



Cavan County Council
Planning Section
Johnston Central Library
Farnham Street
Cavan
H12 V3W4

29th May 2026

Re: Planning application 2560670
Proposed Large-scale Residential development on lands at Lisdaran Townland, Loreto Road, Cavan Town

Dear Sir / Madam,

On behalf of the prospective applicant, Lisdaran Developments Limited, we set out the responses below to address the further information request dated 16th January 2026.

This statement addresses both the revisions to the proposal and also address further information matters. For conciseness this statement is structured as follows:

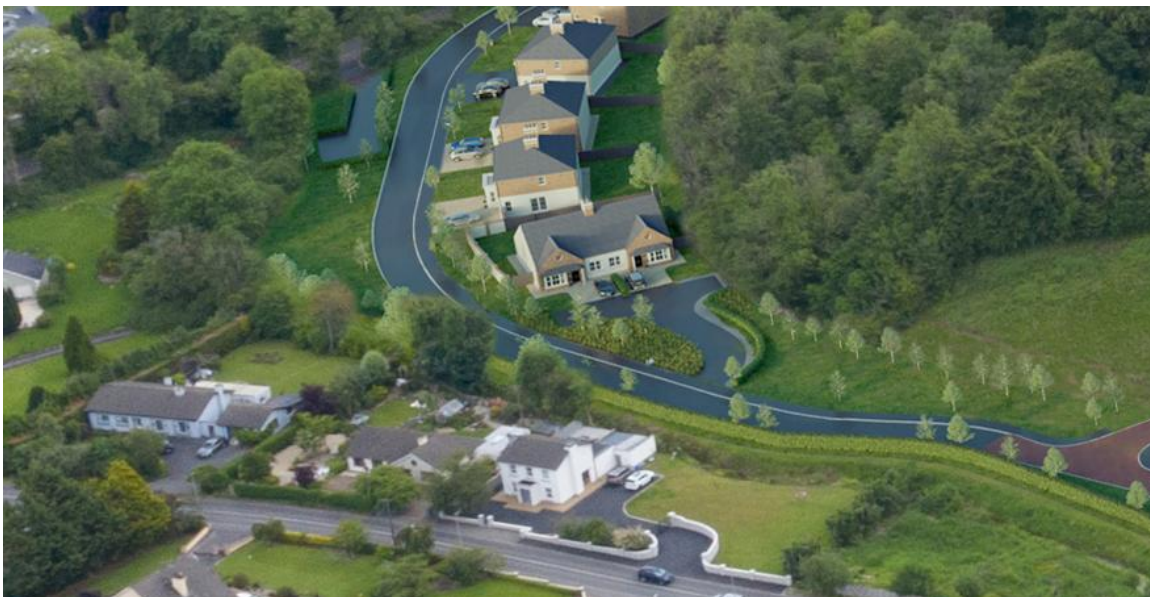
- Section 1 Further Information responses
- Section 2 Summary and conclusions

1. Further Information responses

Item 1: Overall it can be considered that the scale and siting of the residential units, including provision of single storey units along the hill crest (western boundary) is appropriate. However, attention is directed to the concerns raised in a number of third-party submissions received with regard to the height and scale of the 12 No. 2 storey units (A1-A12) and the impact of some of nearby residential dwellings located on the Loreto Road. Of particular concern to residents are issues of overlooking, loss of privacy and residential amenity. A redesign of units A5 and A6 to a less over-bearing scale is considered appropriate. The applicant is requested to submit revised proposals to address the concerns of the residents and the Planning Authority.

Response: This is addressed in the updated site layout. Units A5 and A6 have been redesigned to dormer bungalows and re-orientated so that no fenestration is orientated towards neighbouring lands to the north.

Additional buffer planting has also been incorporated into the revised landscape plans.

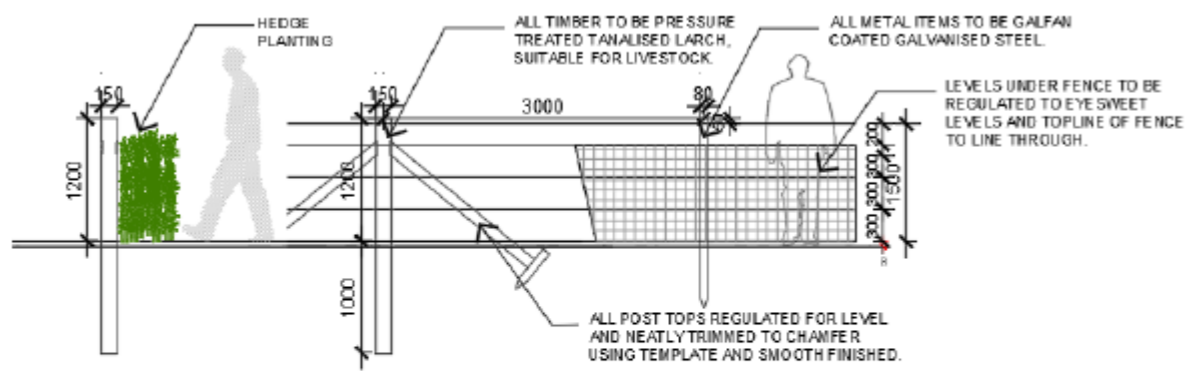


Figures 1 & 2 Extract from updated site layout plan and CGIs

Item 2 The provision of adequate boundary treatment is considered as key importance in terms of not only safety, but also visual and residential amenity. The provision of same as proposed is not considered acceptable and would benefit from enhancement at a number of locations. The applicant is requested to submit a revised boundary treatment plan for the proposed development incorporating a higher standard of provision.

