



An
Bord
Pleanála

Board Direction
BD-018609-25
ABP-318908-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/01/2025.

The Board decided to grant permission and retention permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the established use of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be in compliance with the provisions of the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028, would not affect the amenities of the area, would not be prejudicial to public health or constitute a traffic hazard, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29th day of November, 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be

agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All goods and materials shall be stored within the building and shall not be stored/stockpiled within the curtilage of the site, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of public health, traffic safety, public safety and amenity.

3. Prior to commencement of development, the developer shall apply to the Environment Section of the planning authority for a Section 4 (Local Government Water Pollution Acts) Discharge Licence.

Reason: In the interest of public health and proper planning and sustainable development.

4. Drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority. Uncontaminated surface run-off from roofs and clean paved areas within the development shall be collected and disposed of in accordance with the application documents submitted.

Reason: In the interest of public health and proper planning and sustainable development.

5. All fuel tanks shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund.

Reason: To prevent water pollution.

6. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the proposed development, including a detailed traffic management plan, hours of working, measures to ensure the protection of the adjoining watercourse and noise management measures.

Reason: In the interest of public safety and residential amenity.

7. A plan containing details for the management and disposal of waste within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in the interest of protecting the environment.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the

Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member


Patricia Calleary

Date: 09/01/2025