



An
Coimisiún
Pleanála

Inspector's Report PL-501326-CN-26

Development	Retention permission for a rear extension, attic habitable accommodation, associated alterations and elevations, and alterations to the site access
Location	Church Street, Killeshandra, Co. Cavan
Planning Authority	Cavan County Council (CCC)
Planning Authority Reg. Ref.	25/60707
Applicant(s)	Fred & Linda Bell
Type of Application	Retention Permission
Planning Authority Decision	Grant Retention Permission
Type of Appeal	Third Party v Grant of Retention Permission
Appellant	Jacinta Somers
Observer(s)	None

Date of Site Inspection

23rd July 2026

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located in the northern area of Killeshandra in western Co. Cavan, immediately adjacent to the west of the Church of the Rath and on the opposite side of Church Road from the Lakeland Dairies site.
- 1.2. The site is occupied by a 1 ½ storey house, constructed onto the footpath. Its exterior is unpainted render. There is a garden area to the rear which slopes down in a northern direction towards a separate residential property. There is a short driveway area immediately to the west of the house with a line of semi-detached single-storey houses also to the west.
- 1.3. The site has an area of 0.05 hectares. The house on site has a floor area of 164.4sqm and a height of 6.531 metres.

2.0 Proposed Development

- 2.1. Retention permission is sought for a rear extension, attic habitable accommodation, associated alterations and elevations, and alterations to the site access.
- 2.2. In addition to standard plans and particulars the planning application was accompanied by a 'Habitats Directive Screening Report' (AA Screening Report) dated October 2025.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cavan County Council (CCC) granted retention permission for the development on 22nd April 2026, subject to three conditions relating to plans and particulars lodged, a development contribution, and surface water.

3.2. Planning Authority Reports

- 3.2.1. Two Planning Reports were prepared by CCC; the first on foot of the original planning application and the second subsequent to the applicants' response to a further information request.
- 3.2.2. The first Planning Report contained, among other things, a policy context, a planning history, a summary of third-party submissions received, and a planning assessment. The assessment considered that the height of the house was appropriate and the overall design was acceptable, the removal of an entrance pier was acceptable, and that appropriate assessment (AA) could be screened out. Site photographs were attached as an appendix. Further information was recommended.
- 3.2.3. Further information was sought on 27th January 2026 and a response was received on 10th March 2026. Public notices were requested on foot of the further information response.
- 3.2.4. The second Planning Report summarised additional third-party submissions received and also summarised the further information response which related to the applicants' ownership, plans and drawings of the original house, and surface water detail. It was considered that, having regard to the provisions of the Cavan County Development Plan (CCDP) 2022-2028 and the scale and nature of the development, the development would not adversely affect the residential amenities of the area.

Other Technical Reports

- 3.2.5. None.

3.3. Prescribed Bodies

- 3.3.1. None.

3.4. Third Party Observations

- 3.4.1. Five submissions were originally received by CCC. On foot of the revised public notices the same five observers lodged additional submissions. At least four of the observers are siblings with addresses in counties Cavan, Meath, and Wicklow whose late mother was the occupant of the adjoining property to the west. The broad and main issues raised are largely covered by the grounds of appeal, except:

- The validity of the planning application
- Adverse visual impact / overdevelopment / overlooking impact
- No evidence of oversight, certification, compliance etc. of works carried out

4.0 Planning History

- 4.1.1. There is no recent planning history on site.

5.0 Policy Context

5.1. Cavan County Development Plan (CCDP) 2022-2028

- 5.1.1. The site is in an area zoned 'Whitelands' which has an objective to 'Provide for appropriate mixed-use development within the development envelopes of small towns and villages of the county'. The old church and graveyard adjacent to the east contains structures in the Plan's record of protected structures (RPS) i.e. a church/chapel (RPS No. CV0706), gates/railings/walls (RPS No. CV0707), and a mausoleum (RPS No. CV0713). The site also contains features on the Record of Monuments and Places i.e. CV019-040001 (church), CV019-040002 (ringfort), CV019-040003 (wall monument), and CV019-040004 (graveyard).
- 5.1.2. Extensions to dwellings is set out in subsection 13.5.5 of the Plan. It states 'Extending existing dwellings to meet changing needs of families is an acceptable form of development which is viewed positively by the Planning Authority. Extensions to dwellings will be assessed in terms of the degree of impact on existing adjacent residential amenity and the design approach adopted'.
- 5.1.3. Development objective EXD01 applies. It is an objective to ensure that residential extensions accord with the following:
- Be subordinate in terms of scale
 - Complement the local area and not have a negative impact on the visual or residential amenities of neighbouring dwellers of the area in general

