

File With _____

SECTION 131 FORM

Appeal NO: ABP 318406-23Defer Re O/H ☐Having considered the contents of the submission dated/received 23/11/2023
fromPAI recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): no new material issuesE.O.: Pat BDate: 11/12/2023

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 318406-23

M _____

Please treat correspondence received on 23/11/2023 as follows:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>20</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|

Amendments/Comments <u>PA response to 3rd party appeal</u>
<u>08/11/23: 05/12/23 ✓</u>

4. Attach to file

- | | |
|---------------------------------------------|-------------------------------------------|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☐EO: Pat BPlans Date Stamped ☐Date Stamped Filled in ☐AA: Anthony McNallyDate: 11/12/2023Date: 13/12/2023

Dáire C.leton Caden

From: Bord
Sent: Déardaoin 23 Samhain 2023 16:33
To: Appeals2
Subject: FW: 23/8 Appeal ABP 318406-23 Planner's response
Attachments: scan23112023.pdf

From: Referrals <referrals@cavancoco.ie>
Sent: Thursday, November 23, 2023 2:56 PM
To: Bord <bord@pleanala.ie>
Subject: 23/8 Appeal ABP 318406-23 Planner's response

A Chara,

Please find attached planner's response to appeal ABP 318406-23.

Hard copy of same to follow by post.

Le meas,

Nollaig

Nollaig Murray Assistant Staff Officer Planning Section
 Cavan County Council, Farnham Street, Cavan Town
 Direct ☎: +353 49 4378300 ✉: nollaigamurray@cavancoco.ie | Web: www.cavancoco.ie



Comhairle Contae an Chabháin
 Cavan County Council



Comhairle Contae an Chabháin
 Cavan County Council

Cavan County Council has adopted the Climate Action Plan

The contents of this email (including attachments) are private and confidential and may also be subject to legal privilege. It is intended only for the use of the addressee. If you are not the addressee, or the person responsible for delivering it to the addressee, you may not copy or deliver this e-mail or any attachments to anyone else or make any use of its contents; you should not read any part of this e-mail or any attachments. Unauthorised disclosure or communication or other use of the contents of this e-mail or any part thereof may be prohibited by law and may constitute a criminal offence. The General Data Protection Regulation (GDPR) came into effect on 25th May 2018. GDPR and the Data Protection Acts give you greater rights over your personal data and requires organisations to take additional steps to ensure that your personal data is protected and processed fairly. Our Privacy Policy explains how Cavan County Council collects, shares, uses and protects your personal data. We respect your personal data

and take great care to ensure security and confidentiality is maintained at all times. You may view our Privacy Policy at www.cavancoco.ie which also explains how you can exercise your rights under GDPR.

Memorandum

From Eve Harrison
Executive Planner

To Nicholas O'Kane
Senior Planner

23/11/23

Date 22nd November 2023

Local Authority Response to Third Party Appeal

Planning Reg. No:

23/8

An Bord Pleanála Ref.

ABP-318406-23

Applicant:

Tesco Ireland Limited

Type of Application:

Permission

Development Description:

for development consisting of the construction of: (i) a single storey retail unit of c. 5,197 sq.m gross floor area (c. 2,194 sq.m convenience net sales area and c. 957 sq.m comparison net sales area) including a licensed alcohol sales area, bulk store, ancillary offices, staff facilities, cage marshalling area, bin storage, service yard and associated directional signage; (ii) 1 no. drive thru café unit (c. 174 sq.m gross floor area) with external seating and the provision of 5 no. car parking spaces (including 2 no. electric parking spaces, 2 no. disabled and 1 no. standard) and 2 no. set down bay areas; (iii) 1 no. 4 pump (8 stand) petrol filling station incorporating an automatic car wash/jet wash (c. 89 sq.m), a forecourt canopy (covers c. 255 sq.m and 4.8m in height) and associated signage, oil interceptors, underground storage tanks and tanker fill point; (iv) 4 no. internally illuminated elevation signage on the eastern, western and southern elevations; (v) 297 no. car parking spaces associated with the retail unit (including parent and toddler, disabled and electric parking spaces), 120 no. cycle parking spaces in freestanding external shelters and set down/loading bay areas; (vi) 2 no. dedicated 'Click and Collect' car spaces with canopy structure and associated signage; (vii) Grocery Home Shopping delivery vehicle docking area situated in the service yard; (viii) 1 no. vehicle access point from Cock Hill Road at the north east boundary of the site and 1 no. vehicle left-in/left-out access point at the southern boundary of the site, all with associated pedestrian and cycle access facilities; (ix) pedestrian linkages with the Town Centre by way of the provision of a sloped pedestrian walkway and steps on the western boundary of the site with 4 no. pedestrian crossings on Cock Hill Road; (x) 1 no.

internally illuminated double-sided totem sign associated with the retail unit (7m X2.3m) and 1 no. internally illuminated double-sided totem associated with the petrol filling station (7.2m X1.7m); (xi) ESB substation and switch room, pump house, sprinkler tank, 2 no. attenuation tanks, 3 no. detention basins, feature and street lighting, plant, store canopy, trolley shelter/bays and all ancillary site development works, landscaping, ramps, fences, enabling works and site services. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) are submitted with this application. The site is bounded to the north by St. Clare's National School, to the south by residential lands and to the west by the Main Street backlands. Significant further information including revised plans has been submitted.