Response: Parkhood have reviewed the boundary treatment plan site wide and have made the below amendments.

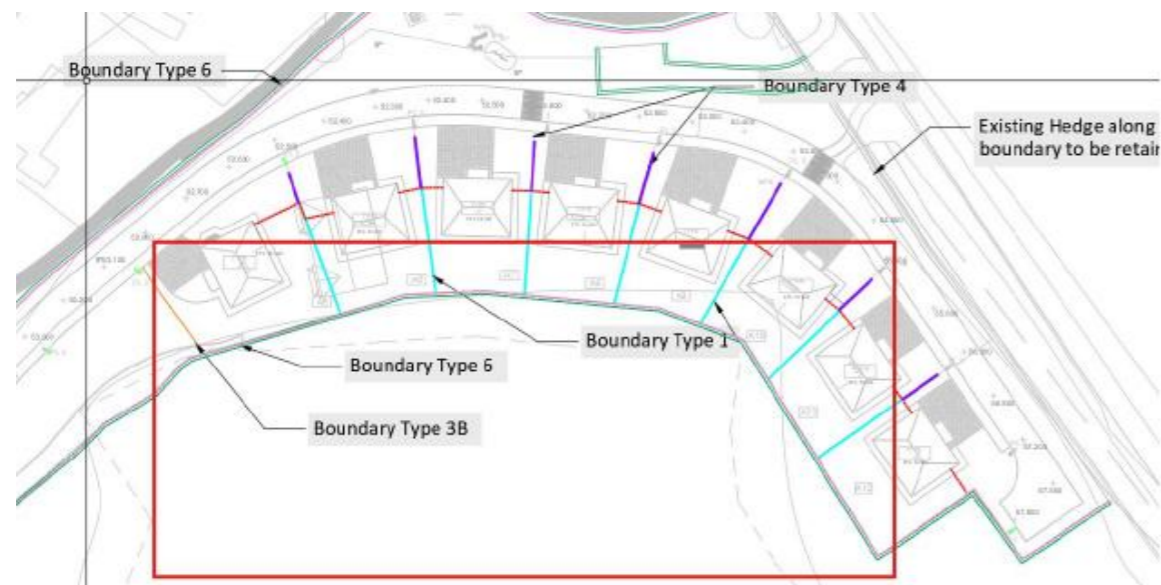
1. Boundary Treatment Type 6 post and wire fence has been modified to include hedge planting to enhance the visual amenity where there are particularly long runs proposed site wide. Please refer to drawing L1001 & 1005.



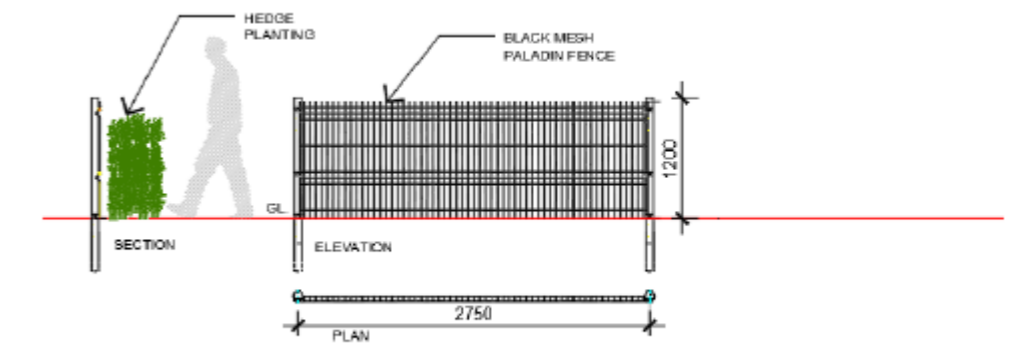
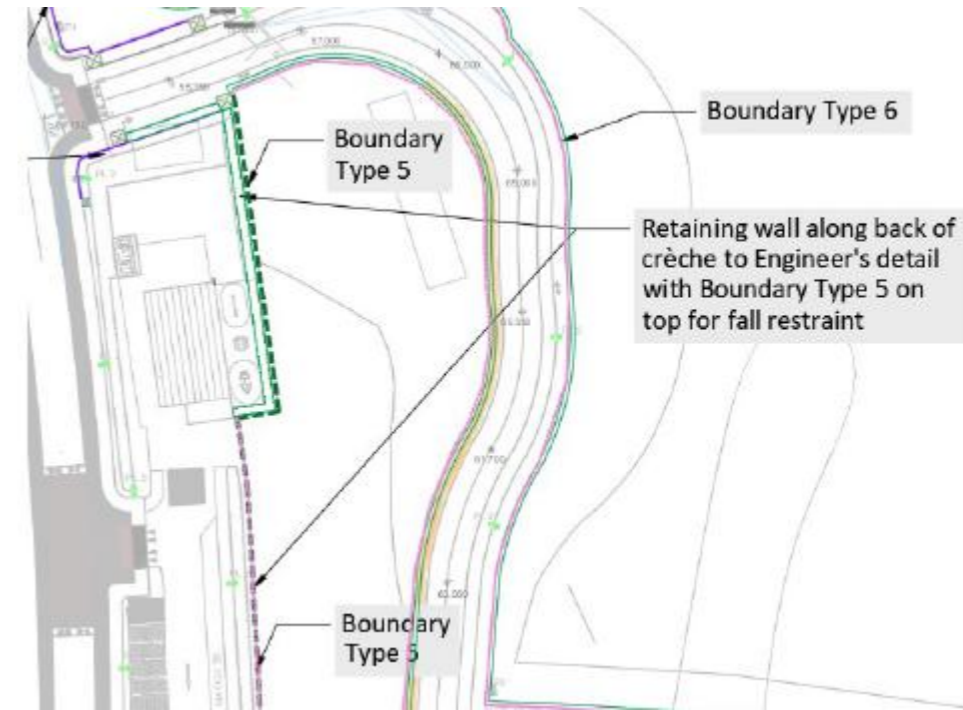
6 1.2M HIGH POST AND WIRE FENCE WITH HEDGE PLANTING SCALE 1:50

