Reasons and Considerations**

- 12.1.1. Having regard to the provisions of the Cavan County Development Plan, 2022-2028, and specifically Policy Objective REE 01 which provides for suitable expansion of small-scale businesses in rural areas, and the planning history and established use on the site, to the rural location of the site, the scale and nature of development, it is considered that subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure residential or visual amenities of the area, and would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23<sup>rd</sup> day of September 2024, 9<sup>th</sup> day of October 2024, and on the 7<sup>th</sup> day of April 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. Within 3 months of the final grant of planning permission, the developer shall submit revised drawings for written agreement of the Planning Authority showing the following amendments;
  - a. The total number of car parking spaces on the site shall not exceed 28 spaces.
  - b. The delineated car parking spaces shall be set back 1 metre from the retaining wall.

Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and ensuring an adequate provision of car parking is provided.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

4. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. (a) The upgraded wastewater treatment system shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 23<sup>rd</sup> day of September 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(c) Within three months of the operation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution

6. The design details of all external lighting at the site shall be agreed with the Planning Authority prior to commencement of development. The existing 11 no. external lights fixed to the northeast, southeast and the southwest elevations shall be removed to the satisfaction of the of the Planning Authority.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7. The existing retaining wall against the Regional Road R165 shall be monitored once yearly by a chartered or structural engineer to ensure its structural integrity against the public road, and any defects shall be rectified

immediately by the operator of the site. Should any remedial action require the removal of the said wall, it shall be repositioned a minimum of 6 metres from the edge of the Regional Road.

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

8. Any new retaining wall within the site of the proposed development consequent of the above condition shall be designed, supervised and certified by a Chartered Civil or Structural Engineer.

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

9. Within 3 months of the final grant of retention permission the existing vehicle restraint system on this site shall be replaced by a new vehicle restraint system certified by an independent chartered structural engineer or equivalent to include permanent work certificates and ancillary certification. The certification documents shall be submitted to the Planning Authority on completion of the said works.

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

10. All works relating to the revised entrance position, and frontage construction including gate piers and surface water drainage, shall be completed within 12 months of the date of final grant of planning permission. Any utility poles in the visibility splay shall be repositioned in the setback position behind the splay.

**Reason:** In the interests of traffic safety and amenity.

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

8<sup>th</sup> September 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322550-25
<b>Proposed Development Summary</b>	Retention of signage, external lighting, yard area, carparking, retaining walls adjacent to public roadway and all associated site works. Upgrade works to site entrance, external lighting and on-site wastewater treatment facility.
<b>Development Address</b>	Corrycholman , Kingscourt, 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)(iv) of Part 2: threshold 20 ha.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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

## Form 2 - Preliminary Examination

<b>Case Reference</b>	ABP-322550-25
<b>Proposed Development Summary</b>	Retention of signage, external lighting, yard area, carparking, retaining walls adjacent to public roadway and all associated site works. Upgrade works to site entrance, external lighting and on-site wastewater treatment facility.
<b>Development Address</b>	Corrycholman, Kingscourt, Co. Cavan.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>There is an established electrical business on the appeal site contained in an existing double height structure. The floor area of the existing building is 1,642 sq. metres. The size of the development site is 1.3 ha. The development relates to the retention of signage, external lighting, car parking, retaining walls adjacent to the public roadway and all associated site works. The development also includes upgrade works to the existing on-site wastewater treatment plant and the vehicular access. The development, having regard to the established use on the site, is not considered exceptional in this area.</p> <p>During the upgrade works the development would generate waste. However, given the moderate size of the development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the existing use. No demolition works are proposed. The development does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance.</p> <p>The nearest designated site to the appeal site is the Killyconny Bog (Cloghbally) SAC (Site Code 000006) located approximately 15km southwest of the development site. Breakey Loughs pNHA (Site Code 001558) is located 6km southwest of the development</p>

<p>landscapes, sites of historic, cultural or archaeological significance).</p>	<p>and Ballyhoe Lough pNHA (Site Code 001594) is located 9km east of the development site.</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that the development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the scale of the development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
<p style="text-align: center;"><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p>EIA is not required.</p>
<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p>N/A</p>
<p><b>There is a real likelihood of significant effects on the environment.</b></p>	<p>N/A</p>



### Appendix 3 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	ABP-322550-25	<b>Townland, address</b>	Corrycholman, Kingscourt, Co. Cavan
<b>Description of project</b>	Retention of signage, external lighting, yard area, carparking, retaining walls adjacent to public roadway and all associated site works. Upgrade works to site entrance, external lighting and on-site wastewater treatment facility.		
<b>Brief site description, relevant to WFD Screening,</b>	<p>The development is located in a rural area situated approximately 3 km west of Kingscourt, Co. Cavan. There is an existing manufacturing business on the subject site.</p> <p>The River Glyde is situated approximately 150m north of the subject site.</p>		
<b>Proposed surface water details</b>	<p>Existing surface water drainage system drains towards an open drain along the western site boundary.</p> <p>It is proposed that a small soakage area serves the ACO drain at the site entrance. The remainder of the car park/yard area is surfaced with permeable hardcore and the surface water from these areas' infiltrates to the ground through the yard surfaces.</p>		
<b>Proposed water supply source &amp; available capacity</b>	Private well		

Proposed wastewater treatment system & available capacity, other issues			On site domestic wastewater treatment system.			
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	400m to the north of the development site.	GLYDE_010 IE_NB_06G020070	Good	At Risk	Ag, UR, UWW	Yes – surface run-off
Groundwater Waterbody	Underlying site	Louth IEGBNI_NB_G_019	Good	Not at Risk	No pressures	Yes – site is underlain by poorly protective bedrock.



<b>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.</b>							
<b>CONSTRUCTION PHASE</b>							
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.	<u>Surface</u> Site works	GLYDE_010	Existing surface water run-off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
2.	<u>Ground</u> Site works	Louth	Pathway exists	spillages	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	Surface run-off	KNOCKNAGORA N_010	Surface water drainage system in the area	Hydrocarbon spillage	Established surface water drainage.	No	Screened out

					system – no change.		
2.	Discharges to Ground	Louth	Pathway exists	Spillages	WWTP complies with EPA CoP, 2021.	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA