

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 2460395

APPEAL by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 21st day of February, 2025 by Cavan County Council to grant permission subject to conditions to Aishling Sheridan and Alan Tracey care of O'Neill O'Reilly and Associates of Carricknabrick House, Loughduff, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: To erect new dwelling house, domestic garage, entrance, boundary walls, piers with sewerage treatment system and percolation area at Ballytrust, Loughduff, County Cavan as revised by further public notices received by the planning authority on the 27th day of January, 2025.

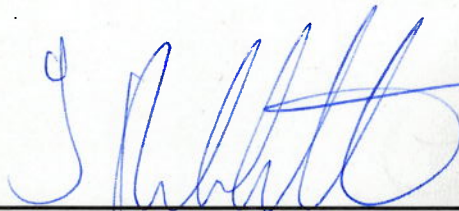
Decision

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

Reasons and Considerations

It is an aim of the Cavan County Development Plan 2022-2028 to, inter alia, avoid the generation of increased traffic from existing accesses to national roads for single houses to which speed limits greater than 60 kmph apply, as stated at section 12.13 'Rural Housing' of the said plan. It is also a development objective of the statutory plan to restrict the generation of increased traffic from existing accesses to national roads, to which speed limits greater than 60 kmph apply, as stated at objective AS 03 of the plan. The development as proposed will generate increased traffic from an existing access on to the National Secondary Road, the N55, at a point where the speed limit exceeds 60 kmph. The proposed development would, therefore, conflict with section 12.13, and be contrary to objective AS 03, of the Cavan County Development Plan 2022-2028. The proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users on the N55, would set an undesirable precedent for similar developments along this National Secondary Road and would undermine recent public expenditure in the upgrade of the N55 at this location which seeks to ensure safety and maintenance of this important national road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission noted that the 'exceptional circumstances' referred to at section 2.6 of the 'Spatial Planning and National Roads – Guidelines for Planning Authorities' (Dept. of Environment, Community and Local Government, January 2012) relating to the identification of stretches of national road as part of the development plan making process, and not as part of the development management process. The Commission noted that the Cavan County Development Plan 2022-2028 has not identified this stretch of the N55 as an area where 'exceptional circumstances' applies. In deciding to refuse permission, the Commission also concurred with the concerns of the appellant, Transport Infrastructure Ireland, and the concerns raised in the Cavan County Council's Road Design Office Report (report dated 10/02/2025).



Tom Rabbette

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



Dated this 2nd day of July 2025.