



Development

The construction of 23 apartments in two separate buildings, a commercial unit and all other site works. Significant further information was received, which omitted the commercial unit and only 18 residential units in one block was proposed.

Location

Railway Road, Drumavanagh, Co. Cavan.

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

2460499

Applicant(s)

Latt Properties Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Eithne Sheridan & Others
John P McMahon

Observer(s)

None

Date of Site Inspection

4th February 2026

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 1.054 hectares consists of an irregular shaped site located to the west of Drumnavanagh off Railway Road approximately 390m to the north west of Cavan Town Hall. The lands are undeveloped and are mostly overgrown except for a small section adjacent to an access gate on the eastern side of the site. The Drumnavanagh Road rises steeply on a south to north axis and the road turns sharply to the south west opposite the former Cavan Railway Station, which is now in office use, the road here leading to Swellan Court. The site itself slopes steeply upwards from the roadside.
- 1.2. Although the site is located in close proximity to Cavan Town Centre, the subject lands are undeveloped and those to the east on the opposite side of the Drumnavanagh Road and Railway Road, are also undeveloped and are mostly covered in trees and shrubs. To the west of the site is Highfield Road which is access from Swellan Court and consists of a residential development of two-storey, semi-detached houses. The Cavan River is to the east of Railway Road.

2.0 Proposed Development

- 2.1. The proposed development is for a residential development of 23 units consisting of the following:
- Block 1: Provides for 5 apartments, 12 duplexes and a commercial unit.
 - Ground Floor: Five x one bedroom apartments. Commercial unit of 78.3 sq m.
 - First Floor/ Second Floor: 12 x two bedroom duplex units.
 - Block 2: Provides for 2 apartments and 4 duplexes.
 - Ground Floor: 2 x one bedroom apartment units.
 - First/ Second Floor: 4 x two bedroom duplex units.
 - Access is from Drumavanagh Road. Car parking is provided to the front of Block A only.

Following the receipt of further information, Block A was revised to omit the commercial unit and to provide for an additional one bedroom unit and Block B was omitted. The proposed development was therefore reduced to 18 units in total.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission following the receipt of significant further information. 26 points of further information were sought, and the Planning Authority were satisfied with the response to each of the items raised. An extension of time was sought, in order for the applicant to address the various issues raised and a 3 month extension of time was permitted. The revisions saw the omission of a commercial unit and the number of units was reduced to 18 with Block B omitted in its entirety. Conditions are generally standard, though I note Condition no. 37 which requires all mitigation measures outlined in the EclA and Bat Assessment Reports to be implemented in full during the carrying out of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Further information was sought in relation to 26 items, and these were addressed in full. The Planning Authority considered the proposed development to be acceptable.

3.2.2. Other Technical Reports

- Road Design Office: Further information sought in relation to the site entrance/ sightlines, details on footpaths/ shared spaces, details on the site gradients and need for a dwell area with suitable gradient, improved pedestrian connectivity, details on the preservation and repair of the existing stone wall, need for a raised crossing at the site entrance, revisions to the junction at railway road to allow for turning vehicles, details on public lighting and an updated Road Safety Audit/ photomontages to take account of revisions as a result of the FI response.
- Cavan Belturbet Municipal District Area Engineer: Agrees with the Road Design Office report and request for further information.

- Environmental Services – Waste Management: Conditions recommended in relation to waste management on site.
- Environmental Services – Further information sought on volume of cut/ fill required on site, need for a Resource & Waste Management Plan and also an invasive species survey of the site.
- Public Lighting – Further information sought in relation to the proposed public lighting scheme and the need for electric vehicle charging points on site.
- Building Control – Concern about the feasibility of the proposed development. There is a need for a detailed geotechnical survey of the site and a method statement for the excavation and provision of the retaining walls without impacting on existing property and structures.
- Senior Executive Scientist – No objection subject to recommended conditions.

Reports received following further information response:

- Road Design Office: Recommend that permission be granted subject to conditions. Notes that the scheme does not meet the criteria requiring the submission of a Traffic and Transport Assessment.

3.3. Prescribed Bodies

- Inland Fisheries Ireland: No report issued.

3.4. Third Party Observations

A total of 43 submissions/ observations were received by the Planning Authority. Submissions were received from St Patrick's Terrace Residents Association and from individual members of the public/ businesses in the area.

The following points, grouped and summarised, were made:

Impact on Property:

- Potential for overlooking leading to a loss of privacy. This refers to residential and commercial units in the area.

- Concern about property devaluation due to the nature of the proposed development.

Impact on the Character of the Area:

- The proposed development would significantly change the visual character of the area.
- Concern about visual impact of retaining walls on site.
- The proposed design is considered to be substandard and visually out of character with the area.
- The three storey blocks are out of character with the existing area.
- Concern about the long term maintenance of the development.
- Submitted details do not demonstrate what the impact will be on the character of the area.
- The proposed development is not a mixed use scheme in accordance with the zoning of the site.
- The development does not demonstrate compliance with Policy Objectives of the Cavan Development Plan 2022 – 2028 – BHDO-02, BHDO-03, OO06, DL12 and DL13.