Fig. 1 Boundary Type 6 from L1005 Boundary Proposals details

2. The boundary to the rear of the lower residential dwellings is Type 6 as above with hedge planting. Note there is a bank below the existing tree line along this section of the site acting as a natural boundary so a soft boundary treatment at the top of the bank is appropriate.



The boundary aside the Crèche requires a retaining wall and Parkhood have proposed a 1.2m high black mesh fence (Boundary Type 5) be installed a top of the wall to provide a fall restraint.



5 1.2M HIGH BLACK MESH PALADIN FENCE

Figures 3-6 Extract from updated Landscape and boundary proposals

For conciseness we refer to the updated boundary proposals and also the Further Information response prepared by Parkhood.

Item 3 *A number of omissions are evident within the ecological survey submitted. The Department of Housing, Local Government and Heritage conducted a site visit and inspection of the existing structures. It was noted that four barn swallow nests were observed (three in the main non-residential building and one in the outhouse), a further six House Martin nests were observed under the eaves of the residential building. The interior of the buildings was not accessible, thus posing a limitation on the survey. The derelict condition of the existing buildings and the accessibility through openings presents opportunities for species such as barn owls to rest or breed. There was evidence of avifauna presence in the form of droppings in the grassland surrounding the constructed pond northeast of the existing structures. It is noted in the Ecological Impact Assessment Report (EIAR) that “a dedicated bird survey was not carried out”. It is not possible to discount the likelihood of negative implications of the project for avifauna as Lacunae exists in this regard.” The applicant is requested to submit a detailed bird survey of the site.*

Response: This is addressed in the updated Bird Survey(s) carried out in 2026 and the accompanying Biodiversity Management Plan by Flynn Furney; for conciseness we refer to same and the conclusion which sets out:

‘4.2. Discussion

A total of 15 no. species were recorded within the site, across 3 no. transects. By far the greater majority of the birds seen or heard were common species of rural areas, hedgerows and woodland. no. Amber-listed species as per Gilbert et al. (2021) were recorded. These were: Mallard, Willow-warbler, Starling and Swallow. Only one water-specialist species was recorded. This was a male mallard overflying the site. None of the Special Conservation Interest species of the Lough Oughter and Associated Loughs Special Protection Area were found to occur within the site.

5. Conclusion

A relatively low number of birds were recorded at Lisdaran. Of the 15 no. species recorded, 4 no. are Amber-listed – being of medium conservation concern. No birds of greater conservation concern were recorded.’

On this basis Item 4 is fully addressed and going forward planning conditions will ensure ecological monitoring and mitigation measures are fully implemented as per the Biodiversity Management Plan enclosed.

Item 4 Reference is also made to the bat survey and report which provides two dates for surveys. The first survey which was conducted in 2021, identified the roof of the vacant house as a pipistrelle bat roost – the details pertaining to this survey are not provided and present lacuna. The second bat survey was conducted by a single surveyor on the 10th September 2024 by means of two Night Vision Cameras positioned to record one aspect each of the existing buildings (dwelling and main outhouse) with no indication of other recording devices or surveyors assessing other access points. It is noted that during the daytime survey, no evidence of bats were seen on the exterior of the buildings though evidence can be weathered away. Furthermore, the interior of the dwelling house was inaccessible and therefore could not be assessed. The buildings were classified as having medium to high potential for bat roosting features. Whilst the existing buildings are not marked for development, the foraging and commuting routes for bats utilising these structures will be affected by the development.

It is further noted that a single tree was identified as having medium to high potential roosting features yet no activity survey was conducted to confirm activity or lack thereof. Ground Level Tree Assessments (GLTA) are recommended to be undertaken in winter when the leaves have fallen and features are more visible. The Departments site visit noted at least one further tree with medium to high bat roost potential in the woodland in the northern portion of the site. It should also be noted that for structures containing medium to high potential roost features, a minimum of two separate dusk emergence surveys are recommended, though more may be required and multiple survey visits should be spread out to sample as much of the recommended survey period as possible (May to September with at least one survey between May and August). For a large development as applies here with multiple habitats, Collins' (2023) recommends at least one night-time bat walkover (NBW) survey per season Spring, Summer and Autumn with further visits potentially required. Note that a NBW is a snapshot in time and may not be representative of bat activity in a site.

The applicant is requested to submit a revised Bat survey of the site in line with the above recommendations.

Response: This is addressed in the updated Bat Survey(s) carried out in 2026 and the accompanying Biodiversity Management Plan by Flynn Furney; for conciseness we refer to same and the conclusion which sets out:

'The survey was carried out in suitable conditions at a suitable time of year. 5 no. of Irelands 9 no. resident bat species were record within the site. The survey observed regular but Low-Medium bat activity (respectively, per species) across the three nights, with the majority of all bat activity generally focused along the tree and hedge line boundary running continuously from the north-east to south-east boundary of the site with some more-notable encounters also along the small watercourse located adjacent to the north to north-west boundary of the site.

