

File With _____

SECTION 131 FORM

Appeal NO: ABP 318406-23Defer Re O/H ☐Having considered the contents of the submission dated received 05/12/2023
fromApplicant I 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 B.Date: 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 05/12/2023 as follows:

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

Amendments/Comments	<u>1st party 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 <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>11/12/2023</u>	Date: <u>13/12/2023</u>

Patrick.

Faolán Bashford

From: Rachel Lawler <rachel.lawler@rmla.ie>
Sent: Tuesday 5 December 2023 12:03
To: Appeals2
Cc: Muirenn Duffy; Robert McLoughlin
Subject: ABP Ref. No. 318406-23 - Response to Third-Party Appeal
Attachments: 231205_Response to Third-Party Appeal_Tesco Ireland.pdf

Importance: High

To whom it may concern,

Please see attached First Party Response to a Third-Party Appeal, on behalf of our client Tesco Ireland Limited, regarding ABP Ref. No. 318406-23 (Cavan Reg. Ref. 238).

It would be much appreciated if you could confirm by return, receipt of the attached response as we are conscious today is the final date for same.

Kind regards,

Rachel Lawler
Planner

RMLA.
Planning Consultants

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Planning Consultants

First Party Response to Third-Party Appeal

An Bord Pleanála Ref. 318406-23

Cavan County Council Reg. Ref. 238

Prepared by RMLA Limited

On behalf of Tesco Ireland Limited

December 2023

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Prepared By: Robert McLoughlin & Rachel Lawler
Position: Managing Director & Planner
Status: **Final**

For and on behalf of RMLA

Response to Appeal Overview

1.1 Introduction

RMLA Limited, Unit 3B, Santry Avenue Industrial Estate, Santry Avenue, Santry, Dublin 9, D09 PH04, have been instructed by our client, Tesco Ireland Limited (Applicant), Gresham House, Marine Road, Dún Laoghaire, Co. Dublin to prepare this Response following receipt of correspondence from An Bord Pleanála dated, 8th November 2023 (refer to Appendix I), which invites a submission on the Third-Party Appeal made by Cian O'Donoghue on behalf of Friends of Killymooney Lough (Appellant), Swellan, Cavan in respect of Cavan County Council Reg. Ref. 238.

Please note all correspondence to this response should be sent to the Agents, RMLA at the abovementioned address. This Response demonstrates that the concerns of the Third-Party have been considered by both Cavan County Council in determining the planning application and the Applicant through a comprehensive planning application process, which included detailed pre-planning meetings with the Local Authority and a thorough Further Information Response. It is our opinion that the grounds of the appeal do not raise any new substantive planning issues which have not already been comprehensively addressed through the application process.

1.2 Proposed Development

The proposed development has been informed by the Retail Planning Guidelines, 2012, relevant statutory plans, comprehensive pre-planning discussions, which took place between the period of August 2020 and November 2022 with the relevant departments of the Local Authority, and it should be noted that:

- The proposed development is located on appropriately lands zoned for **'Town Core'** uses;
- **Complies** with the relevant controls and standards contained within the Cavan County Development Plan 2022-202, incorporating a Local Area Plan for Cavan Town;
- The proposal has been designed to a **high architectural standard**;
- It will provide for a more **efficient use** of land on what is a long term vacant site;
- It will create a significant number of **sustainable local jobs**;
- The provision of the scheme will contribute to the **vitality and vibrancy** of the town centre; and
- It will **link seamlessly with the town centre** through appropriate pedestrian links and enhance the profile of Cavan Town.

The Retail Planning Guidelines, 2012, state that the development management process must support applications for retail development which are in line with the role and function of the settlement, the hierarchy of the development and accord with the Development Plan and the scale and type of retailing identified for the location.¹ It is the intention of this Response to demonstrate that despite the claims of

¹ Retail Planning Guidelines 2012, Section 4, pg.28.

the Appellant, the proposed development is suitable for its location, addresses existing local need and complies with the requirements of the Cavan County Development Plan and as such, planning permission should be granted.

Response to Grounds of Appeal

This section outlines our Response to the Third-Party Appeal submitted by Cian O'Donoghue on behalf of Friends of Killymooney Lough. Having reviewed the grounds of the Appeal lodged to An Bord Pleanála (hereafter, 'ABP') under Ref. No. 318406-23, the Applicant would like to respond to the issues raised within the Appeal, we understand the concerns raised and would like to clarify all matters raised in the Appeal.

The Third-Party concerns can be categorised under the broad headings below:

- Connectivity & Accessibility;
- Potential Traffic Concerns;
- Compliance with the Retail Strategy;
- Visual Impacts on the Town Centre; and
- Environmental Matters.

We would like to highlight to ABP that precedence exists for a foodstore on this site with the benefit of a previous planning permission for a larger Hypermarket (approved by ABP under Ref. PL48.240097) and is therefore, ideally located to serve the retail needs of the catchment population. Furthermore, the proposed foodstore element has been significantly reduced in size. There has been a reduction of c. **2,491 sq.m GFA** and as such, the current proposal presents a lesser plot ratio, site coverage, and intensity of development. The results in less pressure on the public infrastructure i.e. Eastern Access Route and lesser the potential environmental effects.

For clarity, Table 1 outlines the main issues raised by the Appellant and a summary of our Response.

Table 1: Third-Party Appellant's primary concerns and a summary of our Response.

Key Issue	Response
<p>1 Concerns about the connectivity of the development to Cavan town centre and its integration with the surrounding area. Friends of Killymooney Lough wish to acknowledge that the proposed development aligns with the zoning regulations outlined in the local Development Plan.</p>	<p>The proposal provides pedestrian entrances at the main entrance with the Eastern Access Road, and pedestrian entrances to the south of the site, in addition to the key pedestrian walkway option accessible from Main Street. Furthermore, the pedestrian walkway has been designed in full accordance with building regulations (Part M and Part K) with the end user in mind, alleviating any concerns the Appellant may have regarding accessibility and walkability due to the topography of the subject site.</p> <p>We highlight to the Appellant that a comprehensive design assessment and a number for detailed pre-planning meetings with the Local Authority were undertaken, and it can be confirmed, that there is no way of providing a level pedestrian access between Main Street and the subject site, given the topographical constraints of the town. The current solution is the most appropriate response to opening up the site from the Main Street and providing direct pedestrian links between the town centre.</p>
<p>2 Despite its designation as a town centre site, the site's physical location places it on the periphery of the retailing core, making it more appropriately described as an 'edge of centre' site. This distinction leads us to have concerns regarding the physical constraints at the site, with a particular focus on the substantial height difference separating it from the town centre, which we anticipate is one of the most contentious issues. We must question the extent of connectivity between this proposed development and the town centre.</p> <p>While the proposed pedestrian route aims to facilitate pedestrian access, it is evident that, in practice, car-borne customers will dominate in terms of accessibility. Physical demands imposed by the walkway may prove challenging for older individuals and those with disabilities.</p>	<p>We appreciate that the location of the site could be perceived as distant from the town centre and viewed as an 'edge-of-centre' site to a member of the public given the undeveloped nature of the surrounding lands located to the east and south-east of Cock Hill. However, the subject site is located immediately to the east of Main Street with strong pedestrian linkages proposed as part of this scheme. The average walking time between the proposed development and Main Street will be c. 3 minutes, this is an acceptable walking time within a town centre.</p> <p>As outlined in the EIAR, the 'Town Core' zoning illustrates a clear intention for the subject site's urban transformation. Based on the zoning maps and objectives there is a clear intent to provide dense urban development eastward from the current town centre of Cavan towards the Cock Hill distributor road, noting that one of the main aims of the Cavan Eastern Access Road is to provide for future development along these lands. In such a scenario the proposed development site becomes more central to the core and will reduce the perceptual divide of the ridge that currently contains the town centre on its eastern side above the Main Street carpark. These factors provide a forward planning context in which the desired outcome is that the development of this site will in future serve as the core of Cavan Town.</p>
<p>3 Visual representations of the proposal are considered monotonous and lack depictions from various vantage points, leaving uncertainty about its visual impact on Cavan Town.</p>	<p>As part of the EIAR, a detailed study was undertaken for Chapter 14 – Landscape and Visual which assessed all visual effects that the proposed development may have on the town centre. It was found that overall, it is considered that the proposed development will not result in any significant / negative townscape or visual impacts. Instead, it is considered that it is an appropriate scale and form of development for this site and the quality of the design and materials will generally make a positive contribution to an urban setting.</p> <p>In the broader townscape context and at a strategic and plan-led development level, the proposed development represents the overdue development of this site which is a key piece of the urban development puzzle for Cavan Town centre. Furthermore, it should be noted that the proposed foodstore element has been significantly reduced in size to the previously permitted scheme, as approved by Cavan County Council and An Bord Pleanála.</p>