Housing:

- There is a need for housing in Cavan, but this should not be at the expense of the aesthetic of the area.
- The location of the proposed development is such that it will not be able to benefit from solar radiation in terms of provision of solar panels/ other forms of renewable energy.
- Concern that insufficient public open space has been provided.

Impact on Ground Stability:

- Concern that the proposed development would give rise to issues of subsidence and impact on existing property in the immediate area.
- Potential for impact to existing building foundations.

- The site is on a north eastern side of a hill and due to coldness through reduced solar radiation, the ground will be damp and in turn the soil may be unsuitable for development of a residential scheme.
- There is a need for a Construction Management Plan especially due to the nature of the development which requires extensive groundworks.

Traffic and Transport:

- The proposed development may give rise to increased traffic congestion in the area.
- The site is adjacent to a funeral home, Cavan Fire Station and a number of businesses, and may impact on their operations.
- The road access is a potential traffic safety hazard.
- There is no provision made for EV charging infrastructure on site.
- The proposed development could result in Highfield Road becoming a shortcut for traffic, impacting on the existing area.
- The development could negatively impact on pedestrians/ cyclists in the area.
- The proposal does not make adequate provision for public transport in the area.
- Potential for lack of car parking to serve the development.
- Concern about details provided in the Road Safety Audit. This notes that traffic here is light; this is not always the case.

Environmental Impact:

- Noise and disturbance will occur during the construction phase.
- The site has been untouched and not farmed and is therefore of historic environmental/ biodiversity importance.
- Loss of trees on site.
- There are badgers, hedgehogs, red squirrel and pine martens on site as well as a number of bird types.
- There is a need for a bat survey to be undertaken prior to any development here.
- Concern about air and water pollution impacts.

Infrastructure:

- Foul drainage is already under pressure in the area.

Heritage:

- The proposed development may adversely affect a wall which was part of Cavan railway station and its infrastructure. This wall was damaged in the past and should be repaired as part of any development of this site.

Other Issues:

- The site is not registered to Latt Properties, the applicant of this development.
- Query over description of existing facilities in the area that do not exist and existing houses adjacent to the site, Highfield Road, are not mentioned such as in the Design Statement.
- Inconsistency in submitted drawings and other submitted details.

The vast majority of observations opposed the development; others were concerned about specific aspects/ how the development would directly impact on them.

3.5. Third Party Observations – Further Information Response

The Residents of 21 properties on Highfield Road requested that the issues they raised in relation to the original application be given further consideration. They note the submitted details but concerns in relation to impact on land/ subsidence/ disruption, loss of privacy, security concerns, traffic issues, environmental impact and issues over housing needs and sustainability remain issues of concern.

4.0 Planning History

There are no recent, relevant applications on this site. The Planning Authority have provided an extensive planning history in their report.

5.0 Policy Context

- 5.1.1. The current development plan for County Cavan is the 'Cavan County Development Plan 2022 – 2028 Incorporating the Draft Cavan Town Local Area Plan 2022 –

2028'. Note I mostly refer to this as the Cavan County Development Plan 2022 – 2028 in the rest of my report.

The subject site is zoned 'Mixed Use' with an objective to 'Provide for residential and appropriate mixed-use development.' The Vision for Mixed Use states: 'Provide for a mix of residential development and other uses which would allow for both an expansion of the residential, employment and economic development of the town without detracting from the town core. Mixed use sites are strategically located, and new development shall ensure the provision of high quality development with good layout design do not conflict with the possible future development of the town. Piecemeal development should not be permitted.'

Residential development is listed in the 'Permitted in Principle' category.

Map Based Specific Objective 26 located on site states: 'Development shall be high quality with the design and layout proposed taking cognisance of the topography of the site and the adjoining residential amenities.'

Map Based Specific Objective 17 located to the north west of the site states: 'Promote and support the expansion of the development of a greenway in Cavan town'.

5.1.2. The following Chapters/ objectives of the Cavan County Development Plan are noted as relevant:

Chapter 1 – Core Strategy. Cavan Town has a population of 10,914 in 2016 out of County population of 76,176. As per Table 2.8.1 'Cavan Settlement Hierarchy' Cavan Town is designated as a Key Town.

Table 6 provides the 'NPF / RSES Population Targets to 2026 and 2031. Source: Amended from NPF Implementation Roadmap' and County Cavan is to grow from 76,000 in 2016 to 83,000/ 84,500 in 2026 to 86,000/ 88,000 in 2031.

Table 8: NPF High Scenario indicates that Cavan town will grow by 18.6% over the period 2016 to 2028.

Section 2.10.1 provides an overview of 'Key Town – Cavan'.

Development Objective KTC 01 states: 'Support the continued growth and sustainable development of Cavan Town to act as a growth driver in the region and

to fulfil its role as a Key Town, focused on employment, retail, quality of life and economic investment.’