Some relatively small levels of activity were encountered in the west of the site (near the abandoned farm houses and the artificial pond) and in the south, within the tree lines and wooded areas off site, at the rear of the General Hospital.

No significant activity was recorded centrally in the site, at higher elevations, including the perimeter of the more-densely wooded area located to the north-east of the site, with the exception of a few individual bat sightings/recordings. No bat roosts were identified or confirmed.'

On this basis Item 4 is fully addressed and going forward planning conditions will ensure ecological monitoring and mitigation measures are fully implemented as per the Biodiversity Management Plan enclosed.

Item 5 A Badger (*Meles meles*) sett was identified in the woodland with evidence of badgers being noted in several locations as well. Badgers are protected under the Wildlife Acts as amended. The locations of scrapes indicate commuting and foraging routes that would traverse the development site. The Ecological Impact Assessment (EclA) states Minor Adverse impacts are predicted on mammalian species due to the presence of an active Badger sett in the Oak-Ash-Hazel woodland and the loss of foraging/commuting habitat for badgers, however the layout of the development and landscaping would essentially result in restricting all commuting in the direction of the waste water treatment plant and access road as well as the proposed Northern Strategic Route. The applicant is requested to submit a detailed badger survey of the site and to submit plans to address the concerns raised.

Response: This is addressed in the updated Mammal Survey(s) we refer to same. The location of the Badger Sett is shown below and is within the woodland area; which is outside the site boundary and also not impacted by the proposal.



Figure 7 Extract from the Mammal Survey by Flynn Furney

The accompanying Technical Note is also highlighted which summarises in relation to Mammals and Otters:

'We have completed a comprehensive mammal survey of the site. This has included Badger and Otter. Our findings confirm that there is an active Badger sett. However, there will be no direct impacts upon this sett. There will be some minor adverse impacts upon this species due to loss of feeding/foraging area. However, we have addressed these in the Ecological Impact Assessment and in the comprehensive Biodiversity Management Plan for the site. There is no evidence of Otters utilising this site. Therefore, we predict no impacts on Otter.'

We also refer to the Biodiversity Management Plan enclosed which sets out mitigation measures for ecological monitoring at construction stage and also mitigation measures for operational stage which address badgers specifically (and other mammals); mitigation measures are:

- Avoid directing artificial lighting towards hedgerows/treelines or woodland habitats and known badger commuting routes.*
- Maintain low levels of external lighting across the development during night-time hours.*
- Encourage residents to minimise unnecessary night-time noise in external garden areas.*
- A 5-10 metre-wide buffer of blackthorn must be established around the existing oak-ash-hazel woodland to deter people and pets (such as dogs) from entering and disturbing the badgers and their setts.*
- Limit external lighting in rear gardens adjacent to hedgerows/treelines and woodland, particularly in the houses to the north of the site which are adjacent to the oak-ash-hazel woodland*

On this basis Item 5 is fully addressed and going forward planning conditions will ensure ecological monitoring and mitigation measures are fully implemented as per the Biodiversity Management Plan enclosed.

Item 6 Concern is also noted with regard to Otters (*Lutra lutra*) which are a Qualifying Interest (QI) of the Lough Oughter and Associated Loughs Special Area of Conservation (SAC) (Site Code: 000007) which has been identified as being 1.3 kilometres from the development site. It is noted that “This species is known to be highly territorial with individual females typically having home ranges of seven kilometres and males of thirteen kilometres.”

It is noted that a single field survey was conducted on the 28 August 2024 where there was no evidence of Otter recorded. Reference to Met Eireann monthly data for rainfall at Ballyhaise Meteorological station indicates higher rainfall than either of the months preceding and following August 2024 with total rainfall of 103 millimetres. Reference to Hydro-data from the OPW at Breffni Park shows a peak water level on the 23 August 2024 at 61.41 metres mean, remaining high at 61.3 metres on the 28 August 2024. This suggests that there is a possibility that weather conditions may have removed signs of Otters in the period prior to the field survey. Note that there is record of Otter presence in the Cavan River at Irish Grid Reference H413069 from this Department’s National Parks and Wildlife Service Otter Survey 2004 and 2005 (this site was not mentioned as being re-surveyed in the latest Otter Survey of Ireland 2023-24). Deterioration of water quality in the Cavan River has the potential to cause significant adverse effects on this QI”.

The applicant is requested to conduct revised surveys and submit an updated Natura Impact Statement.

Response: We refer to the updated Natura Impact Statement and Mammal Survey by Flynn Furney. In summary as per the NIS conclusion:

‘This Natura Impact Statement has considered the potential for significant impacts arising from the proposed development of Lisdaran residential development. The potential to adversely affect any Natura 2000 site; about their qualifying interests and conservation objectives has been examined. The proposed development will not include works within the SAC or SPA but is hydrologically connected to these sites.

The potential for direct, indirect, and cumulative impacts affecting the above designations has therefore been assessed in this NIS. The appraisal undertaken in this NIS has been informed by project-specific site surveys and specialist reporting concerning the ecological communities and habitats potentially affected by the proposed development, to provide a scientific basis for evaluations.

Measures for impact reduction have been incorporated into the project proposal, including avoidance, in addition to mitigation measures proposed in the NIS for the avoidance and reduction of impacts on the qualifying interests and conservation objectives of the designated Natura 2000 site within the study area.

With the implementation of these measures, the proposed residential development at Lisdaran will not result in direct, indirect, or cumulative impacts which would have the potential to adversely affect the qualifying interests/special conservation interests of the Natura 2000 sites within the study area or the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives).