<p>4 Insufficient information about the potential impact on the retail sector may negatively affect the vitality and sustainability of the existing retail core and retail operations in tier 2 and 3 towns.</p>	<p>In line with the provisions of the Retail Planning Guidelines, 2012 and provisions set out in statutory documentation, an Retail Impact Statement (hereafter, 'RIS') is not technically required for the proposed development considering the 'Town Core' zoning objective. Notwithstanding this, a comprehensive RIS for the proposal was undertaken in the interests of completeness. The Study Area and catchments for each centre were constructed having specific regard to the gravity model. This model allows for the identification of an accurate catchment area through the combination of both drive times from the site and the probability of residents conducting shopping in an area. The proximity of the proposal to similar sized developments, retail offer, physical barriers and accessibility will ultimately determine the catchment area. As such, the RIS accounts for the appropriate catchment area which includes for the Tier 2 towns of Baileborough and Cootehill. The RIS concludes that capacity exists for the proposal.</p>
<p>5 Safety concerns related to pedestrian access and increased reliance on motor vehicles due to the steep climb. The presence of a filling station and a café intensifies traffic and safety concerns.</p>	<p>Given the nature of the supermarket use, in addition to pedestrian and cycle facilities, vehicular accessibility is also required. The need for customers to have sufficient vehicular access is recognised as part of the Retail Planning Guidelines 2012, in which convenience goods stores require <i>"extensive open areas of floorspace together with adjacent car parking as the majority (but not all) their customers undertake their bulk convenience shopping trips by car"</i>.</p> <p>A comprehensive Transport Assessment was prepared as part of this application, concluding that the vehicle trip generation associated with the development proposals can be accommodated without detriment to the local or strategic road network. As previously outlined, the proposed development provides strong pedestrian linkages. Additionally, consideration has also been given to potentially accommodating a local link service at an on-site bus stop to further promote sustainable modes of transport within the development and this would in turn, aid elderly and persons of disabilities which is a primary concern for the Appellant. The petrol filling station and café are considered secondary uses to the foodstore and provides for 'linked trips' at this location.</p>
<p>6 Environmental concerns, especially related to Killymooney Lough, and a lack of concrete information to support claims.</p>	<p>We would like to assure the Appellant that a comprehensive Environmental Impact Assessment Report (hereafter, 'EIA') was prepared as part of the preparation of this planning application. Luke Martin, lead author of the hydrology and hydrogeology EIA Chapter has reviewed the contents of the Third-Party appeal and has considered the Appellant's concerns. The desire of the 'Friends of Killymooney Lough' community group to protect this local water feature are fully acknowledged. However, the assertion that the environmental information provided is inadequate is completely unfounded. Consideration of the baseline data indicates that within the realms of the prescribed guidelines the environmental sensitivity of Killymooney Lough is Low. As such, specialised, in-depth, site-specific studies were scoped out of the EIA process. As such, the mitigation measures listed in Section 8.7 of the EIA Chapter are considered more than adequate in protecting Killymooney Lough from adverse effects.</p>
<p>7 Climate change concerns</p>	<p>We refer to the submitted Sustainability Statement prepared by JV Tierney & Co, setting out the strategy of a sustainable design for the proposed development which will be to use robust, passive, cost effective measures to create an efficient and healthy environment within the development area that is both energy efficient and of low carbon demand in operation. The proposal maintains functional links with the town centre while also removing unnecessary vehicular traffic from Main Street as the proposal will be serviced from the Eastern Access Road, thereby reducing car and HGV traffic activity on the Main Street, contributing to an enhanced town centre. Furthermore, as outlined, the proposal provides both pedestrian and cycle infrastructure with the possible addition of a local link, contributing to sustainable modes of transport.</p>
<p>8 The impact of the superstore's proximity to the Saint Francis housing development and the travelling community.</p>	<p>No evidence has been provided from the Appellant regarding the potential impact on the adjacent residential development. We note that no objections were received from residents. The Applicant is investing significantly in the public realm enhancements. A comprehensive Landscaping Strategy was prepared by Murray & associates and submitted as part of this scheme with the proposal set back within the subject site and suitably screened with a buffer provided for nearby residents.</p>

1.1 Connectivity & Accessibility

As outlined by the Appellant, a primary concern is the failure to integrate the strategic site with the surrounding area, and states that the design lacks the necessary accessibility and appropriate connections to the surrounding areas. The proposal provides pedestrian entrances at the main entrance with the Eastern Access Road, and pedestrian entrances to the south of the site in addition to the key pedestrian walkway option accessible from Main Street with 4 no. pedestrian crossings provided to improve connectivity between the subject site and the town core. Furthermore, as set out in the comprehensive Architectural Design Statement, prepared by JDA Architects, the pedestrian walkway has been designed in full accordance with building regulations (Part M and Part K) with the end user in mind, alleviating any concerns the Appellant may have regarding accessibility and walkability due to the topography of the subject site.

It is submitted that there will be a natural pedestrian flow between the Main Street and the proposed development, as the attraction of the Main Street and likewise the proposed development, will encourage movement in both directions, forming a logical extension of the existing urban and retail core of Cavan.

As acknowledged by the Appellant, the subject site suffers from topographical constraints, as such, it is submitted that the proposed pedestrian walkway represents the most appropriate response and facilitates a continued pedestrian route between the town centre expansion lands and the Main Street in compliance with the Development Plan. We wish to highlight to the Appellant that a comprehensive design assessment and a number of detailed pre-planning meetings with the Local Authority took place. It can be confirmed that there is no way of providing a level pedestrian access between Main Street and the subject site, given the topographical constraints of the town.

Additionally, the Third-Party has concerns regarding the positioning of the site and is of the opinion that, although identified as part of the central core within the Development Plan, the site is distant from the town centre and more so located on the outskirts with the distance being impractical for shoppers to travel from the town centre. Furthermore, concerns are raised regarding zoning being *"motivated by the desire to grant planning permission to Tesco and not by a genuine desire to support the vitality and viability of Cavan town centre."*

We appreciate that the location of the site could be perceived as distant from the town centre and viewed as an 'edge-of-centre site' to a member of the public given the currently undeveloped nature of the surrounding lands of Killymooney/Killynebbur to the east and south-east of Cock Hill. However, the subject site is located immediately to the east of Main Street with strong pedestrian linkages proposed as part of this scheme. The average walking time between the proposed development and Main Street will be c. 3 minutes, this is an acceptable walking time within a town centre and as such, the site cannot be considered 'edge-of-centre' but within the town core.

Notwithstanding the above, as per the relevant statutory planning policy document pertaining to the subject site, the Cavan County Development Plan 2022-2028, incorporating a Local Area Plan for Cavan Town (hereafter, 'Development Plan'), the subject site is zoned '**Town Core**' and has been for three consecutive Development Plans.

The Zoning Objective for 'town/Village Core' is to "*protect and enhance the special physical character and social character of the town and village core while providing and/or improving the town/village centre facilities.*" As outlined in the EIAR, the 'Town Core' zoning illustrates a clear intention for the subject site's urban transformation. Based on the zoning maps and objectives there is a clear intent to provide dense urban development eastward from the current town centre of Cavan towards the Cock Hill distributor road. In such a scenario the proposed development site becomes more central to the core and will reduce the perceptual divide of the ridge between the zoned town centre lands and the Main Street. These factors provide a forward planning context in which the desired outcome is that the development of this site will serve as the core of Cavan Town.

The subject lands have been identified and zoned accordingly to accommodate the extension of Cavan town centre to the east of Main Street. The Development Plan came into effect the 11th of July 2022 following the appropriate statutory consultation process, which included the appropriate screening measures (Strategic Environmental Assessment) by the Local Authority and an evaluation of the Development Plan by the Office of the Planning Regulator. As such, it is submitted that the subject site is appropriately zoned to meet the future needs of Cavan Town, and the current proposal complies with the policies and objectives of the Development Plan.

Additionally, the Appellant states that the development reflects a lack of consideration for the well-being of local residents. However, no evidence has been provided to support this statement. We note that no objections were received from residents nor the adjacent schools. As contained in Chapter 4 of the EIAR – Examination of Alternatives, the proposal went through an extensive design process with the foodstore element relocated further back into the site, allowing for the provision of a significant landscape buffer to the perimeter of the site. A comprehensive Landscaping Strategy was prepared by Murray & Associates as part of this scheme and provides suitable screening and buffer planting for nearby residents.

The Appellant states that the proposal is inconsistent with the Retail Planning Guidelines, 2012, Key Policy Objectives 2, 4 and 5 and refers to 'retail parks' and the disadvantages of same. We would like to clarify that the proposal is not for a 'retail park' but the development is located on a strategic, vacant 'town core' site and as part of the proposal is providing **direct pedestrian linkages** to the town centre and is not 'disconnected' from the town. The subject proposal will result in the development of a key vacant town centre zoned site and the appropriate **sequential expansion** of the town centre, providing **a design of the highest quality** in accordance with the Retail Planning Guidelines, 2012, Objectives 2, 4 and 5.