KTC 04 states: ‘Require sustainable, compact, sequential growth in Cavan Town by consolidating the built-up footprint through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth.’

KTC 05 states ‘Commence the preparation of a Local Transport Plan (LTP) for Cavan Town in conjunction with the National Transport Authority (NTA) and other relevant stakeholders within one year of the adoption of the County Development Plan.’

Table 11 provides the ‘Core Strategy Table and I include a relevant screenshot here:

Settlements	Pop 2016	Pop 2022	Pop 2028	Pop 2031	Population Change 2016-2028	Combined lands zoned for low density and proposed residential 2022-2028 (Ha)	Low Density (Ha)	Lands for proposed residential up to 2028 (Ha)	Low Density Yield*	Proposed Residential Yield	Total Yield Low Density & Proposed Residential	Housing Supply Target*	Town Core, Mixed Use and Brownfield/ infill Sites & existing residential Yield	Surplus or Deficit of Proposed Residential Land (Ha)
Cavan Town	10,914	11,794	12,674	13,053	1,760	54.95*	5.06	47.15	40	943	983	829	137	+14.55*

Chapter 2 – Settlement Strategy

Cavan Town, as a Key Town, is described as a ‘County Town with large economically active services that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers.’

Section 2.2 provides the ‘Cavan Town Local Area Plan 2022-2028’.

CTD 01 states: ‘It is a development objective of Cavan County Council to: Apply the visions, policies, objectives, standards and guidance contained within the Cavan County Development Plan 2022-2028, as outlined throughout the Plan and associated appendices and maps, to the Cavan Town Local Area Plan 2022-2028.’

CTG03 states ‘Provide for the creation of sustainable communities in Cavan Town by identifying sufficient land for new development, in particular housing, enterprise and employment, community, recreational and tourism uses. Support the expansion of a range of services and facilities available to residents and the wider rural hinterland.’

Chapter 3 – Housing

Section 3.8 refers to 'Residential Densities' and states:

'Higher densities will be applied to the higher order settlement of Cavan Town to align with its role as a Key Town, subject to good design and development management standards being met. It is important that the density of new development in towns and villages is reflective of the existing character and that growth is linked to infrastructural capacity. As such, there will be a graded reduction in residential density for Self-Sustaining Growth Towns, Self-Sustaining Towns, towns and villages that are commensurate to the existing built environment. Density will also be informed by specific topographical and land ownership considerations where constraints may exist.'

Section 3.9 refers to 'Layout and Design' and states:

'A good development creates a 'sense of place' and community belonging to the residents. This is created by providing a mixture of house types and tenure, an individual design, the use of a variety of materials for the context of the site and area and connectivity of the site to other places. In considering proposals for development, the Council will have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).'

Chapter 4 – 'Sustainable Communities'

Objective RAOS 01 – 'Ensure sufficient land is allocated to provide a variety of open spaces on a hierarchical basis throughout the County in order to achieve a choice of open space, recreational and amenity facilities.'

Objective RAOS 10 – 'Support the implementation of Cavan Playground Policy 2020-2025 and facilitate the provision of appropriately scaled children's playground facilities.'

Chapter 5 – 'Climate Change'

Objective CC12 – ‘Incorporate energy efficiency measures, including passive and active solar gain, photovoltaic ready house and smart technology in all new buildings. Aim to ensure all new buildings are zero carbon.’

Chapter 7 – ‘Transport and Infrastructure’

Table 7.4 provides Parking Standards for cars and bicycles. For residential the maximum car parking requirement is ‘2 spaces per unit’ but ‘Smaller bedroom units to be examined on a case by case basis’. For ‘Residential – Apartments’ the maximum requirement is ‘1 space per unit and 25% visitor parking’.

Chapter 8 – ‘Environment, Water & Drainage’

FDW02 – ‘Ensure that development will only be permitted in instances where there is sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) of wastewater.’

FDW06 – ‘Incorporate the requirement for Sustainable Urban Drainage Systems where appropriate in local authority projects and private development sites.’

Chapter 13 – ‘Development Management’

Section 12.3.12 refers to ‘Urban Design’.

Objective UD01 – ‘Require all developments to adequately address the 12 no. best practice principles as indicated in the Urban Design of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DoECLG, 2009) and accompanying Urban Design Manual or any update thereof.’

Objective UD02 – ‘All developments should include the following

- Building design which minimises resource consumption, reduces waste, water and energy use shall be incorporated where possible, in all new and renovated developments
- Building design shall maximise natural ventilation, solar gain and daylight, where possible, all new and renovated developments
- SuDS measures are required to form part of the design of all developments
- The Planning Authority will seek to encourage the implementation of best practice standards with regard to access in both indoor and outdoor environments’

Objective UD03 – ‘Require a detailed Design Statement to be submitted in respect of residential schemes comprising 10 or more units, large scale developments (commercial, business and enterprise buildings, office retail, educational facilities etc) and any other development proposed on key strategic or sensitive sites within the urban areas, as determined by the Planning Authority.’