It may therefore be concluded that the proposed project, with the implementation of the prescribed mitigation measures, will not give rise to significant impacts, either individually or in combination with other plans and projects, in a manner that adversely affects the integrity of any designated site within the Natura 2000 network.’

Also in relation to the updated Mammal Survey(s) we refer to same and the accompanying Technical Note which summarises in relation to Mammals and Otters:

'We have completed a comprehensive mammal survey of the site. This has included Badger and Otter. Our findings confirm that there is an active Badger sett. However, there will be no direct impacts upon this sett. There will be some minor adverse impacts upon this species due to loss of feeding/foraging area. However, we have addressed these in the Ecological Impact Assessment and in the comprehensive Biodiversity Management Plan for the site. There is no evidence of Otters utilising this site. Therefore, we predict no impacts on Otter.'

On this basis Item 6 is fully addressed and going forward planning conditions will ensure ecological monitoring and mitigation measures are fully implemented as per the Biodiversity Management Plan enclosed.

Item 7 A Site Light report was submitted with the application. The report provides information regarding lux of luminaires but neglects to mention spectra. In relation to Artificial Lighting At Night (ALAN), it is recognised that inappropriate lighting can have an adverse effect on Human health as well as Nature. One method of mitigating for this is by utilising warm spectra lighting that is closer to that used by incandescent lamps. The importance of the Dark Sky Ireland lighting design specifications and the benefits of minimising light pollution is also noted. It is also recommended that a dimming regime in the evening time be considered. It is recommended that the lighting plan for the project be assessed with regard to guidance from EUROBATS 8 Guidelines for Consideration of Bats in Lighting Projects. The revised lighting report also complies with the requirements of the Cavan County Council External Lighting Policy.

The applicant is requested to provide clarification on the matter and to submit a revised lighting plan which takes into account these recommendations.

Response: We refer to lighting proposals by AMRA and these have also been assessed by Flynn Furney; project ecologists. As set out in the Technical Note by Flynn Furney:

'We have reviewed the lighting plan by AMRA for the site at Lisdaran (Drawing References: 2525-E1001-PLN and 252-E1000-PLN and Report: Project 2525 SITE LIGHTING REPORT – DRAFT ISSUE (REV03) LISDARAN, CAVAN TOWN, CO CAVAN).

We assessed the above lighting plan having regard to guidance from EUROBATS 8 Guidelines for Consideration of Bats in Lighting Projects.

It is our opinion that the lighting plan is suitable for this setting and that the plan, with correct implementation, will give rise to no significant impacts on nocturnal species.

We can further confirm that there are no known bat roosts within any of the illuminated areas as shown in the plan.

It is therefore our recommendation that this lighting plan be approved for use on this site.'

On this basis Item 7 is fully addressed.

Item 8 The applicant is requested to submit a Biodiversity Management Plan. The plan should outline specification of biodiversity friendly hedgerow planting and other biodiversity measures to ensure proper implementation, maintenance, enhancement and monitoring with oversight by a suitably qualified ecologist throughout construction and in the longer term. Due regard should be given to the native woodland and how the ecological integrity of the woodland will be maintained longer-term.

Response: This is addressed in the accompanying Biodiversity Management Plan by Flynn Furney.

Item 9 Schedule 5 of the Planning and Development Regulations (S.I. No. 600 of 2001, as amended) which lists two categories of development requiring preparation of an EIAR. Part 1 (Annex I) identifies all major developments where EIA is compulsory. Part 2 (Annex II) lists those projects where EIA is necessary when what is proposed is likely to be associated with significant effects on the environment. Annex III of the Regulations sets out the criteria to determine whether projects listed in Annex II should be subject to an Environmental Impact Assessment.

In accordance with Part 2 of Schedule 5, Class 10 (a) to (m) and in the context of the proposed development, the most relevant infrastructure project is Class 10 (b) (i) and (iv):

10. Infrastructure projects

(b) (i) 'Construction of more than 500 dwelling units', and;

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

14. Works of Demolition

Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

In this case, given that the proposed development is for 109 no. residential units on a site of 8.66 hectares with no demolition works proposed the proposed development is sub-threshold and does not require a mandatory EIA.

A screening exercise is required to determine whether the proposed development, as a sub-threshold development, would be likely to give rise to a significant environmental effect. Schedule 7 of the Regulations details the criteria for determining whether a development would or would not be likely to have significant impacts on the environment considering the characteristics of the proposed development, its location and characteristics of potential impacts.

Having regard to the outstanding information required with regard to emissions as noted within surveys submitted, including the additional archeological requirements, the requirement for a detailed bird survey, a revised bat survey, a badger survey, an updated Natura Impact Assessment, an updated lighting report and a Biodiversity Management Plan that have been requested to be clarified, the Planning Authority is unable at this stage to complete a EIAR screening.

In accordance with Schedule 7a of the Planning and Development Regulations 2001, as amended, the applicant is requested to submit the required outstanding information which will in turn be used for the purposes of screening for sub-threshold development for EIAR. The applicant is also requested to submit an updated EIAR screening report which considers the forementioned additional and updated documents.

Response: This is addressed in the updated EIA Screening by this practice.

Item 10 Further information is required to assess in more detail the impact the proposed development will have on the known and potential new archaeology heritage and to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest. A programme of archaeological testing including full excavation of the features previously identified is requested.

Response: The above matters are addressed in the Technical Note by IAC. In the first instance we highlight that the approach to Archaeology is to leave the Ring-fort in-situ, in line with best practice and no works are proposed that would impact the recommended buffer zone pertaining to same.