The proposal located on town centre lands will provide economic and social benefits for the Town and its environs. The provision of a modern foodstore floorplate within the town centre will improve consumer choice and will enhance competition.

1.2 Potential Traffic Concerns

The Appellant has expressed concerns regarding the location of the foodstore and the associated car borne customers dominating accessibility to the site. Given the nature of the supermarket use, vehicular accessibility is a key requirement in addition to the provision of pedestrian and cycle facilities. The need for customers to have sufficient vehicular access is recognised as part of the Retail Planning Guidelines, 2012, in which convenience goods stores require:

“extensive open areas of floorspace together with adjacent car parking as the majority (but not all) their customers undertake their bulk convenience shopping trips by car.”²

The Appellant raises concerns regarding the impact of the proposal on the local road network, specifically the Cavan Eastern Access Route. Importantly, we note the project aims of the Cavan Town Centre Eastern Access Route is to improve access to and from the Killymooney / Killynebber development zones³ including the subject site.

We refer the Board to a comprehensive Transport Assessment prepared by SYSTRA which concludes that the vehicle trip generation associated with the development proposal can be accommodated without detriment to the local or strategic road network. As previously outlined, the proposed development provides strong pedestrian linkages. Additionally, consideration has been given to accommodating a local link service at an on-site bus stop to further promote sustainable modes of transport within the development and this would, in turn, aid older individuals and persons of disabilities, which is a primary concern for the Appellant.

1.3 Compliance with Retail Strategy

The Appellant has stated that the retail study submitted did not adequately address the retail impact of the proposed development on Tier 2 and 3 towns nor does the Planning Report acknowledge that the proposal exceeds the recommended floorspace for retail development. We refer the Board to the comprehensive RIS submitted as part of this application that addresses the abovementioned concerns.

In line with the provisions of the Retail Planning Guidelines, 2012, and provisions set out in statutory documentation, an RIS is not technically required for the proposed development considering the ‘Town Core’ zoning objective for the site and the relevant planning policy. Notwithstanding this, a comprehensive RIS for the proposal was undertaken in the interests of completeness. In this regard,

² Guidelines for Planning Authorities: Retail Planning, April 2012, Section 4.11.1, pg.35

³ Cavan County Council website: <https://www.cavancoco.ie/services/roads-transportation/road-schemes/cavan-town-centre-eastern-access/> [Accessed: 22nd November 2023]

town centre sites are considered to be the most suitable locations for higher order fashion and comparison goods, and therefore, should be supported in maintaining and expanding their retail offer.

Furthermore, Cavan Town is situated at the top of the retail hierarchy as a Tier 1 Primary Retail Centre. The Study Area and catchments for each centre were constructed having specific regard to the gravity model. This model allows for the identification of an accurate catchment area through the combination of both drive times from the site and the probability of residents conducting shopping in an area. The proximity of the proposal to similar sized developments, retail offer, physical barriers, and accessibility will ultimately determine the catchment area. As such, the RIS accounts for the appropriate catchment areas which incorporates the Tier 2 towns of Bailieborough and Cootehill.

Notwithstanding the above, Cavan Town has an important County Retail function to perform in supporting its large population catchment and thus requires the provision of essential additional convenience led, retail floorspace to enhance and promote the growth of the Town.

As outlined in the Retail Planning Guidelines, 2012, a **convenience retail floorspace** cap of 3,000 sq.m is set out for the remainder of the State (i.e., those areas outside of the four Dublin local authority areas, and the cities of Cork, Limerick/Shannon, Galway, and Waterford). The proposed development provides for a retail convenience floorspace of c. 2,194 sq.m. As such, the proposal, located in a Tier 1 Town of the Retail Hierarchy, is considerably less than the convenience retail floorspace cap. Furthermore, the Applicant will be vacating its Main Street location, thereby making this unit available for a comparison retailer to enter the market. The RIS considered existing and extant permissions and concluded that capacity exists for the proposed development.

Additionally, we would like to highlight to the Appellant that the proposal is for a 'supermarket', and such reference to a 'retail warehouse' development is not of relevance in this instance.

As such, the proposed development is consistent with the provisions of the Retail Planning Guidelines, 2012, and the Cavan Retail Strategy, where the order of priority is to locate retail development in town centres.

1.4 Visual Impacts on the Town Centre

As part of the EIAR a detailed study was undertaken for Chapter 14 – Landscape and Visual, which assessed all visual effects that the proposed development may have on the town centre. This assessment concluded that overall, it is considered that the proposed development will not result in any significant / negative townscape or visual impacts. Instead, it is concluded that the proposed development is an appropriate scale and form of development for this site and the quality of the design and materials will generally make a positive contribution to an urban setting that is in need of (and zoned for) appropriate infill.

In the broader townscape context and at a strategic and plan-led development level, the proposed development represents the overdue development of this site which is a key piece of the urban development puzzle for Cavan Town centre. There is clear intent (in zoning terms) to develop the town core eastward out to the Cavan Town Eastern Access Road. The development of the proposed site for a supermarket, café, and filling station will achieve that objective.

Additionally, we request the Appellant refer to Chapter 15 – Archaeology, Architecture and Cultural Heritage, pg.13-14, which lists 'St. Clare's Chapel' as a protected structure, the closest Protected Structure to the proposed development area. Formally, the chapel was known as 'St Joseph's Convent of Poor Clare's'⁴ and as such, this may have caused some confusion. We would like to assure the Appellant that the proposed development's possible effects have been appropriately assessed regarding all relevant protected structures.

The Appellant highlights the importance of the town centre environs and the attractiveness of same. Currently, the subject site remains in an underdeveloped nature and does not make a positive contribution to the townscape. The development of this site is in line with the Development Plan Objective CPR02. Furthermore, the proposal, accords with the provisions set out within the 'Town Centre First' policy by contributing to the provision of a functional, vibrant, and healthy town centre with the development of a key strategic site and the relocation of the foodstore, which will allow for the attraction of new a comparison retailer, providing an appropriate use for this location.

1.5 Environmental

Water Quality

Luke Martin, lead author of the Hydrology and Hydrogeology EIAR Chapter has reviewed the contents of the Third-Party Appeal and has considered the Appellant's concerns about the adequacy of environmental information regarding water quality and compliance with water directives. The desire of the 'Friends of Killymooney Lough' community group to protect this local water feature are fully acknowledged. However, the assertion that the environmental information provided is inadequate is completely unfounded.

Chapter 8 of the EIAR– Hydrology and Hydrogeology was written in accordance with the "EPA, (2022). *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports*". Each and every prescribed guideline within this document was followed during the assessment process. Section 3.3.6 of the EPA Guidelines outline the main topics that should be addressed for each kind of environmental factor for any given project. In terms of hydrological receptors (such as Killymooney Lough) the prescribed topics include:

⁴ National Inventory of Architectural Heritage. <https://www.buildingsofireland.ie/buildings-search/building/40000266/st-clares-roman-catholic-church-main-street-townparks-cavan-urban-d-cavan-cavan>

- Water (for example hydromorphological changes, quantity and quality)
- Ground/Surface/Estuarine/Marine
- Physical characteristics
- Chemical characteristics
- Q value
- Beneficial uses
- Flooding

During the scoping phase of the EIAR, the level of detail required in terms of baseline studies is determined by the sensitivity of each receptor identified within a reasonable zone of influence of the proposed development. Each of the above topics were considered during the assessment of potential impacts to Killymooney Lough. The *"NRA, (2008). Guidelines on Procedures for Assessment and Treatment of Geology, Hydrology and Hydrogeology for National Road Schemes"*. Box 4.2 on Page 58 of these guidelines includes a criteria for the rating of importance of hydrological attributes. Based on the criteria outlined in this table, the following factors specific to Killymooney Lough were considered:

- Killymooney Lough is not protected by EU Legislation and is not classified as an Special Area of Conservation, Special Protection Area or National Heritage Area.
- Killymooney Lough is not utilised as a potable water source.
- No ecological status has been assigned to Killymooney Lough by the Environmental Protection Agency, however the Killymooney Lough Stream which flows through the lake is classified as *"poor ecological status"*.
- Killymooney Lough was not included within the EPA's National Lake Monitoring Programme which covers 80% of the surface area of all lakes in Ireland. The qualifying criteria of which includes:
 - Lakes greater than 50ha
 - Lakes that are used to supply drinking water.
 - Lakes that are of regional, local or scientific interest.

Consideration of the baseline data above indicates that within the realms of the prescribed guidelines the environmental sensitivity of Killymooney Lough is **Low**. As such, specialised, in-depth, site-specific studies were scoped out of the EIA process. As such, the mitigation measures listed in Section 8.7 of the EIAR Chapter are considered more than adequate in protecting Killymooney Lough from adverse effects.