- Flat roof extensions and contemporary design extensions will be considered on their individual merits.
- The extension shall not provide for overlooking of the private area of an adjacent residence where no such overlooking previously existed
- New extensions shall not overshadow adjacent dwellings to the degree that there is significant decrease in daylight or sunlight entering the house
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection or similar.
- Ability to provide adequate car parking within the curtilage of the dwelling. In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

5.2. Natural Heritage Designations

- 5.2.1. Town Lough is approximately 100 metres to the north of the subject house/site. Collectively with a significant number of other lakes, it comprises part of Lough Oughter and Associated Loughs special area of conservation (SAC), Lough Oughter Complex special protection area (SPA), and Lough Oughter and Associated Loughs proposed natural heritage area (pNHA).

6.0 Environmental Impact Assessment (EIA) Screening

- 6.1.1. The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1 of this Inspector's Report (IR).

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal are submitted by Jacinta Somers who has an address in Dunboyne, Co. Meath. The appellant is the daughter of the previous owner of the adjacent property to the west, the late Bernadette Brady, and is the executrix of that estate. The main issues raised can be summarised as follows:

- The CCC decision/conditions fail to address the fundamental and unresolved issues of site ownership, boundary accuracy, and landowner consent. In these circumstances the permission is not considered to constitute a valid consent. The application and decision are fundamentally flawed in both procedural terms and in the specific circumstances arising.
- The application plans and particulars rely on a mapping of the eastern boundary of Folio CN36806F that the appellant and family maintain is materially incorrect. The registered boundary incorrectly displaces the line approximately 3 metres eastward¹. The error appears to have arisen during the November 2022 registration process after the applicants bought the site. An incorrect map was used to register the property. The correct and long-established boundary is different, as supported by historic and physical evidence.
- A boundary wall and gates existed on the Brady side of the boundary since c.1990 which were partially demolished by the applicants in 2021. This, including the lowering of the driveway, has created a new vehicular access to the rear of the applicants' property across the appellant's landholding. Sewage and electricity works also appear to encroach onto the appellant's land with consent neither sought nor granted for any of these works.
- The appellant and family have lodged an application with Tailte Éireann seeking rectification of the mapping error in the applicants' folio and there is also ongoing Circuit Court proceedings between the parties concerning the boundary and

¹ It appears that the references to the eastern boundary of Folio CN36806F and displacing the boundary approximately 3 metres eastwards is an error and should be read as the western boundary of the folio and approximately 3 metres westwards.

ownership dispute. Therefore, the accuracy of the site plans and the ownership remain unresolved.

- The further information response failed to adequately address items 1 (ownership) and 2 (demolition works to the original dwelling) of the further information request because no landowner consent was provided and no drawings of the boundary wall or driveway excavation were submitted. Appellant's land is incorrectly shaded in blue on the site location map. The Board is requested to direct the applicants to provide evidence of legal interest in the land.
- Granting retention permission in these circumstances will confer planning consent on unauthorised development on land not in the applicants' ownership. It is a substandard and poor-quality form of development. The Commission has consistently emphasised the need for applicants to demonstrate clear title, especially in cases involving potential encroachment.
- Adverse impact on the residential amenity and value of the adjoining property.
- It is requested that retention permission is refused / The Commission is invited to seek further information to submit requisite legal evidence of ownership. Though aware that a grant of permission does not entitle an applicant to carry out works, that caveat has been bypassed. The planning system cannot reward such activity. The Commission is requested not to address the matter as a civil matter that cannot be adjudicated upon. The appellant is not seeking that the Commission decides a matter of legal dispute or interpretation but that it satisfies itself to a reasonable standard that the applicant has sufficient legal interest in the land.
- The grounds of appeal are accompanied by a number of additional documents including:
 - A solicitors letter addressed to the Commission dated 8th May 2026 relating to the land registry issue.
 - A engineers 'Survey Report' addressed to the appellant's solicitor dated 30th October 2024 which states that works undertaken encroach onto the appellant's property, the original access to the rear of the subject site has been built on and a new space created to the rear by knocking a wall, and the yard is now exposed to the public.