Objective UD04 – ‘The Design Statement shall

- Describe the design concept
- Clearly demonstrate how the urban design criteria have been taken into account when designing schemes in urban area, as per the ‘Urban Design Manual’ – A Best Practice Guide
- Set out how the development meets the relevant Development Plan Objectives, Local Area Plan, Masterplan or similar
- Provide site photographs
- Provide an open space/landscape strategy which identifies any areas of ecological interest and sets out proposals for same
- Set out how energy efficiency measures have been incorporated into the project design process

Section 13.4 refers to ‘Residential Development’

For Cavan Town the relevant densities are as follows:

- Density in town/ Village Core – 30-35
- Density in Brownfield and Infill Sites – 22-30

A footnote states, ‘Density ranges are targets and should not be read as maxima’.

The following objectives are relevant:

RD01 – ‘Encourage densities in accordance with the above table throughout the County in accordance with the Core Strategy.’

RD03 – ‘Ensure densities of proposed developments reflect the key attributes and character of the surrounding/ adjoining area.’

Section 13.4.8 refers to Public Open Space and Objective PCOS01 states – ‘Ensure public open spaces in new residential developments comply with the Sustainable

Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual (2009) or any updates thereof.'

Section 13.4.9 refers to 'Overlooking and Overshadowing' and the following are noted:

Objective OO01 – 'A minimum distance of 22 metres of separation between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units shall generally be observed.'

Objective OO02 – 'A separation distance of 35 metres will normally be required in the case of overlooking living room windows and balconies at upper floors.'

Objective OO03 – 'Reductions in this value may be considered for single storey residential units or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved.'

Objective OO04 – 'Any window proposed at ground floor level should not be less than 1 metre from the boundary it faces.'

Objective OO08 – 'New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources will be encouraged.'

Section 13.4.10 refers to Design and Layout'

Objective DL01 – 'Require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), the Urban Design Manual- A Best Practice Guide 2009 and the Urban Development and Buildings Heights Guidelines for the Planning Authorities (2018), or any updates thereof.'

Objective DL02 – 'Residential schemes shall provide a range of dwelling sizes and typologies to accommodate emerging demographic trends in line with the County's Housing Strategy and Housing Needs Demand Assessment or other evidence supported methodology.'

Objective DL10 – 'Provide for high quality boundary treatment within the development including dwelling boundary treatments, public open space boundary

treatment. All boundaries shall be of high-quality solid construction with no gaps. Post and wire or timber post and panel fencing is not permitted.'

5.2. **Regional Spatial & Economic Strategy – N&WRA**

Northern and Western Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2020 This RSES provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF). The vision of the RSES is 'To play a leading role in the transformation of the region into a vibrant, connected, natural, inclusive and smart place to work and live'.

Cavan Town is described as a Key Town and 'which performs a regional function'. It is the largest town in the Cavan/ Monaghan/ Leitrim sub-region and is also the town that has had the greatest level of growth over the last 10 years. It includes a number of strategic facilities such as an acute hospital, third level educational facilities through the Cavan Institute and the Agricultural College as well as a range of local government services, religious and sporting facilities.

5.3. **Other Guidance**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Design Standards for Apartments, Guidelines for Planning Authorities for Planning Authorities (DHLGH, 2025)
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

Other Relevant Policy Documents include:

- The Climate Action Plan 2024
- The Climate Action Plan 2025
- National Biodiversity Action Plan 2023 – 2030
- Delivering Homes, Building Communities 2025 – 2030
- Design Manual for Urban Roads and Streets (DMURS) - 2023 Update.

- Permeability Best Practice Guide – National Transport Authority.

5.4. **Natural Heritage Designations**

- Drumkeen House pNHA (Site Code 000980) is located approximately 1.9km to the north of the subject site.
- Lough Oughter and Associated Loughs pNHA (Site Code 000007) is located approximately 2.6km to the north west of the subject site.
- Lough Oughter and Associated Loughs SAC (Site Code 000007) is located approximately 2.9km to the north west of the subject site.
- Lough Oughter SPA (Site Code 004049) is located approximately 2.9km to the north west of the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two separate third party appeals have been lodged against the decision of Cavan County Council to grant permission for this development. The following are the main points, summarised, under each of the appeals:

John McMahon:

- Operates a local business, McMahon Funeral Directors, from a site beside the former Cavan railway station.
- The development will have a negative impact on the operations of this business through noise pollution and nuisance during the construction and operational phases of this development.
- No play facilities are proposed to serve this development and there is a concern that children may use the appellant's land for the purposes of play and sport.
- Concern about road safety due to likely increased traffic on an already narrow road.

Submission is support with photographs, and the observation made to Cavan County Council.

