

Planning and Development Acts 2000, as amended

Planning Authority: Cavan County Council

Planning Register Reference Number: 2360299

APPEAL by Barry Phair and by Liam Devine against the decision made on the 7th day of February 2024 by Cavan County Council to grant, subject to conditions, a permission to Latt Properties Limited.

Proposed Development: Permission to erect 36 number dwelling houses complete with access road forming new junction with Ballinagh Road (R935), pumping station and all associated site works and developments, connected to existing services. Dwellings will comprise: Type A: five pairs of two-storey, three-bedroom, semi-detached units (total 10); Type A1: one two-storey, end block pair of three-bedroom units, (1 per floor) (total 2); Type B: two single-storey, two-bedroom, semi-detached units (in block of 2 with Type C) (total 2); Type C: two single-storey, one-bedroom, semi-detached units (in block of 2 with Type B) (total 2); Type B1: four single-storey, two-bedroom, semi-detached units (in block of 2 with Type C1) (total 4); Type C1: four single-storey, one-bedroom, semi-detached units (in block of 2 with Type B1) (total 4); Type D: four two-storey, two-bedroom units, (end of block of six with units E & F) (total 4); Type E: four single-storey, (ground floor) one-bedroom units, (centre ground floor of block of six with units D & F) (total 4); Type F: four single-storey, (first floor) 1 bed roomed units, (centre first floor of block of 6

with units D & E) (total 4). Total 36, at Creighan, Cavan, County Cavan.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. On the basis of the information submitted with the planning application and appeal, the Commission is not satisfied that the ecological baseline survey at the subject site has been adequately established, given the sub-optimal time of year in which the survey was undertaken. As a result, the Commission is not satisfied that the potential impacts of the proposed development on known ecological features have been accurately identified, or that appropriate mitigation measures have been incorporated into, or devised for, the proposed development. This is with particular regard to bird, fish, and mammal species, a number of which are protected under Annex IV of the Habitats Directive (92/43/EEC). Accordingly, the proposed development would be contrary to Objective NH6 of the Cavan County Development Plan 2022-2028 incorporating the Cavan Town Local Area Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the planning application and appeal, the Commission considered that the noise, vibration, hydrological and hydrogeological impacts associated with the construction of the proposed development on adjacent properties have not been adequately assessed. In the absence of more detailed and site

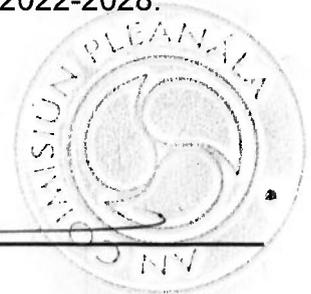
specific information, the Commission is not satisfied that the proposed development would not seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the planning application and appeal, and having regard to the location of the site in an area which is at risk of flooding, the Commission is not satisfied that the applicant has adequately demonstrated, due to conflicting information regarding finished floor levels of the proposed dwellings contained in the Flood Risk Assessment Report and a more detailed assessment of the potential for displacement of flood waters arising from the proposal, that proposed development would not give rise to a heightened risk of flooding either on the subject site itself, or on other lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
4. The proposed development fails to comply with the minimum floor to ceiling height requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2023" issued under section 28 of the Planning and Development Act 2000 as amended and, therefore, is contrary to Section 13.4.14 of the Cavan County Development Plan 2022-2028 incorporating the Cavan Town Local Area Plan 2022-2028.



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 17th day of February 2026.