This is good practice. As IAC have set out in their Technical response

- See response to item 10e below regarding testing. Any archaeological remains previously identified within the application site during the 2007 testing investigation will be subject to full resolution (i.e. excavation) prior to construction, as recommended by Brooks and Small 2025.

In addition, the applicant is requested to submit the following:

- With regard to Ringfort CV020-057 - provide details of a 20 metre buffer zone around the monument which must be delineated by agreement with the consultant archaeologist. A temporary fence shall be installed prior to construction to prevent inadvertent direct or indirect negative impact from construction related activity, such as passage of machinery.

Response: Figures 1 and 2 below illustrate the proposed 20m construction exclusion zone. Temporary haras fencing will be established prior to construction.

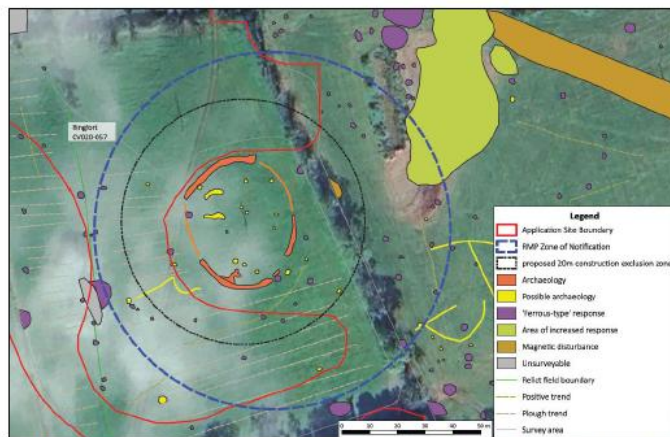


FIGURE 1: Geophysical signature of sub-surface archaeology (ringfort CV020-057) and associated remains



FIGURE 2: Proposed development plan overlaid with geophysical survey results for CV020-057 which informed the proposed 20m construction exclusion zone (blue)

- b. *With regard Ringfort CV020-058, the applicant should carry out a program of target hand dug archaeological testing, (rather than by machine) within the footprint of the proposed foul drainage connection to investigate the potential for remains associated with ringfort CV020-058. This should be carried out prior to construction by a suitably qualified archaeologist under licence to the National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage. Further mitigation may be required depending on the results of this assessment, such as such as preservation in situ or by record, following consultation and agreement with the Department of Housing, Local Government and Heritage.*

Response: We have noted the requirement for the proposed pre-construction testing within the foul sewer corridor, as recommended by Brooks and Small (2025), will be conducted by hand, rather than machine. This can be addressed by planning condition going forward.

- c. *Submit details of a non-ground intrusive temporary fence (e.g. heras fencing) which should be established along the northern perimeter of the works corridor to protect the upstanding remains of the ringfort CV020-058 from inadvertent direct or indirect negative impact from construction-related activity, such as passage of machinery.*

Response: A non-intrusive temporary fence will be established c. 2m north of the proposed footprint of the foul sewer pipeline prior to construction as shown in Figure 3.

- d. *It is recommended that the archaeological areas 'Area 3' and 'Area 4' be extended and cleaned back to reveal the full extent of all archaeological features on the sites. These features shall be fully archaeologically recorded, planned, photographed and excavated prior to the commencement of works, and in keeping with Best Archaeological Practice under licence and agreement with the Department of Housing, Local Government and Heritage.*

Response: These sites will be fully preserved by record as a condition of the grant of planning.

- e. *The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.*

Response: Extensive test trenching was previously conducted within the application site in 2007 (Figure 4) and the results of this investigation informed the impact assessment submitted with the planning application. Additional targeted archaeological testing can be carried out prior to construction, to investigate any new geophysical anomalies of archaeological potential outside the footprint of the previous investigation. This work will be carried out as a condition of planning, in advance of construction phase.

- f. *The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence/consent to carry out the work.*

Response: Noted.

- g. *The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.*

Response: Noted.

- h. *Archaeological testing shall be informed and supplemented by licensed metal detection survey.*

Response: Noted.

- i. *Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage in advance of the planning decision. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.*

It should be borne in mind that, if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required.

Response: Noted.

The above matters are addressed in the Technical Note by IAC. We re-iterate that the approach to Archaeology is to leave the Ring-fort in-situ, in line with best practice and no works are proposed that would impact the recommended buffer zone pertaining to same.

This is good practice.

We would also take this opportunity to highlight a comparable precedent in Cavan Town whereby Archaeology monitoring was addressed by planning condition; specifically Drumlark LRD as granted by Cavan CC under decision reference 2460067 and also granted by An Coimisiun Pleanala under decision reference 319750-24.

We would also respectfully refer to the Development Management Guidelines on this matter wherein they set out at Section 6.7:

'All reasonable efforts should be made to research the planning history of sites and their general environs, including details of any pre-application consultation, as this is very important to help ensure that planning authorities take a consistent approach to planning proposals in a particular area over time'.

On these grounds and as per the Technical response by IAC Archaeological monitoring is to be addressed by monitoring and planning condition going forward.

Item 11 *The applicant is requested to consider any necessary updates or adjustments to the preparation of an updated Natura Impact Statement.*

Response: We refer to the updated Natura Impact Statement by Flynn Furney. In summary as per the conclusion:

'This Natura Impact Statement has considered the potential for significant impacts arising from the proposed development of Lisdaran residential development. The potential to adversely affect any Natura 2000 site; about their qualifying interests and conservation objectives has been examined. The proposed development will not include works within the SAC or SPA but is hydrologically connected to these sites.

