

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 24/60218

Appeal by Patrick and Mary Malone care of Sheelin and McCabe Planning Services Limited of Mountnugent, County Cavan against the decision made on the 10th day of October, 2024 by Cavan County Council to grant subject to conditions a permission to Radar Investments Limited care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 66 number apartments in one number building. Particulars of the development comprise as follows: (a) Creation of an access point to the lands from Farnham Road along with construction of a bridge to facilitate the internal access road to the lands. (b) Provision of an internal access road and footpaths to facilitate vehicular and pedestrian access. (c) The provision of one number five-storey apartment block which will comprise a total of 66 number apartments of which there are 26 number one-bed units, 32 number two-bed units and eight number three-bed units, all with balconies or ground floor terraces. (d) The provision of associated communal and public open spaces to include a formal play area. (e) Associated bin and bicycle storage facilities. (f) Provision of internal footpaths and communal space areas at ground level to include all hard and soft landscape works, public lighting, planting and boundary treatments to include for retaining walls. (g) Provision of one number ESB substation. (h) Provision of a foul

pumping station with associated infrastructure. (i) Provision of 49 number parking spaces which are to be provided at surface level within the courtyard and via an under-croft at the rear of the building, electric vehicle charge points with associated site infrastructure and ducting to provide charge points throughout the site. (j) Internal site works and attenuation systems which will include for provision of a hydrocarbon and silt interceptor prior to discharge. (k) Provision of an internal foul, storm and water networks and all ancillary site development works, all at Friars Walk, Farnham Road, Cavan, County Cavan.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2022-2028 incorporating a Local Area Plan for Cavan Town 2022-2028, including the 'Town Core' land use zoning objective for the area and the relevant policies and objectives of the development plan and the local area plan, and having regard to the nature, scale, form, height, layout and design of the proposed development, and the pattern of development in the area, including the neighbouring protected structure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities, character or heritage of the area or of property in the vicinity and would promote the development of the town core location generally. In relation to the Cavan River, which runs through the site, it is considered that the proposed development, including the road bridge and associated works (including compensatory flood risk measures) would provide for a satisfactory relationship with the river, and would not impact unduly on the river or adjacent riparian species or habitats. The proposed development would be in accordance with the relevant objectives of the development plan, incorporating



the local area plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be 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 13th day of September, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

3. The access, road bridge and internal road network serving the proposed development, including turning areas, junctions, parking areas, road signage, footpaths, drainage, sightlines, and kerbs, and the undercroft car park, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

4. Prior to the first occupation of the proposed development, proposals for the closure and making good of the existing access and road bridge into the site shall be submitted for the written agreement of the planning authority.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority design details of works to Farnham Road outside the site, including in respect of Active Travel infrastructure for Farnham Road (R-198).

Reason: In the interest of traffic safety, the delivery of Active Travel Infrastructure, and the proper planning and sustainable development of the area.

6. Upon completion of the proposed development, and prior to the taking in charge of the road infrastructure, the developer shall complete Stage 3 and 4 Road Safety Audits to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team and shall be agreed in writing with the planning authority.

Reason: In the interest of pedestrian and traffic safety.

7.
 - (a) The mitigation measures set out in Section 6 of the Ecological Impact Assessment Report shall be implemented in full.
 - (b) The mitigation and construction management measures set out in the Outline Construction Management Plan shall be implemented in full.
 - (c) The mitigation and construction management measures set out in the Site Specific Flood Risk Assessment shall be implemented in full.

- (d) The mitigation and management measures set out in the Resource & Waste Management Plan shall be implemented in full.
- (e) The mitigation and management measures set out in the Invasive Species Management Plan shall be implemented in full.

Reason: In the interest of environmental protection, public health, flood risk management and proper construction management.

8. Prior to commencement of any works, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:
- (a) the collection and disposal of construction waste,
 - (b) surface water run-off from the site,
 - (c) on-site road construction, and
 - (d) environmental management measures during construction, including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. The CEMP shall demonstrate due regard to Inland Fisheries Ireland's Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016).

Reason: In the interest of environmental protection, residential amenities, public health and safety, and environmental protection.



9. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. Design details, including the final location of the proposed pumping station, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.



12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development or parts of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of the development.

13. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements /marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. No development shall take place until details of earthworks, and the construction and facing of proposed retaining structures, have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- (a) site-sections,
- (b) plans and sections of the proposed retaining structures and of the grading and mounding of land areas, including the levels and contours to be formed, and

- (c) an illustration of the relationship of the proposed site levels to the existing vegetation along site boundaries and surrounding landholdings.

Reason: In the interest of visual amenity and the structural stability of adjacent lands and structures.

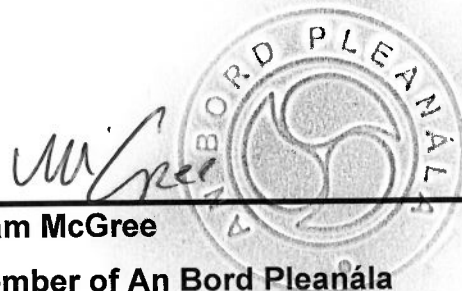
15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.



16. 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.

The image shows a handwritten signature in black ink that reads "Liam McGree". To the right of the signature is the official seal of An Bord Pleanála, which is circular and contains the text "AN BORD PLEANÁLA" around the perimeter and a stylized logo in the center.

Liam McGree

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 30th day of APRIL 2025.