Biodiversity

Noreen McLoughlin, lead author of both the project Natura Impact Statement (NIS) and the Ecological Impact Appraisal (EIA) carried out for Chapter 9 of the Project EIAR considered the impacts to Natura sites, which the site is hydraulically connected to. The Appropriate Assessment process was carried

out in accordance with Articles 6(3) and 6(4) of the EU Habitats Directive (92/43/EEC). It was concluded that following mitigation, the proposed project will not have the potential to significantly affect the conservation objectives of these hydraulically connected Natura 2000 sites.

With specific regard to Killymooney Lough, it was noted that in accordance with the tenets of the precautionary principle and in the absence of mitigation, an accidental pollution event of sufficient magnitude, which might occur during the construction or operation or the proposed development, either alone or in-combination with other developments, could potentially affect the water quality in the Killymooney Lough Stream. As such a robust set of mitigation measures were proposed by the project ecologist to prevent the deterioration of the local water quality and to take into account cumulative effects with other proposed/existing developments.

As stated above, the ecological sensitivity of Killymooney Lough is considered to be low. As such, the mitigation measures in tandem with the proposed surface water monitoring programme listed in Section 9.7 and 9.8 of the EIAR Chapter (Biodiversity) are considered more than adequate in protecting Killymooney Lough from adverse effects with respect to ecology, along with the specific ecological aspects raised by the Appellant.

Climate Action

The Appellant refers to the DRAFT Climate Action Plan 2024-2029, and the proposals assessment against same. The DRAFT Climate Action Plan was not available at the time of lodgement nor at the time the proposed development was assessed as it is currently at DRAFT stage (a series of public consultation drop-in clinics were held from the 23rd November – 30th November 2023) and therefore, cannot be assessed against the proposal until the formally adopted.

We refer the Board and the Appellant to the submitted Sustainability Statement prepared by JV Tierney & Co, setting out the strategy to a sustainable design for the proposed development, which will be to use robust, passive, cost effective measures to create an efficient and healthy environment within the development area that is both energy efficient and of low carbon demand in operation.

The design strategies employed will include a whole life cycle approach to management and planning of the development. Specific focus has been placed on the development's energy efficiency with the aim of reducing the carbon footprint, improving the environmental and well-being quality of the building spaces, material selection and use, waste management, water management and conservation and enhancement of the ecological value of the overall development site.

The proposed development has been designed with the aim of delivering a high-performance building that achieves an 'A rated' BER and a low carbon impact in line with the National Development Plan 2040 and the Government's drive for reduced carbon impact by 2030.

As outlined above, the proposal maintains functional links with the town centre while also removing unnecessary vehicular traffic from Main Street as the proposal will be serviced from the Eastern Access Road, thereby reducing car and HGV traffic activity on the Main Street. This will help contribute to an enhanced town centre and reduced emissions on the Main Street. As outlined, the proposal provides both pedestrian and cycle infrastructure with the possible addition of a local link, contributing to sustainable modes of transport. However, due to the nature of the use, vehicular accessibility is required with the need for customers to have sufficient vehicular access as recognised by the Retail Planning Guidelines 2012. The petrol filling station and café are considered complimentary uses to the foodstore and provide for 'linked trips' at this location.

Education Facilities

The Appellant refers to the subject site being an appropriate site for the extension of St Clare's National School and Gaelscoil Bhréifne. However, the subject site is zoned for 'Town Core', and the abovementioned school sites are zoned under 'Public & Community' an objective to *"provide for and protect civic, religious, community, education, health care and social infrastructure"*. As mentioned, the subject site has been zoned 'Town Core' for three consecutive Development Plans with the subject site benefiting from a previous permission for a similar development formerly permitted by the Board.

Furthermore, both schools have already undergone recent extensions. An extension for St. Clare's National School was approved under Reg. Ref. 16/483 and commenced in October 2021 and when completed will provide 10 no. new classrooms to replace the existing temporary and older classroom accommodation along with associated ancillary accommodation, new access and parking and playing facilities. Gaelscoil Bhréifne has recently applied for a similar extension under Reg. Ref. 2392.

It is our understanding that neither school have engaged with Cavan County Council expressing any interest in the subject site.

Service Station

The Appellant has raised concerns regarding the service station and its suitability at this location. Under the Development Plan, petrol filling station is a recognised land use within the Development Plan. However, it is not listed in either the 'Permitted In Principle' or 'Not Permitted' categories under the 'Town Core' zoning matrix. In accordance with Section 14.1.3 of the Development Plan 'Uses not listed in either category', uses that are not listed in the indicative land-use zoning matrix will be considered on their merits having regard to the vision and objectives of the zoning and the proper planning and sustainable development of the area.

In this regard, it is submitted that a petrol filling station is a recognised complementary offer to a foodstore development. The inclusion of the petrol filling station and the drive-thru café within the site will promote opportunities for 'linked trips' between the supermarket and town centre. As part of the

assessment of this application, the Local Authority's Planner's Report stated having regard to the location and access to the site, it was considered that the development of a petrol filling station is an acceptable use with this zoning.

Killymooney Lough Views

The subject site is located in Area 2, 'The Lakelands', as designated under the Development Plan's landscape character designations and is not subject to any heritage protection status or protected views. Additionally, the proposed development will be separated from the Lough by the Eastern Access Route. As such, there is no evidence of significant adverse effects to Lough Killymooney, as also concluded under the previous Inspector's Report for Ref. PL48.240097.

The proposal provides for limited signage in the form of 2 no. totem poles and 2 no. signs for the foodstore comprising Tesco letters to be mounted on the west and eastern elevations above the main entrance of the store. The café and petrol filling station signage is minimal and simple in design.

As concluded in Cavan County Council's Planner's Report, "*having regard to the size of the site and the orientation towards the Eastern Access Road, I have no major concern regarding the proposed signage and do not consider same to result in 'visual clutter'.*"

Summary

As demonstrated above and throughout the planning process, the proposed development is in accordance with both strategic and local planning documentation relating to Cavan Town. It is considered that the relocation of an existing town centre retailer to an adjacent town centre zoned site, in order to provide a modern foodstore format will have a positive effect on the vitality and viability of Cavan Town Centre.

The key aspects of the proposed development in responding to this Third-Party submission, can be summarised as follows:

- Precedence exists for a foodstore on site with the benefit of a previous planning permission for a larger Hypermarket (approved by ABP Ref. PL48.240097) and the proposed development is therefore, ideally located to serve the retail needs of the catchment population. The proposed foodstore element has been significantly reduced in size. There has been a reduction of c. **2,491 sq.m GFA**.
- The proposed development is located on lands zoned for **Town Centre uses**, which accords with the overarching principles of retail planning. The proposal will reinforce the role of Cavan Town within the Regional Retail Hierarchy.
- A key feature of the proposal is **strong pedestrian links**, which will facilitate pedestrian movement from the site to the Main Street, as well as parking facilities in the Town and to neighbouring residential areas.
- The proposed development is in **accordance with the relevant statutory planning documents**, which designate Cavan as the **primary retail centre** for the county (Tier 1 centre in the County Retail Strategy). A thorough and comprehensive Retail Impact Assessment was undertaken as part of the application demonstrating that capacity exists.
- As shown in the photomontages submitted with the planning application, the use of native tree and shrub planting, as well as the attractive design and the appropriate positioning of the low profile building, means that the proposed development will **not have negative visual impact** and will provide an extensive buffer for local residents.
- The assertion that the environmental information provided is inadequate, is completely unfounded. Consideration of the baseline data indicates that within the realms of the prescribed guidelines the **environmental sensitivity of Killymooney Lough is Low**.
- The proposal is an example of **best practice collaborative planning** between a Local Authority and the private sector. Following a comprehensive planning process, which included numerous pre-planning meetings with various departments and a Further Information Request,

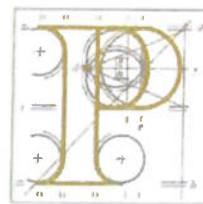
the Planning Officer assessed the application having regard to internal reports, local, regional and national planning guidance policy.

- The proposal will sustain existing employment numbers and **create additional jobs** while also providing a modern foodstore to serve the residents of Cavan Town and its hinterland.

We trust the above response clarifies the facts of any new matters raised by the Third-Party Submission and enables the Board to make an informed decision. It is respectfully requested that an early decision be made by the Board in order to allow new investment and employment into the Town as soon as possible.