The potential for direct, indirect, and cumulative impacts affecting the above designations has therefore been assessed in this NIS. The appraisal undertaken in this NIS has been informed by project-specific site surveys and specialist reporting concerning the ecological communities and habitats potentially affected by the proposed development, to provide a scientific basis for evaluations.

Measures for impact reduction have been incorporated into the project proposal, including avoidance, in addition to mitigation measures proposed in the NIS for the avoidance and reduction of impacts on the qualifying interests and conservation objectives of the designated Natura 2000 site within the study area.

With the implementation of these measures, the proposed residential development at Lisdaran will not result in direct, indirect, or cumulative impacts which would have the potential to adversely affect the qualifying interests/special conservation interests of the Natura 2000 sites within the study area or the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives).

It may therefore be concluded that the proposed project, with the implementation of the prescribed mitigation measures, will not give rise to significant impacts, either individually or in combination with other plans and projects, in a manner that adversely affects the integrity of any designated site within the Natura 2000 network.'

In terms of technical assessment by the decision maker (the Planning Authority in this instance) we refer to the legal principles set out in the Judgement ' Michelle Hayes v the Environmental Protection Agency and the Minister for the Environment, Climate and Communications, Ireland and the Attorney General and Irish Cement Limited (2024).

This Judgement is particularly relevant to this application as it sets out the need for a decision maker to make a valid appropriate assessment and reach conclusions on the submissions made to it. We highlight key extracts:

Para 201. 'Earlier in this judgment I have referred to the requirements for a valid appropriate assessment as set out in judgments of the CJEU such as Waddenzee, Commission v Spain and Sweetman v An Bord Pleanála and, in this jurisdiction, in Kelly v An Bord Pleanála. To reiterate, in order for an AA to reach a valid conclusion that there will be no adverse effect on the integrity of an EU site, the assessment must identify and describe all aspects of the development which may affect a European site, it must contain complete, precise and definitive scientific findings and conclusions and not have any gaps or lacunae. Those scientific findings must be capable of supporting the conclusion that no reasonable scientific doubt remains as to the absence of any adverse effect on the integrity of the sites. The potential for such effect will usually have been identified in the course of a preliminary screening exercise.

Para 202. 'Added to these requirements, a number of cases in this area have identified the need for the decision maker to reach conclusions on the submissions made to it and for the statement of reasons for the decision to enable those who made submissions to understand why those conclusions had been reached.'

In summary this Judgement sets out that where expert evidence relevant to the issues arising in the AA process is adduced by any party, that evidence must be considered by the decision-maker and if the evidence is not accepted, it must be apparent from its reasoning process why that was the case.

With Flynn Furney Appropriate Assessment and Natura Impact Statement being carried out by qualified and experienced ecologists and environmental consultants there is a robust evidence base to demonstrate, as per the conclusion that:

'It may therefore be concluded that the proposed project, with the implementation of the prescribed mitigation measures, will not give rise to significant impacts, either individually or in combination with other plans and projects, in a manner that adversely affects the integrity of any designated site within the Natura 2000 network.'

Item 12 *The Northern Strategic Link Road (NSLR) corridor infringes on elements of the proposed development including rear gardens and amenity space. The applicant is requested to liaise with Road Design Section of Cavan County Council with regard to same.*

Response: This has been addressed on the updated site layout plan by MF Architects. As shown there are no works encroaching onto what is identified as a potential future road embankment corridor.



Figure 10 Extract from drawing sheet 24174-RCL-MFA-DRA-504-P-06 Proposed Site Layout (1 of 3)

We also take this opportunity to highlight this is only an indicative road corridor at this stage and the blue lines denoting a potential road corridor are only for potential regrading/embankment works that may be required.

In this context no prejudice arises from the proposal on a potential future road corridor. We also highlight discussions have been held between MF Architects and the Road Design Engineer(s) in Cavan CoCo, and the above was considered acceptable.

Item 13 Reference is made to two areas within the site boundary that they have not been denoted on the site layout plan for inclusion as part of this development, future development or open space provision. Area 1 is located to the north, west and south of the Recorded Monument (CV020-057 Rath Site and CV020-58---Rath) and Area 2 is located to the east of the site abutting the NSRL. It is accepted that the ground levels of both areas are challenging and although not suitable for the provision of usable open space, the provision of passive open space should be considered. The applicant is requested to submit a revised open space strategy for the proposal which shall include both areas and outline proposals for the future management of same. This open space strategy should also give due regard to the recommendations outlined in the submission from the Department of Housing, Local Government and Heritage with particular regard to the Recorded Monument (CV020-057 Rath Site and CV020-58---Rath) and archaeology.

Response: We highlight these areas are to be fenced off with post and wire fencing and used for livestock grazing/agricultural lands going forward. Given these parcels are zoned Residential Strategic Reserve these areas of land are outside of the application site boundary and will be utilized for agricultural purposes going forward. Accordingly no open space management is required. Ancillary areas within the site are to be planted also as per accompanying drawings by Park Hood that will create a well-designed landscape setting and fall within responsibility of a Management Company when the scheme is developed.