Amanda O'Keefe c/o Eithne Sheridan – Highfield Road Residents (23 listed names are provided):

- Concern about the impact of the proposed development on land stability. Also concern about the excavations required and the positioning of retaining walls on site.
- There is a need for a detailed Construction Management Plan to ensure that there would be no impact on existing properties in the area. Uncertainty as to what the underlying ground consists of.
- Impact on the environment, specifically on the local ecosystems through the destruction of habitats, loss of green spaces and the disruption of wildlife.
- Reference is made to the presence of Pine Marten, Red Squirrel, Bats, Badgers, Hedgehogs and birds on site.
- Also potential from pollution during construction phase.
- Long term issues due to the sustainability of the development.
- Increase in traffic in the area, will lead to congestion in the area, potential for traffic hazard for pedestrians/ cyclists and there is a lack of provision for car parking and public transport.
- There is already significant traffic volumes in the area due to the Funeral home, Fire Station, other businesses and the existing residential development of the area.
- The proposed development may give rise to the use of Highfield Road as a short cut for traffic, thereby negatively impacting on existing residents in this area.
- Concern about the information provided in the Road Safety Audit.
- There is a need for a light pollution assessment to be undertaken.
- Negative impact on residential amenity through noise generated from the development.
- Potential for air and water pollution impacts from the development.

- Negative impact on the visual character of the area through the proposed development design and potential for destruction of the old stone wall here, which should be protected as part of the heritage value of the area.
- Impact on the existing residents of Highfield Road through overshadowing and loss of privacy through overlooking.
- The development cannot demonstrate high quality sustainability through its location to the north east of a hill and which will not benefit from solar radiation through the provision of solar panels etc.
- There is no indication that EV charging points have been provided on site.
- Potential for devaluation of property values.
- Loss of views due to the proposed development.
- The proposed development is not provided with adequate public open space.
- Potential safety/ security concerns due to the proposed development.
- Uncertain as to whether or not a 'Sinking Fund' has been provided under the Multi Developments Act 2011.
- There are discrepancies in the submitted documents in terms of references to locations in the area.

Request that permission be refused for this development.

6.2. **Applicant Response**

- No response received.

6.3. **Planning Authority Response**

- The Planning Authority have noted the issues raised in the appeals and consider that these issues were addressed in their reports. They refer the Commission to the Planning Authority reports and request that their decision be upheld and permission be granted for the proposed scheme.

6.4. **Observations**

- The Department of Housing, Local Government and Heritage (Development Applications Unit) have noted the proximity of the development to the River Cavan, which is only 30m away and which provides a hydrological connection to

Lough Oughter & Associated Loughs SAC and the Lough Oughter Complex SPA. Whilst noting the poor quality of this river and its location, it could suffer further deterioration due to the proposed development. The Department note that there are no specific measures proposed for surface water control during the construction phase of the development. It is recommended that a Construction Environmental Management Plan (CEMP) be prepared for the management of surface water where ground soakage alone is a not a viable option.

- It is also noted that prior ecological surveys are absent from the submitted application. No assessment for potential roost features (PRFs) for bats have been provided, and pre-commencement faunal surveys are also recommended to detect the presence or not of mammals on site.
- Any vegetational clearance on site should take place outside of the bird-nesting season.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Density
- Impact on the Character of the Area
- Residential Amenity
- Transport and Access
- Water Supply, Drainage and Flood Issues
- Other Issues
- Overall Conclusion

7.2. **Nature of the Development**

7.2.1. Background: The appeals did not specifically raise concern about the development of residential units here, the issues refer to impact on residential amenity, traffic safety, impact on the environment and impact on local businesses. The Planning

Authority decided to grant permission following the receipt of a response to a further information request.

- 7.2.2. Assessment: The proposed development of 23 units and a commercial unit was revised to a residential only development of 18 apartment/ duplex units. I will be assessing this development primarily on the basis of the revised development as the applicant has submitted a significant volume of additional details in support of the 18 units on site.
- 7.2.3. The subject site is zoned for Mixed Use development with an objective to ‘Provide for residential and appropriate mixed-use development.’ The vision for this zoning provides more detail on the type of development to be permitted here and which includes ‘a mix of residential development and other uses which would allow for both an expansion of the residential, employment and economic development of the town without detracting from the town core. Mixed use sites are strategically located, and new development shall ensure the provision of high quality development with good layout design do not conflict with the possible future development of the town. Piecemeal development should not be permitted’.
- 7.2.4. The Planning Authority decided that there was no need for a mixed-use development on this site having regard to site constraints. I would have a serious concern about such an approach. There is a limited amount of mixed-use zoning within the Cavan town centre area; the zoning of the town and this site decided by the elected members of Cavan County Council. The development of this site should be on the basis of a mix of commercial and residential development and not be a single use. I note that the former railway station is in use for commercial purposes and other businesses, including that of one of the appellants, is located further to the north of the subject site. From the site visit, these businesses appear somewhat isolated from the town centre due to the lack of development between them and existing development on Railway Road, to the south of the subject site.
- 7.2.5. A proposal in accordance with the zoning objective would consolidate the mix of commercial/ residential development in this part of Cavan town centre. There is no indication provided that Cavan town does not require any additional commercial/ retail floor space and the use of a mixed use zoning here would consolidate the northern part of the town centre.