Appendix I – Correspondence Letter from ABP

Our Case Number: ABP-318406-23
Planning Authority Reference Number: 238
Your Reference: Tesco Ireland Limited



An
Bord
Pleanála

RMLA Limited
Unit 3B, Santry Avenue Industrial Estate
Santry Avenue
Santry
Dublin 9
D09 PH04



Date: 08 November 2023

Re: Construction of a single storey retail unit, drive thru café unit, petrol filling station, and all associated site works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) were submitted with this application.
Townparks & Tullymongan Lower (to the east of Main Street), Cock Hill, Cavan Town, Co. Cavan

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

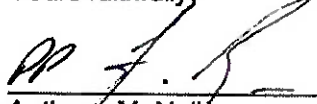
As a party to the appeal under section 129 of the Planning and Development Act, 2000, (as amended), you may make submissions or observations in writing to the Board within a **period of 4 weeks** beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note when making a response/submission only to the appeal it may be emailed to appeals@pleanala.ie and there is no fee required.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,


Anthony McNally
Administrative Assistant
Direct Line:

BP05

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Glao Áitiúil
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Láithreán Gréasáin
Ríomhphost

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Cavan

Comhairle Contae an Chabháin
Cavan County Council

Cavan County Council
Johnston Central Library
Farnham Street
Cavan H12 C9K1

Planning Section
plan@cavancoco.ie
049 437 8300
www.cavancoco.ie

Planning Compliance
planningcompliance@cavancoco.ie
Enforcement
enforcement@cavancoco.ie

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

Re: 238 - Application of Tesco Ireland Limited for PERMISSION 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 Townparks & Tullymongan Lower (to the east of Main Street), Cock Hill, Cavan Town, Co. Cavan,

A submission/observation in writing has been received from:

Cian O'Donoghue on behalf of,
Friends of Killymooney Lough
Swellan
Cavan

AN BORD PLEANÁLA	
LDG- 067984-23	
ABP- _____	
07 NOV 2023	
Fee: € 220- Type: cash	
Time: 15:40 By: [Signature]	

on 21/09/2023 in relation to the above planning application.

The appropriate fee of €20 has been paid, receipt no. 33417420 refers.



cavan

Comhairle Contae an Chabháin
Cavan County Council

Cavan County Council
Johnston Central Library
Farnham Street
Cavan H12 C9K1

Planning Section
plan@cavancoco.ie
049 437 8300
www.cavancoco.ie

Planning Compliance
planningcompliance@cavancoco.ie
Enforcement
enforcement@cavancoco.ie

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 (as amended) and will be taken into account by the Planning Authority in its determination of the Planning application.

You will be advised of the Planning Authority's decision on the above application in due course. Your letter will form part of the documentation available for inspection by the public.

Mise le meas,

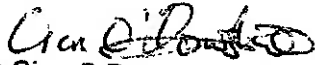
Fiona McIntyre
Senior Staff Officer

Dated: 21/09/2023

THIS IS AN IMPORTANT DOCUMENT!
KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS
ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL
THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF
EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A
SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING
AUTHORITY ON THE PLANNING APPLICATION.

Planning Submission to An Bord Pleanala

Application 238 (Cavan County Council)



Signed: Cian O'Donoghue on behalf of Friends of Killymooney, Swellan, Cavan

6th Day of November 2023

Please find our submission regarding the granting of planning permission for application 238
(Cavan County Council)

We understand An Bord Pleanála (ABP) has previously granted planning permission for this site and proposed development, - largely because of its zoning. Nevertheless, we request ABP to re-assess the application as we believe several issues deserve further detailed assessment. These include a national and international focus on climate action which was not a major policy focus at the time of the last ABP appeal, the presence of a significant national school in close proximity to the development site (and a Gaelscoil), renewed plans by Cavan County Council to develop the Abbey Lands area of Cavan Town, and the presence of a major Aldi Supermarket in close proximity to this proposed Tesco superstore. Our grounds for appeal are presented in more detail herein.

Our grounds for appeal centre on the fact that many of the issues which arise from the development of a supermarket of such scale are not aligned with the visions, policies, objectives, standards and guidance contained in the Cavan Country Development Plan 2022-2028, as outlined throughout the plan and associated appendices and maps, to the Cavan Town Local Area Plan 2022-2028. Other national policies are also relevant to our assessment.

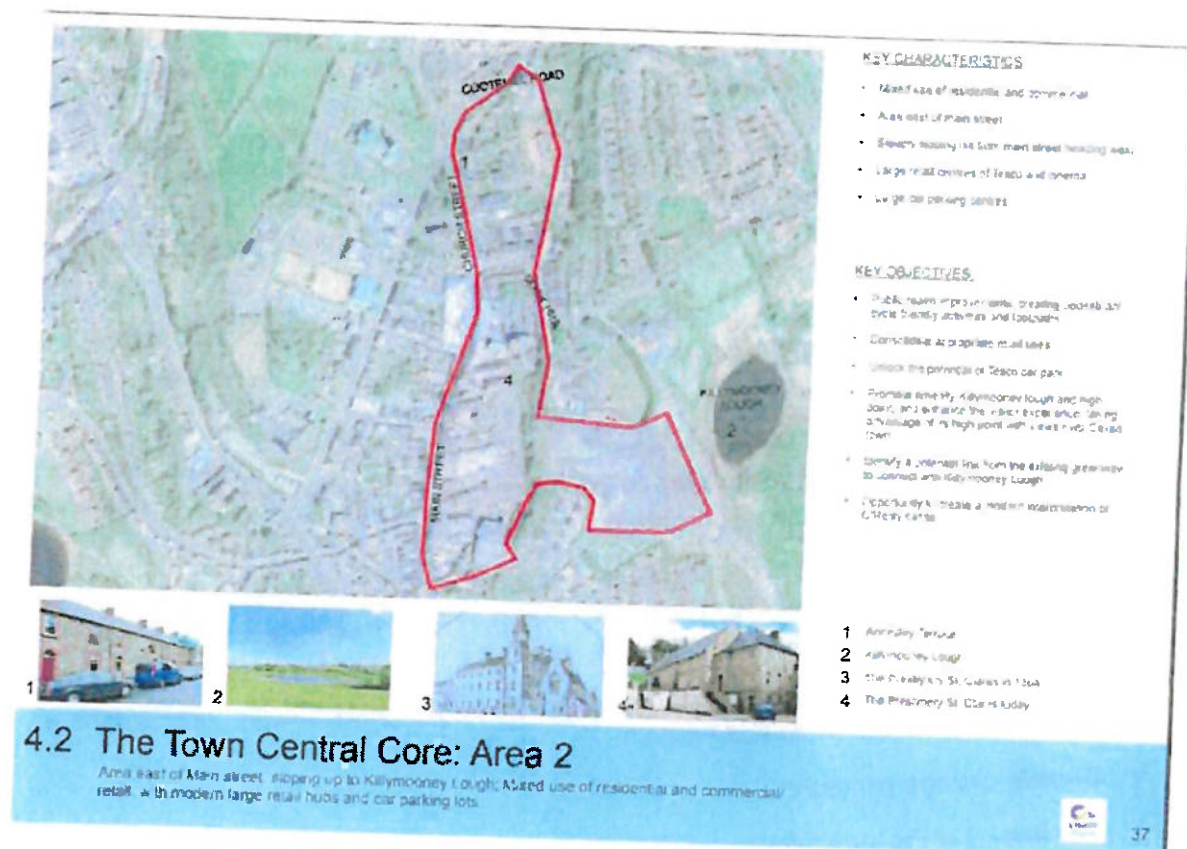
- Concerns about the connectivity of the development to Cavan Town Centre and its integration with the surrounding area. Friends of Killymooney wish to acknowledge that the proposed development aligns with the zoning regulations outlined in the local development plan.
- Despite its designation as a town centre site, the site's physical location places it on the periphery of the retailing core, making it more appropriately described as an "edge of centre" site. This distinction leads us to have concerns regarding the physical constraints at the site, with a particular focus on the substantial height difference separating it from the town centre, which we anticipate is one of the most contentious issues. We must question the extent of connectivity between this proposed development and the town centre. While the proposed pedestrian route aims to facilitate pedestrian access, it is evident that, in practice, car-borne customers will predominantly dominate in terms of store accessibility. Furthermore, the physical demands imposed by the walkway from the town centre may prove challenging for older individuals and those with disabilities.
- The visual representations of the proposed superstore are considered monotonous and lack depictions from various vantage points, leaving uncertainty about its visual impact on Cavan town.
- Insufficient information about the potential impact on the retail sector may negatively affect the vitality and sustainability of the existing retail core and the retail operations in tier 2 and 3 towns.
- Safety concerns related to pedestrian access and increased reliance on motor vehicles due to the steep climb to the superstore. The presence of a filling station and a café intensifies traffic and safety concerns.
- Environmental concerns, especially related to Killymooney Lough, and a lack of concrete information to support claims.
- Climate change concerns.
- The impact of the superstore's proximity to the Saint Francis housing development and the travelling community.

- The lack of consideration for the effect of the proposed development on St. Clare's school.