Landscape Diagrams - Open Space Hierarchy

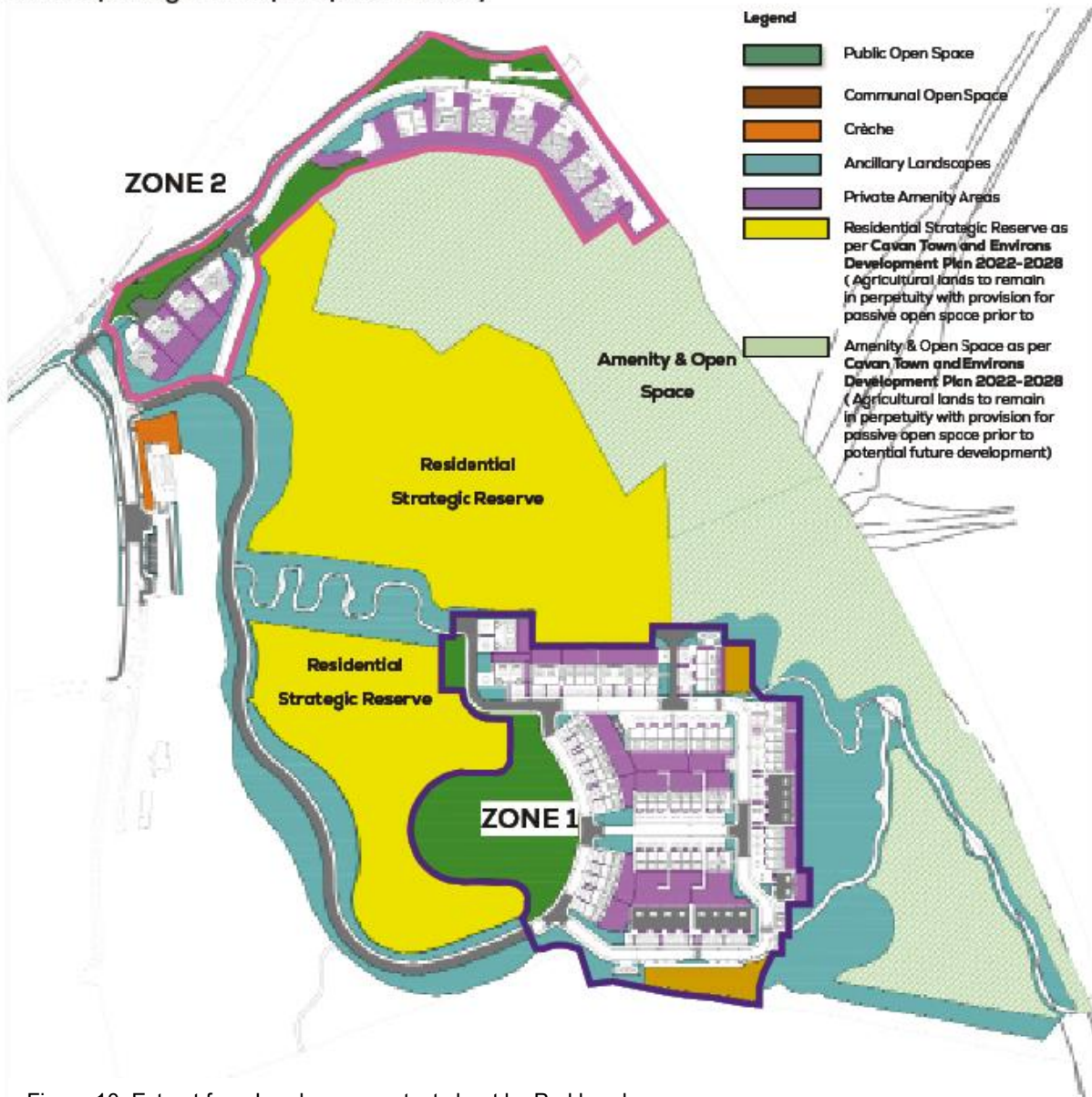


Figure 10 Extract from Landscape context sheet by Parkhood

2 Summary & Conclusion

The design particulars have been reviewed and amended in order to address the opinions of the Planning Authority and to ensure compliance with relevant national policies, guidelines and local policies under the Cavan County Development Plan where applicable.

To conclude the development is appropriate, all matters raised under the Further Information are fully addressed and we trust the application will meet with favourable assessment by the Planning Authority.



Ronan Woods
Director

Enclosures

Planning

- Cover letter and FI response
- Environmental Impact Assessment Screening
- CGI and Montage Booklet
- Site notice and newspaper notice as per Article 35 of the Planning and Development Regulations
- A copy of the Further Information is also available for inspection at the following web address:

www.lisdaranlrd.com

Environmental

- Bat Activity Report
- Biodiversity Management Plan
- Breeding Bird Survey
- Mammal Survey
- Natura Impact Statement
- IAC Technical Note re Archaeology
- Flynn Furney Technical Note re Mammal Survey
- Flynn Furney Technical Note re Lighting Proposals

Architecture

- Architectural Drawings by Michael Fitzpatrick Architects (refer to Document Issue Register)
- Site Statistics Summary
- Housing Quality Assessment

Landscape

- Parkhood-Technical Note Response on FI Matters
- Drawing sheet 7348-PHL-00-ZZ-DR-L-1001 Overall Landscape Plan
- Drawing sheet 7348-PHL-00-ZZ-DR-L-1002 Landscape Proposals Sheet 02
- Drawing sheet 7348-PHL-00-ZZ-DR-L-1003 Landscape Proposals Sheet 03
- Drawing sheet 7348-PHL-00-ZZ-DR-L-1004 Tree Impact Drawing
- Drawing sheet 7348-PHL-00-ZZ-DR-L-1005 Boundary Proposals
- Drawing sheet 7348-R-L-001 Landscape Design Statement

Engineering

- Drawing sheet 102 P4 Site Services Foul & Surface Water Layout
- Drawing sheet 110 P4 Site Services Watermain Layout
- Sight Lighting Layout
- Site Lighting Lux Level Layout