7.2.6. I also consider that the original proposal which included a small commercial unit, the rest of the development was residential, was somewhat a token gesture at a mixed-use scheme. It should be possible to provide for an appropriate scheme of two to three storeys with commercial/ retail units on the ground floor and residential over, similar to the developments on Railway Road. These would be small units and would support rather than compete with the town centre in accordance with the vision for mixed use development. This could not be revised by way of condition as the changes required would be significant.

7.2.7. Conclusion on Principle of Development: The proposed development is for a residential scheme only, but which is located on lands zoned for mixed use development, located to the north west of Cavan town centre. I consider that the single use of this site is contrary to the vision for mixed use development as provided in the Cavan County Development Plan 2022 – 2028 Incorporating the Draft Cavan Town Local Area Plan 2022 – 2028.

7.3. Density

7.3.1. Background: No specific issues were raised by third parties about the density of development proposed. The Planning Authority did not raise any specific issues either.

Assessment: The original proposal of 23 units on a site area of 1.054 hectares provides for a density of 22 dwellings per hectare (dph) and the revisions made following the receipt of the response to significant further information reduced the number of units to 18 and the density to 17dph. For Cavan Town, there is no specific density for mixed use sites, but town/village cores indicate 30-35dph and brownfield/ infill sites is 22-30dph, as per section 13.4.1 of the Cavan County Development Plan. The proposed density at 17dph is clearly significantly below that of the lower end of the brownfield/ infill sites and almost half that of the town/village core sites. Objective RD01 seeks to 'Encourage densities in accordance with the above table throughout the County in accordance with the Core Strategy' the table here is that under Section 13.4.1. The original 23 units would have been within this range but the Planning Authority decided that a development of 18 units would be acceptable even though it would contravene objectives of the Cavan County Development Plan 2022 – 2028.

- 7.3.2. I accept that this is a restricted site in terms of location and topography, however full consideration has to be had of the site zoning and the associated density, and it is evident that the proposal (original and revised) does not demonstrate compliance with these aspects of the Cavan County Development Plan 2022 – 2028 Incorporating the Draft Cavan Town Local Area Plan 2022 – 2028.
- 7.3.3. Conclusion on Density: The acceptable density of development in Cavan town centre is guided by the site zoning. The proposed development of 18 residential units on a site area of only 1.054 hectares results in a density of 17dph and which does not demonstrate compliance with the relevant density ranges set out in the Cavan County Development Plan 2022 – 2028 Incorporating the Draft Cavan Town Local Area Plan 2022 – 2028.

7.4. Impact on the Character of the Area

- 7.4.1. Background: The issue of impact on the character of the area was raised in the third-party appeals. A range of issues were raised including the impact of the development on existing homes and businesses in the area, but a significant concern was the impact on the structural integrity of existing houses in the area as it is apparent that significant site excavation works, and infill would be required to develop this site. The Planning Authority noted these concerns, and they accepted the response of the applicant as adequate to grant this development.
- 7.4.2. Assessment: The applicant has submitted a Design Statement and a number of photomontages in support of the further information response and landscaping details have also been provided. I consider the photomontages useful in providing an indication of how the development may appear on completion, but I do not consider they are wholly accurate due to the angle/ perspective of the photographs used.
- 7.4.3. The proposed scheme requires a significant amount of engineering to enable the development of the site. A retaining wall is required to the rear/ west of the site, and a second retaining wall is required to the front along the existing public road. Additional support is required to the east of the car parking/ road access and other areas of the site. Excavation will be extensive and Section A-A on Drawing No. 23-178-103 indicates the lowering of the land by 4.6m on parts of the site to enable the development of the residential units, and the raising of land to the front of the site.

Full section details are provided on Sheet No. 503, Issue P-06. Significant earthworks will be required on site. Drawing No. 23-178-106 provides a 'Volumetric Analysis' with the cut indicated to be 5793.784 cubic metres and the fill to be 1897.819 cubic metres. The cut area is greater than the fill but allows for the fill to come from within the site.

- 7.4.4. The proposed development will result in significant retaining walls that will be a very visible feature of this development. From the available information, including landscaping details, I am satisfied that the development of the site can be achieved in a visually acceptable way. In terms of construction impacts, the applicant has provided details of the amount of excavation required, indicated the location and summary details of retaining walls and completed sections. Details are included in the 'Preliminary Site Investigation Requirements & Design Work' by Geoman dated September 2025 of excavation works and retaining walls. The construction of the development will be subject to requirements not covered under the Planning and Development Act 2000 as amended. A Resource & Waste Management Plan (RWMP) has been provided in support of the further information response. A request was made through the appeals for a Construction Management Plan, and this can be provided by way of condition in the event that permission is granted for the proposed development.
- 7.4.5. Concern was raised about the impact of the development on a historical wall in the area, that was associated with the former railway line/ station. This wall does not have the benefit of protection, but I am satisfied that adequate provision can be made for the retention of significant sections of this wall and which can be repaired, by way of a condition attached to a grant of permission.
- 7.4.6. **Conclusion on Impact on the Character of the Area:** I note the comments made in the appeals and I accept that the development would have a significant impact on the visual character of the area. The applicant was requested to submit further information and their response is comprehensive. I am satisfied that the proposed development could be constructed without having an adverse impact on the visual character of the area subject to adequate landscape and appropriate finish to retaining walls/ structures. The potential for structural impact on existing houses is noted, but from the submitted details there is no indication that such an issue may arise.