7.2. Applicants' Response

7.2.1. The applicants' response can be summarised as follows:

- The issue of ownership and boundary location were considered by CCC. Ownership documentation, including Folio CN36806F and associated mapping, was submitted. The red line boundary corresponds with the folio map.
- All demolition was carried out within the applicants' property and to allow for vehicular access to the side of the property within the red line.
- There is no comment on the rectification application or court proceedings. It is a private civil matter between the parties and is not a matter for determination through the planning process.
- The development was assessed through the CCDP 2022-2028 and was found to be acceptable. It does not adversely impact the amenities of adjoining properties and it integrates satisfactorily with the character of the area.

7.3. Planning Authority Response

7.3.1. The matters raised in the grounds of appeal were addressed in the CCC Planning Reports and the Commission is requested to uphold the decision.

7.4. Observations

7.4.1. None.

7.5. Further Responses

7.5.1. None.

8.0 Planning Assessment

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- The Extension Area to be Retained
- Land Ownership

8.1. The Extension Area to be Retained

8.1.1. The planning application relates to the retention of an extension to the rear of the house, habitable first floor accommodation, and elevational alterations. The application included floor plan and elevation drawings of the original house on site and current floor plan and elevation drawings which illustrate the works that have been undertaken to the structure. The house is located within the urban area and there is a mix of uses in the immediate vicinity i.e. an old church and graveyard to the east, an industrial facility on the opposite side of the road, and single-storey semi-detached houses to the west.

8.1.2. Development objective EXD01 of the CCDP 2022-2028, as set out in paragraph 5.1.3 of this IR, sets out the bullet points to be followed for domestic extensions. I assess the subject development in the context of the relevant requirements as follows:

- There is a relatively slight increase in the overall footprint of the structure. This has occurred to the rear. Although the overall floor area has increased from 72sqm to 164.4sqm, the majority of the increase is at first floor level and the ridge height has only increased by approximately 1.5 metres. There are no windows on the front roof. I do not consider the additional works can be considered to be unduly dominant in the context of the scale of the original house.
- On foot of a site inspection I consider that the subject house sits comfortably in the streetscape and does not present as a visually obtrusive or incongruous feature.
- The additional works carried out complement the original structure in terms of design. The front elevation is generally retained with an increase in ridge height being the obvious alteration. The dormer window that has been inserted into the rear roof is modest in the context of the roof size. The design of the works that have been carried out are acceptable.
- A first-floor side elevation window to the east overlooks the old church and graveyard. There are no first-floor windows to the front. To the rear the dormer

window overlooks the rear garden area which is approximately 25 metres in length. Two first-floor western side elevation windows have been included, one of which serves an en-suite. These windows are placed slightly towards the front of the house as opposed to towards the rear. They generally overlook the front area of the adjacent house to the west and the hardstanding area between both houses. These areas are already visible from the public footpath. I do not consider that the development provides for overlooking of a private area where no such overlooking previously existed.

- In my opinion the additional works would have negligible shadowing impact on adjacent dwellings given the relatively limited increase in the scale of the house and the separation distances involved.
- The works have not reduced the ability to provide car parking on site. The removal of the driveway pier adjacent to the front of the house has facilitated wider access to the space between the applicants' and appellant's properties.
- Page 6 of the supporting Survey Report to the grounds of appeal state that the sewerage system 'may' have been altered. It is unclear whether diversion or construction over existing sewerage mains was carried out. It is not an issue cited in the appellant's grounds of appeal. There is no documentation on file from Uisce Éireann.

8.1.3. In addition to the foregoing, the CCC Planning Reports did not reference any issue with the impact of the development on the church and graveyard and it is not referenced in the grounds of appeal. Given the relatively small-scale nature of the works on brownfield land I do not consider the development to have any undue adverse impact on archaeology or on the heritage value of the adjoining site.

8.1.4. Further to a site inspection, in my opinion the extended house as existing on site is acceptable in terms of its scale and design, it sits comfortably in the streetscape, and it does not have any undue adverse impact on the residential amenity on property in the vicinity or on the setting of the adjacent church and graveyard.