Location:

Townparks & Tullymongan Lower (to the east of Main Street) Cock Hill, Cavan Town Co. Cavan

Background

By Order dated the 12th of October 2023, Cavan County Council issued a decision to Grant Permission under Reg. Ref. 23/38 for development consisting of the construction of a new Supermarket with ancillary off-licence sales (5,197sqm); drive-thru café unit (174sqm); automatic petrol filling station incorporating an automatic car wash/jet wash (c. 89 sq.m), a forecourt canopy (covers c. 255 sq.m and 4.8m in height) and associated signage, oil interceptors, underground storage tanks and tanker fill point; all associated car parking (297no. spaces and 120 cycle parking spaces and all associated at, Townparks & Tullymongan Lower (to the east of Main Street) Cock Hill, Cavan Town Co. Cavan

This decision was subsequently appealed to *An Board Pleanála* by a Third Party Appeal – from Cian O'Donoghue on behalf of Friends of Killymooney Lough, Swellan, co. Can. 2023;

The Board has requested, in correspondence dated the 8th of November 2023, that Cavan County Council make a submission/observation on the Third Party Appeal.

Grounds of the Appeal

Third Party Appeal: I note the grounds of appeal, which are summarized in key points as follows:

- Planning Policies and Objectives: Cavan County Development Plan, incorporating the Cavan Town Local Area Plan (2022 – 2028);
- National Planning Policies
- Major issues that require further detailed assessment:
 - Climate action
 - Proximity of the development to the Gaelscoil and St. Clare's National Schools
 - Renewed plans to develop Abbey Lands are of Cavan Town
 - The presence of a major Aldi Supermarket in close proximity to the proposed Tesco superstore
- Many issues are not aligned with the visions, policies and objectives, standards and guidance in the Cavan County Development Plan (2022-2028) such as:
 - connectivity to the Cavan Town Centre;
 - Edge of Centre site
 - Car dependency of the scheme
 - physical demands imposed by the walkway from the town center may prove challenging for older individuals
- Lack of visual representations of the proposed superstore – uncertainty of the visual impact on Cavan Town
- Insufficient impact on retail sector of Cavan Town
- Safety concerns for pedestrian access
- Environmental Concerns – especially on Killymooney Lough
- Climate change
- Proximity of development to St. Francis housing development
- Location of proposed service station
- Potential impact of signage

Planning Authority Response to Grounds of Appeal

I have examined the contents of the Third Party Appeal, and consider that these concerns have been adequately addressed in the original planning application including the detailed reports submitted as follows:

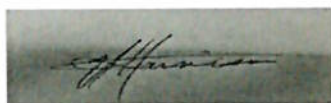
Technical Reports	Prepared by
Planning Report	RMLA Planning Consultants
Retail Impact Statement	RMLA Planning Consultants
Transport Assessment	SYSTRA
Sustainability Statement	JV Tierney & Co

External Lighting Strategy	JV Tierney & Co
Engineering Planning Report	Pinnacle consulting Engineers
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Construction Environmental Management Plan	ORS
Operational Waste Management Plan	ORS
Flood Risk Assessment	Murray & Associates
Architectural Design Report	JDA

In addition to the above reports, the Planning Authority in its planning assessment ,including the further information submitted, has adequately addressed all matters in the final Planning report dated 12th of October 2023

Conclusion The Planning Authority has noted the contents of the Third Party appeal and having regard to the above, we respectfully submit that the Board should uphold the decision of the Planning Authority to grant planning permission for this development.