7.5. Residential Amenity

- 7.5.1. Background: A number of issues of concern were raised including overlooking leading to a loss of privacy and through overshadowing. The Planning Authority requested further information and were satisfied with the response made by the applicant.
- 7.5.2. Assessment – Existing Residential Amenity: The applicant has submitted a ‘Sunlight, Daylight & Shadow Assessment (Development Performance)’ and which primarily focused on the proposed development. A short reference is made to impact on existing residential development and states: ‘This is a low-rise development which is centred in the large project site. It is well separated from all neighbours.’ I note this statement and consider it correct. The site is located on the eastern side of a hill, and the existing houses are to the western side. The submitted sections indicate that the existing houses are at a much higher level than the proposed units and issues of overshadowing will not arise. The same is true for overlooking leading to a loss of privacy. Whilst separation distances between the boundary of units may be just below 20m, separation between rear windows will be over 30m, therefore loss of privacy does not arise to a significant extent.
- 7.5.3. In addition, the existing houses will be higher than the proposed units and are more able to overlook than from the proposed apartments. Overlooking and overshadowing issues will not therefore arise in this proposed development. As part of the proposed development, it is intended that the existing wild landscape to the rear/ west of the proposed apartments will be retained, and this will further ensure that privacy is not impacted and that part of the existing character of the area is retained. There are no protected views indicated on the development plan maps in this location and I do not foresee any impact on views with an amenity value from this development.
- 7.5.4. Assessment – Proposed Residential Amenity: The proposed development provides for 6 no. one bedroom apartments at ground floor level and 12 two bedroom duplex units over. Room sizes including storage provision is acceptable and is in accordance with the standards set out in the Apartment Guidelines. The proposed duplexes are provided with a garden to their rear/ western side, and which has an area in excess of 23sq m. The ground floor apartments are provided with an area to

their front stated to be 13sq m, but which has a depth of less than 1.5m. This is contrary to the Apartment Guidelines which require a minimum depth of 1.5m. I note that the submitted plans and the Housing Quality Assessment indicate different areas for the private open space.

- 7.5.5. The submitted 'Sunlight, Daylight & Shadow Assessment (Development Performance)' demonstrates that all proposed units comply with BS/EN 17037 Annex for Target Illuminance and units are compliant with the BRE Guidance on Sunlight to living rooms and Sunlight on Ground. An area of communal open space to the north of the site demonstrates that it will receive adequate sunlight.
- 7.5.6. The communal open space is indicated to have an area of 133sq m, however the indicated area appears to be less than that. The layout of this area of communal space is unusual with access via a narrow strip of land. I am not convinced that it will provide for suitable amenity for future residents. It is not clear if any public open space is to be provided. Whilst large areas of landscaped lands are retained in this development, they are not available to public use. The sloped nature of the site would pose a significant difficulty in accessing these open space lands.
- 7.5.7. An issue raised was the potential inability to provide for solar panels on the subject site. I can assume that the proposed units would have a high BER and as such would demonstrate a high standard of energy efficiency. There is an opportunity to provide for alternatives to solar panels such as photo voltaic cells to generate electricity and I therefore do not agree with the concern raised.
- 7.5.8. Conclusion on Residential Amenity: In general, the proposed development provides for adequate apartment/ duplex units, and which will be served by appropriate private amenity space. There is an issue over the consistency in the submitted documents regarding the area of the private amenity space, but this could be addressed by way of condition, stating which of the submitted plans was to be developed. The floor plans indicate a higher amount of open space than on the site layout plan/ landscaping details. It appears that no public open space is provided, and the area of communal open space is limited. It may be possible to increase the area of communal open space and as suggested in one of the appeals, a playground may be provided for the benefit of the local community on part of the remainder lands on site.

The third party concerns are noted, but I do not foresee any issue of overlooking due to the location and layout of the proposed development and similarly overshadowing leading to a loss of daylight is not foreseen.