Connectivity: lack of Integration and Accessibility: A primary concern is the planned development's failure to integrate seamlessly with the existing strategic site. It lacks the necessary accessibility and appropriate connections to the surrounding areas. The proposal to introduce a Tesco Superstore and its associated facilities to an area already accommodating two significant and expanding primary schools and several housing estates raises significant doubts about its environmental sustainability. Furthermore, this development reflects a lack of consideration for the well-being of the local residents, as it is likely to diminish their quality of life.

While labelled as the 'Central Core' on the map, it is crucial to emphasize that the proposed Tesco site is distinct from Cavan town centre positioned on the town's outskirts due to topographical constraints and elevations; the physical distance makes it impractical for shoppers to travel from the town centre to the Tesco Superstore easily. Asserting seamless pedestrian linkage and connectivity in this context is not a credible claim. In this scenario, the proposed Tesco Superstore's location will lead to increased reliance on driving to reach it, which may exacerbate traffic issues and have a negative impact on the local community.

Figure 1- Cavan Town Central Core: Although marked as the 'Central Core' on the map, it's essential to underline that the proposed Tesco site is separate from Cavan town centre, situated on the town's outskirts due to topographical constraints and elevations.



Retail Strategy: The granting of planning permission is inconsistent with the retail strategy set out in the Retail Planning Guidelines (2012), which emphasize that enhancing the vitality

and viability of town centres in all their functions through sequential development is an overarching objective in retail planning. While the site in question has been zoned in the development plan as core retail areas, it is removed from the Cavan town core geographically and topologically. It appears the zoning has been motivated by the desire to grant planning permission to Tesco and not by a genuine desire to support the vitality and viability of Cavan town centre. The overall appropriateness of the proposed development must be largely judged by its success in enhancing the town's special physical and social character while providing/improving town centre facilities.

It is evident, and notwithstanding its 'town centre' zoning, that the site is physically removed from the retailing core and is more accurately described as an edge-of-centre site. The Retail Planning Guidelines define 'edge-of-centre' sites as within easy walking distance (usually no more than 400 metres) of the primary retail area and that they also provide parking facilities that serve the centre. While the site meets most of these tests, it is highly debatable if the subject site is easily walkable. The physical constraints of the site, particularly the height differential between it and the town centre is a fundamental issue. While the proposed pedestrian route with a connecting walkway facilitates pedestrian access, they do not prioritize same. The store's location will result in car-borne customers dominating in terms of accessibility. Whilst the provision of pedestrian wayfinding signage would appear to cater to non-car users, we consider the very need for such waymarking highlights the design's failure to achieve ease of access for pedestrians and is symptomatic of the substandard functional and physical connections with the town centre provided by the proposal.

Chapter 4 of Retail Planning Guidelines states that retail units of 5000M2 can have a negative impact on smaller shops in town centres.


The RPGs have five key policy objectives, as shown in the figure 2.3 below.

Figure 2.3. Key Policy Objectives (Guidelines for Planning Authorities Retail Planning 2012)

1. Ensuring that retail development is planned
2. Promoting city/town centre vitality through a sequential approach to development
3. Securing competitiveness in retail sector by actively enabling good-quality development proposals to come forward in suitable locations
4. Facilitating a shift towards increased access to retailing by public transport, cycling and walking in accordance with the Smarter Travel Strategy
5. Delivering quality urban design outcomes

We note the retail guidelines for development and the fact that the proposed development is inconsistent with 2, 4 and 5. Cavan town comprises a comparatively high number of retail parks relative to its scale, and these are disjointed and largely disconnected from the town core, representing a real threat to the vitality of more central areas within the town centre. This ultimately diverts trade from the town centre and does not add to the overall shopping experience within the town centre, particularly where units are used for the sale of convenience and comparison goods. Furthermore, these retail parks ultimately increase traffic flows in the wider town road network, given the increased level of car trips needed to visit them. Given the proposed location of this superstore, this would also add to the disjointed nature of the retail fabric of Cavan. Relatedly, we question the scale of the proposal, the resulting scale of car-borne custom, and its potential impact on the local road network, particularly the strategic Cavan Eastern Access Route. We also note in the CDP, that "There would appear a greater necessity to distribute convenience floorspace growth beyond Cavan town into the other main retail centres, based on the results of the surveys." The retail study does not adequately address the retail impact of the proposed superstore to tier 2 and 3 towns.

Moreover, these retail parks lead to increased traffic flows throughout the town's road network, necessitating additional car trips for visitation. To align with the plan's objectives, it's imperative to redirect further retail development back into the town centre. The majority of shoppers, along with the nature of shopping at Tesco, are likely to result in increased car usage on the Cavan Eastern Link Road, directing traffic toward the Dublin Road, a national route. This road already sees significant traffic due to the presence of Aldi nearby. Such outcomes are not aligned to the Town Centre First Policy Objective to "reconsider the approach to town centres in light of their changing functions and encourage....., thus enhancing their vitality".

	Development Objectives It is a development objective of Cavan County Council to:
CCR 01	Sustain and enhance the retail and services offer of Cavan Town Centre in line with the County Retail Strategy with a principle of 'town centre first' approach being prioritised.
CCR 02	Support commercial opportunities within Cavan town centre which harnesses the potential of the town for economic growth and sustainability.
CCR 03	Reinforce the centre of Cavan Town as the proper location for new commercial and retail development, with emphasis on quality of design, positive contribution to the existing streetscape and protection of existing heritage landscapes.
CCR 04	Support the provision of mixed-use developments in the town centre which create opportunities to live, work and shop within the town and reduce the car-based travel.
CCR 05	Encourage and facilitate the re-use and regeneration of derelict land and buildings for retail and other town centre uses with due cognisance to the Sequential Approach prescribed in the Retail Planning Guidelines 2012.
CCR 06	Promote the priority of pedestrian movement in the town core.

The planning report does not acknowledge that the proposed development exceeds the recommended square meter (sqm) floorspace for retail developments as outlined in the retail planning guidelines, and it is noted that the local authority has not sufficiently assessed this aspect.

Figure 3 – The new Tesco Superstore far exceeds the Retail Planning Guidelines for new stores (Cavan Retail Strategy 2021 - 2028.)

Convenience Retail Development

In terms of convenience provision, it would appear that certain centres, most notably Ballyjamesduff and Cootehill are underprovided for in terms of convenience offer. Convenience development will in particular be promoted in these urban centres in order to improve competition choice and diversity in the retail market. Cavan Town is well serviced with convenience retailing.

Tier 1 - Primary Retail Centre (Cavan Town)

Each of the main convenience supermarket operators have at least one presence in the town, indicative of the expanding role of the town serving the convenience shopping demands of an expansive catchment. The Retail Planning Guidelines set a 3,000sqm retail floorspace cap on food store development and it is important to note that this cap applies to new stores, as well as to extensions of existing retail premises.

It would appear to be limited additional capacity for new convenience large-scale retail space in Cavan Town; however, greater diversity and increasing competition, and proposals which would enhance the role of Cavan Town as a retail destination may be welcomed.

Proposals for convenience retailing in Cavan Town must also be considered in the context of the existing retail provision within the neighbouring towns, particularly the Tier 2 towns. There would appear a greater necessity to distribute convenience floorspace growth beyond Cavan town into the other main retail centres, based on the results of the surveys.

Tier 2 - Key General Retail Centres (Kesh, Ballyhenrich, Ballyjamesduff, Cootehill and Wexford)

Certain elements of the proposed development do not align with the guidelines outlined in the Retail Planning Guidelines document, particularly in Chapter 4 P36 .

Conversely, the development of very large single retail warehouse units in excess of 5,000 M² (and sometimes of 10,000 M² or more) focused upon a specific market segment, can have an unacceptable local monopoly effect on smaller shops in town centres, particularly in a country like Ireland which has few large conurbations. Furthermore, these large-scale development formats attract large volumes of car-borne customers and require a high quality road network with spare capacity. These conditions occur in relatively few locations in the State.

36

3 Impact on Town Centre

The Cavan Retail Strategy also acknowledges the importance's of the Town centre. "It is also vital that town centre environs are attractive for businesses to operate from as well as to increase consumers' confidence about visiting physical stores again." The Development Plan aligns with the "Town Centre First" policy particularly TCFO 1 by promoting functional, vibrant, and healthy town centres for living, working, and visiting. It encourages the revitalization of underused town centres, emphasizing pedestrian accessibility. The plan advocates for mixed developments, appropriately sized pocket parks, public spaces, and a focus on walking and cycling. High-quality urban design is a priority, and there's a strong commitment to enhancing and upgrading town centres, maximizing open spaces, and supporting pedestrian-friendly environments.


We believe that granting planning dismisses elements of Cavan's local authorities' "Local Area Plan for Cavan Town with particular focus on the Abbeyland Cultural Quarter" and the implementation of "Cavan Town Revitalisation Plan 2018." In 2.10.1 of the CDP, it states that

"the development of key opportunity sites such as the Abbeylands Cultural Quarter must be prioritized in the first instance.