8.2. Land Ownership

- 8.2.1. The basis of the grounds of appeal, as per page 1, relate to ‘the fundamental and unresolved issues of site ownership, boundary accuracy, and landowner consent ...’ It is the appellant’s position, as expressed in the grounds of appeal and the supporting documentation, that works have been carried out on land that the applicants do not have ownership of or control over. It is stated that the planning application is based on an incorrect Tailte Éireann folio map and the appellant’s family are currently seeking to have this rectified. There is also an ongoing Circuit Court case between the parties concerning the boundary and ownership dispute.
- 8.2.2. Item 10 (Legal Interest of Applicant in the Land or Structure) of the Planning Application Form received by CCC states that the applicants are the owners. The red line site boundary includes an area with a width of 2.5 metres-2.6 metres immediately adjacent to the west of the subject house which appears to have been resurfaced relatively recently. A narrower width, adjacent to the appellant’s house, was omitted from the red line site boundary. On foot of the submissions received, one of the issues sought in the CCC further information request related to clarification on ownership. The further information response stated, ‘The development works, alteration and extension to the property were carried out within the confines of our client’s ownership, Folio No. CN36806F’. A folio map was attached to the response which reflected the red line site boundary on the site location map submitted with the application.
- 8.2.3. There is clearly an ongoing dispute between the appellant’s family and the applicants’ relating to boundaries and ownership in the open/driveway area between both houses. The applicants’ state they are the owners of the site, the relevant folio map includes an area adjacent to the west of the site, and the response to the further information request states that the development works were carried out within the confines of the applicants’ ownership folio. The appellant disputes this and has submitted their own documentation in this regard.
- 8.2.4. The provisions of Section 5.13 (Issues relating to title to land) of the Development Management Guidelines for Planning Authorities (2007) envisages this type of scenario. It states, in part, the following.

‘The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution

in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be [sic] entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision. Accordingly, where in making an application, a person asserts that he/she is the owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter. If, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In other words the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission'.

- 8.2.5. The planning authority sought further information in relation to landownership and the response was sufficient for CCC to grant permission. Page 4 of the second Planning Report stated, 'Based on the information submitted within the further information and the third-party submissions, it is difficult to ascertain the exact ownership. However, this is primarily a civil matter to be dealt with by the relevant parties. There are no concerns from a planning and development perspective'.
- 8.2.6. Section 34 (13) of the Planning & Development Act, 2000 (as amended), states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'. The ownership issue is subject of parallel proceedings with both Tailte Éireann and in the Circuit Court. These are the appropriate jurisdictions for the disputes arising in this application.
- 8.2.7. A recommendation and decision are required to be made on the information available. Having regard to the foregoing, and in particular to the relevant provisions of the Development Management Guidelines (2007), I consider that a grant of permission is appropriate in the circumstances of this application, noting that the Guidelines state that where 'some doubt still remains, the planning authority may decide to grant

permission'. The provisions of section 34 (13) of the Act remain applicable. Should the circumstances change in future the planning authority may be required to act on any unauthorised development arising.

9.0 Appropriate Assessment (AA) Screening

9.1. AA screening was undertaken in Appendix 2 to this IR.

9.2. In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Oughter and Associated Loughs SAC or Lough Oughter Complex SPA in view of the conservation objectives of those sites and is therefore excluded from further consideration. AA is not required.

9.3. This determination is based on:

- Scientific information contained in the supporting Habitats Directive Screening Report
- The limited nature and scale of the development in an urban area on serviced land
- The absence of any source-pathway-receptor link
- The unsuitability of the site for breeding or foraging for the Lough Oughter Complex SPA bird species

9.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive (WFD)

10.1. An assessment of the development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

- 10.2. Having considered the nature, scale, and location of the development, it is concluded that it would not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the development would not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that retention permission should be granted, subject to conditions, for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Notwithstanding the issues raised in the grounds of appeal in relation to land ownership, having regard to the nature and scale of the development to be retained, the continuing residential use of the site within an urban area, and having regard to the relevant provisions of the Cavan County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would be in accordance with the objectives of the Development Plan, and would not result in an undue adverse impact on the residential amenity of properties in the area or on the setting and heritage value of the adjoining site to the east. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained 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 10th day of March 2026, 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 within three months of the date of grant of this permission and the development shall be in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of public health and surface water management.