PLANNER SIGNATURE



DATE: 22/11/2023

Memorandum

From Eve Harrison
Executive Planner

To Nicholas O'Kane
Senior Planner

23/11/23

Date 22nd November 2023

Local Authority Response to Third Party Appeal

Planning Reg. No:	23/8
An Bord Pleanála Ref.	ABP-318406-23
Applicant:	Tesco Ireland Limited
Type of Application:	Permission
Development Description:	for development consisting of the construction of: (i) a single storey retail unit of c. 5,197 sq.m gross floor area (c. 2,194 sq.m convenience net sales area and c. 957 sq.m comparison net sales area) including a licensed alcohol sales area, bulk store, ancillary offices, staff facilities, cage marshalling area, bin storage, service yard and associated directional signage; (ii) 1 no. drive thru café unit (c. 174 sq.m gross floor area) with external seating and the provision of 5 no. car parking spaces (including 2 no. electric parking spaces, 2 no. disabled and 1 no. standard) and 2 no. set down bay areas; (iii) 1 no. 4 pump (8 stand) petrol filling station incorporating an automatic car wash/jet wash (c. 89 sq.m), a forecourt canopy (covers c. 255 sq.m and 4.8m in height) and associated signage, oil interceptors, underground storage tanks and tanker fill point; (iv) 4 no. internally illuminated elevation signage on the eastern, western and southern elevations; (v) 297 no. car parking spaces associated with the retail unit (including parent and toddler, disabled and electric parking spaces), 120 no. cycle parking spaces in freestanding external shelters and set down/loading bay areas; (vi) 2 no. dedicated 'Click and Collect' car spaces with canopy structure and associated signage; (vii) Grocery Home Shopping delivery vehicle docking area situated in the service yard; (viii) 1 no. vehicle access point from Cock Hill Road at the north east boundary of the site and 1 no. vehicle left-in/left-out access point at the southern boundary of the site, all with associated pedestrian and cycle access facilities; (ix) pedestrian linkages with the Town Centre by way of the provision of a sloped pedestrian walkway and steps on the western boundary of the site with 4 no. pedestrian crossings on Cock Hill Road; (x) 1 no.

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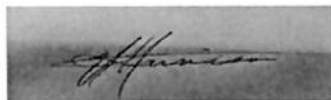
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PLANNER SIGNATURE



DATE: 22/11/2023



Cavan

Comhairle Contae an Chabháin
Cavan County Council

Your Ref: ABP-318406-23

Our Ref: PI Reg. No. 23/8

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
27 NOV 2023	
Fee: € _____	Type: _____
Time: <u>10:20am</u>	By: <u>Post</u>

23 November 2023

Re: Application of Tesco Ireland Ltd for development consisting of the construction of: (i) a single storey retail unit of c. 5,197 sq.m gross floor area (c. 2,194 sq.m convenience net sales area and c. 957 sq.m comparison net sales area) including a licensed alcohol sales area, bulk store, ancillary offices, staff facilities, cage marshalling area, bin storage, service yard and associated directional signage; (ii) 1 no. drive thru café unit (c. 174 sq.m gross floor area) with external seating and the provision of 5 no. car parking spaces (including 2 no. electric parking spaces, 2 no. disabled and 1 no. standard) and 2 no. set down bay areas; (iii) 1 no. 4 pump (8 stand) petrol filling station incorporating an automatic car wash/jet wash (c. 89 sq.m), a forecourt canopy (covers c. 255 sq.m and 4.8m in height) and associated signage, oil interceptors, underground storage tanks and tanker fill point; (iv) 4 no. internally illuminated elevation signage on the eastern, western and southern elevations; (v) 297 no. car parking spaces associated with the retail unit (including parent and toddler, disabled and electric parking spaces), 120 no. cycle parking spaces in freestanding external shelters and set down/loading bay areas; (vi) 2 no. dedicated 'Click and Collect' car spaces with canopy structure and associated signage; (vii) Grocery Home Shopping delivery vehicle docking area situated in the service yard; (viii) 1 no. vehicle access point from Cock Hill Road at the north east boundary of the site and 1 no. vehicle left-in/left-out access point at the southern boundary of the site, all with associated pedestrian and cycle access facilities; (ix) pedestrian linkages with the Town Centre by way of the provision of a sloped pedestrian walkway and steps on the western boundary of the site with 4 no. pedestrian crossings on Cock Hill Road; (x) 1 no. internally illuminated double-sided totem sign associated with the retail unit (7m X2.3m) and 1 no. internally illuminated double-sided totem associated with the petrol filling station (7.2m X1.7m); (xi) ESB substation and switch room, pump house, sprinkler tank, 2 no. attenuation tanks, 3 no. detention basins, feature and street lighting, plant, store canopy, trolley shelter/bays and all ancillary site development works, landscaping, ramps, fences, enabling works and site services. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) are submitted with this application. The site is bounded to the north by St. Clare's National School, to the south by residential lands and to the west by the Main Street backlands. Significant further information including revised plans has been submitted at Townspark and Tullymongan Lower (to the east of Main Street).

A Chara,

I refer to the above grant of permission and to the appeal submitted in relation to same and I attach herewith the Planning Authority's response.

Should you require any further assistance, please do not hesitate to contact our office.

Mise le meas,

Ardaíne
Senior Staff Officer

Cavan County Council

Courthouse
Farnham Street
Cavan H12 R6V2

T: 049 437 8300

E: info@cavancoco.ie

Comhairle Contae an Chabháin

E: eolas@cavancoco.ie

W: www.cavancoco.ie



Memorandum

From Eve Harrison
Executive Planner

To Nicholas O'Kane
Senior Planner

22/11/23

Date 22nd November 2023

Local Authority Response to Third Party Appeal

Planning Reg. No:	23/8
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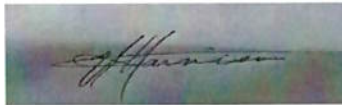
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PLANNER SIGNATURE



DATE: 22/11/2023