The development of key opportunity sites, such as the Abbeylands Cultural Quarter, which received €14.49 million in URDF funding in 2021, should be prioritized. What will be the potential negative effects of a Tesco superstore on the town's vitality if it's located on the town's outskirts? What are the expected effects on the town's future footfall, local businesses, traffic, and overall community due to the proposed development?

What will be the implications of constructing a Tesco Superstore on the Abbeylands project, particularly concerning its visibility from the town core and the challenges associated with accessibility? How is the preservation of the town's visual character and ease of access factored into the planning and development of this project? Given the applicant's and local authority's perceived failure to adequately demonstrate the proposed development's positive impacts, planning permission should be refused.

In the CDP 2.2.12.1 Masterplan 1 the following are all development objectives of CCC in relation to Cavan Town with particular focus on the Abbeylands project.

 Cavan Town Placemaking and Regeneration Development Objectives It is a development objective of Cavan County Council to:	
CPR 01	Support the implementation of the Cavan Town Revitalisation Plan 2018.
CPR 02	Encourage the appropriate reuse and regeneration of derelict and underused premises and sites in Cavan Town.
CPR 03	Promote the regeneration of backlands of Cavan town in a sustainable manner.
CPR 04	Continue to identify sites in poor state of repair or neglect under the Derelicts Sites Act and support their regeneration.
CPR 05	Ensure that the Town centre is accessible to all members of the community, including people with mobility issues, the elderly and people with young children.
CPR 06	Actively engage with the community, developers and other agencies to secure resources for the enhancement, renewal and regeneration of the Cavan Town.
CPR 07	Support the provision of mixed-use developments in the town centre which create opportunities to live, work, shop etc. within the town and reduce the need to travel by private car.
CPR 08	Provide and promote the delivery of the Abbeylands Masterplan, having successfully secured URDF capital funding.

Chapter 14 of the EIR Landscape and Visual Impact Assessment underscores that the proposed Tesco development is unlikely to yield any substantial negative impacts on the townscape or visual aesthetics. Rather, it deems this development to be fitting in scale and form for the designated site, with the quality of its design and materials poised to augment the urban environment, in need of appropriate infill. We have concerns regarding the visual impact from other significant sites in Cavan Town, particularly the planned Abbeylands regeneration scheme, which seems to have been overlooked. The proposed development must consider its implications on the broader urban landscape and the importance of preserving the town's unique character.

Notably, in Chapter 15 of the EIR is the omission of St Clare's Convent as a protected structure. This should be addressed. It is imperative to acknowledge that the proposed development area, situated on elevated terrain to the east, will encroach upon the streetscape and roofline of the surroundings containing the aforementioned protected structure. It is our considered opinion that the site's relative height has the potential to influence the setting of nearby protected structures significantly.

4. Environmental

The environmental information provided is inadequate, particularly regarding water quality and compliance with the water directive. Much of the evidence seems to rely on anecdotal information, lacking concrete data to support the claims. There are concerns that the Tesco Superstore could adversely affect Killymooney Lough. We strongly object to the proposed Tesco Superstore and filling station development because the local authority has not comprehensively evaluated the project in line with the various European environmental laws and water framework directives. It is essential to emphasize that it becomes nearly impossible to implement adequate mitigation measures effectively without a thorough understanding of the potential environmental impacts.

The applicant and the local authority have shown a significant lack of up-to-date knowledge regarding the biodiversity present in Killymooney Lough, a crucial ecosystem in the vicinity as the lough is hydraulically connected to Natura sites. The last recorded otter was 1980 and the wetlands have not been included in any wetlands survey carried out by the local authority. Newt are present less than 800M upstream in the Green Lough. Therefore, a comprehensive environmental assessment must be carried out to ensure the protection of our environment and adherence to relevant European environmental regulations.

Additionally, there is a lack of information regarding the superstore's visual impact. Killymooney Lough is designated as an amenity area in the local development plan, and introducing a Tesco Superstore with an associated filling station is feared to diminish the area's natural beauty and disturb this recreational amenity.

Building a Tesco Superstore 40 metres from Killymooney Lough does not promote the amenity. Additionally, with increased traffic, how does this actively support creating a pedestrian and cycle-friendly environment?

2.2.14 Map Based Specific Objectives

Map based specific objectives have been created for several areas within the Development Boundary. Refer to zoning map.

- 1** Promote and provide for public realm improvements in Cavan Town centre to create a pedestrian/cycle friendly environment.
- 2** Ensure the delivery of the Abbeylands Masterplan.
- 3** Promote the amenity at Killymooney Lough taking advantage of its high point with views over Cavan town. Support the development of a public open space, amenity and recreational area, building on this area of natural importance. Identify a potential link from the existing Greenway to connect with Killymooney Lough.

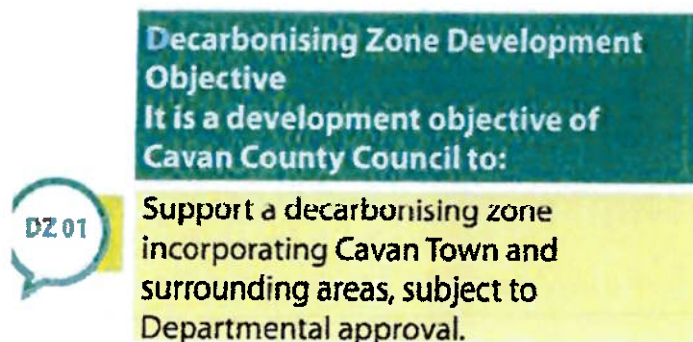
4. Climate Action/ Décarbonation Zone

Friends OF Killymooney request that An Bord Pleanála thoroughly examine the granting of planning permission with a specific focus on objectives NPO54 and NPO60 from the CDP. We are concerned about Cavan County Council's compliance with the Cavan County Climate Adaptation Strategy 2019 to 2024 and its alignment with national policies, particularly the Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020 and the Climate Action Fund National Development Plan 2018 to 2027 within the framework of Project Ireland 2040. It is essential to ascertain whether the awarding of planning permission underwent a comprehensive consultation process to ensure it adheres to the objectives and policies outlined in these critical climate and development strategies. This examination is vital to ensure that the decisions align with the collective commitment to sustainable development and climate action at the local, regional, and national levels. Notably, both planners' reports from Planning Application 238 do not mention or reference these policies.

Furthermore, we would like to draw attention to Section 5.5 of the Cavan County Development Plan, which outlines the development objective of supporting the decarbonizing zone, specifically incorporating Cavan Town and its surrounding areas, contingent upon departmental approval. Notably, the draft Climate Action Plan for Cavan has recently been published. It is imperative to inquire whether the local authority has thoroughly examined the proposed Tesco Superstore and filling station, situated within this designated decarbonization zone, to ensure their alignment with the objectives clearly outlined in the draft action plan and the development plan. This scrutiny is fundamental to confirm that development within the area is in harmony with the local authority's commitment to decarbonization and sustainable growth, as articulated in its official documents.

Has this development undergone an evaluation in alignment with the Climate Action Plan? Is the construction of a service station within a decarbonization zone in accordance with regulations? Does the presence of a drive-through café adhere to compliance requirements? Doesn't this aspect potentially encourage vehicular travel within the town centre, which is contradictory to the local authority's efforts to promote active transportation and climate action? This raises concerns when the local authority is striving to encourage sustainable and climate-conscious practices. We also note that the construction of a superstore on such a scale is inconsistent with SCCC 7, which supports the introduction of car restriction zones in close proximity to urban schools to encourage active travel.

Climate Action objectives from Chapter 5 of the CDP.



Decarbonising Zone Development Objective
It is a development objective of Cavan County Council to:

DZ 01 Support a decarbonising zone incorporating Cavan Town and surrounding areas, subject to Departmental approval.

NPO 54

Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

NPO 60

Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

Schools and Educational Facilities: CDP chapter 4- 4.15

The proposed superstore is located in close proximity to St Clares NS and Gael Scoil Breifne. Per CDP chapter 4.15 CE04, 9 and 10, we note that this proposed site would provide an excellent location for the future extension of the School and playing facilities. CE5 and 7 also focus on providing sustainable travel modes such as safe walking and cycling for students- and building a superstore in close proximity to the school undoubtedly impedes this.



Childcare and Educational Development Objectives

It is a development objective of Cavan County Council to:

CE
01

Encourage and support the provision of childcare facilities, with consideration to appropriate siting and design, in appropriate locations including residential areas, town and local centres, areas of employment, close to public transport throughout the County and in accordance with the needs identified by Cavan County Childcare Committee.

CE
02

Support the provision of childcare facilities and new and refurbished schools on well located sites within or close to existing built-up areas, that meet the diverse needs of local populations.

CE
03

Support play policies to address the play and recreation needs of children and young people and ensure the integration of play provision and child-friendly neighbourhoods.