3. 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Senior Planning Inspector

24th August 2026

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	PL-501326-CN-26
Proposed Development Summary	Retention permission for a rear extension, attic habitable accommodation, associated alterations and elevations, and alterations to the site access
Development Address	Church Street, Killeshandra, Co. Cavan
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, no further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning & Development Regulations, 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning & 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?	
☒ No, the development is not of a Class specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is mandatory. No Screening required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required OR If Schedule 7A information submitted proceed to Q4.	State the Class and state the relevant threshold
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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2 – Appropriate Assessment (AA) Screening Determination

Screening for Appropriate Assessment	
Test for likely significant effects	
Case Reference Number: PL-501326-CN-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention permission for a rear extension, attic habitable accommodation, associated alterations and elevations, and alterations to the site access
Brief description of development site characteristics and potential impact mechanisms	This is an urban area. Works for the domestic extension and the vehicular access area have already been carried out. Given the nature and scale of the development the extent of works involved was not likely to have been significant. Foul water is discharged into a public foul sewer. Surface water from the front of the house discharges to a public drain and surface water from the rear of the house discharges to a soakpit. There is some concrete and gravel immediately to the rear of the house but most of the rear area is garden. Town Lough is approximately 100 metres to the north. Collectively with a significant number of other lakes, it comprises part of Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA. There is no surface watercourse in the vicinity and no direct connection from the site to Town Lough.
Screening report	A 'Habitats Directive Screening Report' (AA Screening Report) dated October 2025 was submitted with the application.
Natura Impact Statement (NIS)	No

Relevant submissions	None of the third-party submissions or grounds of appeal raised AA concerns. The first CCC Planning Report states that the conclusion of the AA Screening Report, that Stage 2 AA was not required, was acceptable.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites are potentially within the zone of influence of the development. These two were also the only potential sites identified in the AA Screening Report.

European Site (code)	Qualifying interests (QI) / Special conservation interests (SCI)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Lough Oughter and Associated Loughs SAC (000007)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Bog woodland [91D0] Otter [1355]	Approximately 100 metres to the north	None	No
Lough Oughter Complex SPA (004049)	Great crested grebe [A005] Whooper swan [A038] Wigeon [A855] Wetland and Waterbirds [A999]	Approximately 100 metres to the north	Air	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

In relation to Lough Oughter and Associated Loughs SAC there is no ecological connection / source-pathway-receptor link / connecting surface water courses between the subject site

and the SAC/Town Lough. Though the site slopes down to the rear in the direction of the lough, there are other residential properties between the subject site and the lough. Surface water from the rear of the house is to a soakpit on site. This is not considered to be a mitigation measure as development objective UD 02 of the CCDP 2022-2028 states that sustainable drainage system (SuDS) measures are required to form part of the design of all developments. Therefore, there is no realistic connection between the subject site and the SAC. In addition, I note that the bog woodland QI is only present approximately 10km to the northeast of the subject site.

There are three specific bird species included as SCIs for Lough Oughter Complex SPA. The subject site, which is a domestic site with a garden in an urban area, is not of foraging or breeding value for any of these species. The works that have taken place involved works to an original house and driveway area and public services are in place for foul water and, partly, for surface water discharge. I do not consider that undue noise or visual disturbance would have occurred during construction activity given the relatively limited nature of same, the distances involved, and the site location within an urban environment.

Given the relatively limited nature and scale of the works that have taken place I do not consider that there was any possibility of any likely significant impact on these two European sites, either alone or in-combination with any other plan or project. In addition, I do not consider that any mitigation measures were needed at any point during the construction phase to prevent or reduce significant effects on the two European sites.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the development (alone) would not result in likely significant effects on Lough Oughter and Associated Loughs SAC or Lough Oughter Complex SPA. The development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the

development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Oughter and Associated Loughs SAC or Lough Oughter Complex SPA in view of the conservation objectives of those sites and is therefore excluded from further consideration. AA is not required.

This determination is based on:

- Scientific information contained in the supporting Habitats Directive Screening Report
- The limited nature and scale of the development in an urban area on serviced land
- The absence of any source-pathway-receptor link
- The unsuitability of the site for breeding or foraging for the Lough Oughter Complex SPA bird species

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.