CE
04

Ensure that appropriate and adequate lands are available in County Cavan for the provision, expansion and/or improvement of educational facilities and to prohibit development adjoining existing public educational facilities which could hinder the future development of such facilities and any associated ancillary infrastructure.

CE
05

Work collaboratively with the Department of Education to ensure a planned approach to education provision and to the location of school facilities with access to public transport and sustainable travel modes (i.e. walking, cycling).

CE
06

Ensure areas where significant new housing is proposed, an assessment of need regarding schools' provision is carried out in collaboration with the Department of Education.

CE
07

Develop a programme for existing schools to facilitate safe walking, cycling or ease of access to public transport alternatives.

CE
08

To facilitate the implementation of Department of Education programme of capital investment in schools in line with the proper planning and sustainable development of the area and in compliance with the following, or any subsequent relation publications, in terms of location, siting and design:

- (a) The Provision of Schools and the Planning System - A Code of Practice for Planning Authorities, Department of Environment, Heritage and Local Government, July 2008
- (b) Technical Guidance Document TGD20-TGD25 Department of Education and Skills 2007
- (c) Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government May 2009 (and the accompanying Urban Design Manual).

CE
09

Reserve sites for educational use in those areas where the younger population has increased and there is a demographic demand for further school places.

CE
10

Ensure the needs of communities including education facilities are appropriately provided for in the County.

CE
11

Encourage the use of existing educational facilities and school playing fields for other community purposes.


CE
12

Reduce the need to travel by car to schools. Applications for extensions to an existing school or a new school must be accompanied by a sustainable travel plan. The plan should indicate how pupils will access the school and provide for sustainable modes of travel to school and encourage alternatives to the car and have regard to road safety, good design and efficiency in accordance with the Department of Environment's Code of Practice on the Provision of Schools and the Planning System July 2008.

CE
13

Support in conjunction with the relevant agencies, the provision of Third Level facilities, Youth Outreach, Adult and Further Education facilities within the County.

Service Station: The service station for which planning permission has been granted must adhere to section 13.6.8 of the County Development Plan, which stipulates that service stations should be situated on the outskirts of a town or village and within the speed limits of 50km to 60km. I would like to raise the question of whether this site falls within the town core or not? Is it suitable to have a filling station in the town core, especially given its proximity to two large urban schools and the stop-and-go nature of a service station?

	Service Stations Development Objectives It is a development objective of Cavan County Council to:
SERS 01	Proposals for new or extended service stations will be carefully considered and will not generally be encouraged within the town/village centre areas of towns and villages or in rural areas outside of villages and community nodes and shall be located within the speed limit zones.
SERS 02	Service stations will not generally be permitted in/adjoining residential areas, unless it can be clearly demonstrated that there will be no significant effect on residential amenities by reason of noise, traffic, visual obtrusion, safety considerations or fumes and smells. Hours of operation will be limited where a service station is permitted in a residential area. Proposals to demonstrate the above will be required to be submitted with planning application.

Additionally, has the Local Authority considered all elements of SERS 03? SERS 03 outlines the comprehensive requirements for planning applications related to fuel forecourt developments. These requirements include considerations for high-quality design, integration with the surrounding environment, limitations on standard petrol station canopies and advertising, safe traffic flow, access points, and boundary definitions. Additionally, there are provisions for pedestrian access, rest facilities, EV charging points, and restrictions on retail space and lighting. The guidelines emphasize the need for a considerate approach to historic and architectural character and environmental impact, emphasising effective landscaping to blend the development into its surroundings.

We believe the local authority has not considered the Killymooney Lough Amenity area and biodiversity space correctly. There is a contradiction between the proposed Tesco superstore with a filling station and car wash and the council's own objectives, particularly Map based Objective 2.2.14, which aims to promote the amenity of Killymooney Lough and enhance the area's natural beauty. The development's non-stop nature and commercial nature will detract from the recreational and scenic value of the location, which is intended to serve as a public open space and amenity area with potential connections to the Greenway in the near future. This suggests that the proposed development may not align with the council's goals for the area and will have a negative impact on its surroundings.

The following shall be required to be submitted as part of planning application.

- A detailed design statement for the proposed development
 - A high-quality design including roof design, layout and external finishes to ensure it integrates and complements the surrounding environment
 - Standard petrol station canopies are not acceptable and should be replaced with more sympathetic canopies of light steel and glass or slated roofs with no attached advertising
 - Developments shall be located within the 60kph speed limit and are usually acceptable within the edges of designated settlements.
 - Proposed developments which have the potential to restrict traffic flow and/or create traffic hazard will not be permitted. Generally, two access points to a minimum width of 7.3 metres and a maximum width of 9.1 metres will be required, with appropriate turning curve based on road design speed and relevant standards
 - The frontage of the site shall be defined by a boundary wall, not exceeding 0.5 metres in height. Footpaths and lighting to ESB standards shall be provided to the roadside boundary.
 - The layout should provide for safe pedestrian access to the shop and rest facilities.
 - Adequate provision of rest areas and toilets accessible by pedestrians and cyclists.
 - Where the development would be likely to have significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.
 - Proposals for the service station including method of disposal of wastewater from car-wash areas, surface water outlet and oil interceptors. The development shall be designed and operated in such a manner that it does not adversely affect existing road drainage in the area.
 - No pumps shall be located within 7 metres of the roadside boundary and no other structures other than pumps, shall be located within 15 metres of the roadside boundary.
 - Retail uses not associated with the motor industry shall be considered in the context of the existing retail outlets in the vicinity. Only uses which contribute to the vibrancy and service level of the settlement shall be considered.
 - Any retailing component shall not exceed 100sq.m of retailing area and shall be restricted to convenience goods only. Where permission is sought for retail floorspace in excess of 100sq.m, the sequential approach to retail development shall apply.
 - Forecourt lighting, including canopy lighting, shall be limited.
-
- All external lighting shall be cowled and diverted away from the public roadway to prevent a traffic hazard.
 - The placing of signs on footpaths, grass verges or any part of a public roadway will not be permitted. No advertisements or other structures, whether temporary or permanent, shall be placed on the forecourt, which would interfere with the sightlines of motorists entering/existing the site.
 - EV Charging points for electric cars shall be provided with every new/extended service station.
 - Detailed landscaping proposals in order to effectively integrate the proposed development into its surroundings.

2.2.14 Map Based Specific Objectives

Map based specific objectives have been created for several areas within the Development Boundary. Refer to zoning map.

- 1** Promote and provide for public realm improvements in Cavan Town centre to create a pedestrian/cycle friendly environment.
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Signage We are deeply concerned about the potential impact of signage associated with the proposed Tesco superstore, filling station, and car wash on the amenity area, specifically Killymooney Lough. The commercial signage that typically accompanies such developments has the potential to disrupt the natural beauty of the surroundings and the scenic vistas offered by Killymooney Lough. This disruption can detract from the area's intended purpose as a public open space, amenity, and recreational spot that is supposed to take advantage of its high points with views over Cavan Town. The goal of promoting the amenity and enhancing the natural importance of Killymooney Lough, as outlined in the council's own objectives, will be compromised by signage that does not blend harmoniously with the environment.

Furthermore, it is our contention that the council's assessment of the proposed signage, as it relates to the development, appears to be insufficient and lacks substantive backing. The visual impact of signage on the surrounding area, particularly Killymooney Lough, has not been adequately addressed in the current assessment. This raises concerns about the accuracy and comprehensiveness of the evaluation of the development's compatibility with the council's objectives for the area. We strongly recommend a more thorough and rigorous examination of the signage's impact and an in-depth assessment to ensure that it aligns with the intended goals of preserving the natural beauty and amenity value of Killymooney Lough.

13.6.7 Signage

The presence and location of signage can have a major impact on the visual amenity of an area. Poorly positioned and unnecessary signage can reduce the overall visual quality of an area.

Advertising signage, where permitted should be simple in design, sympathetic to its surroundings, non-illuminated and not unduly obtrusive.



Signage Development Objectives

It is a development objective of Cavan County Council to:

**SIGN
01**

Evaluate signage proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed, the number and size of signs in the area (both existing and proposed) and the potential for the creation of undesirable clutter.

**SIGN
02**

Resist new billboard and other large advertising structures and displays.

**SIGN
03**

Have regard to Section 3.8 of the DOECLG Spatial Planning and National Roads Guidelines and TII's Policy on the Provision of Tourist and Leisure Signage on National Roads.

13.6.8 Service Stations

The role of service stations has become more diverse with the expansion from merely selling fuel to also providing convenience services and goods, including functioning as rest areas. Ancillary uses include tyre repair, collection points for online retail activity and self-service launderettes.

Service stations should be located on the outskirts of a town or village and inside the 50km to 60 km speed limits. Service stations and associated truck parking facilities in locations at or near national roads will be assessed having regard to Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).





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