7.6. Transport and Access

- 7.6.1. Background: Concern was raised about increased traffic, safety, potential for light pollution, and insufficient provision for car parking and public transport. The Cavan Road Design Office raised a number of issues of concern, and the Planning Authority were satisfied with the response made to the further information request.
- 7.6.2. Assessment: The junction of Drumnavanagh and Railway Road is restricted due to the steep slope and the tight turn going north onto Railway Road. The road is also relatively narrow but does accommodate two lanes and a footpath to the western side. Sightlines to the south are good and those to the north are also acceptable within a 50kmh zone. A new access will be provided to the site and will serve a cul de sac and a hammerhead end to allow for turning manoeuvres. Car parking is located to the end of the cul de sac and to the eastern side of the access road. 23 parking spaces are proposed, one of which is for EV charging. I am satisfied that the road layout and access is acceptable, and the provision of car parking is also acceptable. Additional provision can be made for EV charging through the provision of ducting etc. that allows for future use on site.
- 7.6.3. Bicycle parking is also provided to the south of the apartment/ duplex block with 24 spaces indicated and 30 more spaces indicated to the north of the block. The bicycle parking provision is also good and acceptable.
- 7.6.4. The revised photomontages indicate that a proper footpath will be provided to the front of the apartment/ duplex block. This will tie into the existing/ realigned footpath and again this is acceptable.
- 7.6.5. There is no indication that the proposed development would give rise to road safety issues. A Road Safety Audit identified a number of issues including the road gradient, footpath gradient, carriageway alignment and concern about the parking layout. These issues were considered in the design stage and revisions made where required. The submitted layout is acceptable. The more significant issues with the road network are existing and the new access will be provided with adequate sightlines to ensure that no issues arise. There is nothing stopping the use

of Highfield Road as a through route at present and I don't foresee that the proposed development would have any additional impact on traffic here.

7.6.6. Pedestrian facilities are to be improved due to this development, and I note that an area is to be provided to Cavan County Council to allow for improvements of the Drumnavanagh and Railway Roads as well as footpath improvements. I do not foresee any issues with light pollution; modern LED lighting should mitigate such concerns. I note the reference to public transport. The site is within walking distance of the bus station and the town centre. Cavan Town Bus C3 does operate along this road, but on a limited basis of one every hour up to 18.30 or so. The area will suffer a shortfall in public transport primarily due to proximity to the town centre, it is approximately 740m walk to the Main Street.

7.6.7. Conclusion on Transport and Access: The subject site is restricted through the site topography and existing road geometry; however, the applicant has demonstrated that a suitable access and layout, including car/ bicycle parking can be provided here. I consider that the proposed road and pedestrian layout to be acceptable.

7.7. Water Supply, Drainage and Flood Issues

7.7.1. Background: Concern was expressed about the impact of the development on existing services in the area. The Planning Authority raised no specific issues in their grant of permission.

7.7.2. Assessment: I accessed the Uisce Éireann Capacity Register, dated August 2025, on the 2nd of March 2026 and the Cavan RWSS for Water Supply was indicated as having Capacity Available. In terms of Foul Drainage, the Capacity Register, dated August 2025, indicated on the 2nd of March 2026 that the Cavan WWTP had a Green indication of available capacity. I am therefore satisfied that the proposed development can be served by public water supply and foul drainage.

7.7.3. The Cavan County Development Plan 2022 – 2028 includes a Strategic Flood Risk Assessment and which indicates that the subject site within Cavan town centre is not within Flood Zone A or B.

7.7.4. Conclusion on Water Supply, Drainage and Flood Issues: I am satisfied that the proposed development can be served by the public foul drainage and water supply

systems. The site is outside of Flood Zone A and B and is not prone to flood impacts.

7.8. Other Issues

7.8.1. Background: The appeals referred to issues in the submitted documentation including inconsistency in details and references. Concern was raised about the impact of the development on the environment.

7.8.2. Assessment: Inconsistencies: The Design Statement dated September 2025 includes a number of inconsistent details and which puts into question much of the information included in it. Some of these issues are clearly editing errors such as Section 1.2 indicating a proposed development of 18 units (as per the submitted further information) but then detailing the units as:

- 07 no. 1 – Bed Apartments
- 16 no. 2 – Bed (4 Person) Duplex Apartments'

giving a total of 23 units as per the original development. More critically is Section 2.3 stating 'In terms of the current zoning the lands have been designated under the plan as: General Enterprise & Employment/ Directly Adjoining Town Core' when the lands are zoned for Mixed Use development. The statement is supported with a number of maps and details of the vision for these lands. This appear to from a local area plan for Cavan Town which expired in 2020. As referred to in the appeal, there is no reference to the existing houses in Highfield Road under Section 2.6 'Local Context & Density' even though they are the most adjacent residential units to the subject site. The report states 'The density for the proposed site is 40 units per hectare and is considered appropriate for this site...'. The density of this site is not 40dph as already detailed in this report.

7.8.3. I agree with the appellants that there are inconsistencies in the submitted documentation. I have also identified inconstant figures for the private open space to serve the individual duplex units. Adequate information is available to assess the development, but caution has to be applied to the submitted documents and information.

7.8.4. Ecological Impact Assessment: The applicant has submitted an Ecological Impact Assessment (EclA) dated June 2025, with site surveys undertaken in June 2025.

The site is not located in or adjacent to any designated sites and the nearest Natura 2000 sites are at Lough Oughter and Associated Loughs SAC (2.9km to the north of the site) and the Lough Oughter Complex (also 2.9km to the north of the subject site). These are considered further in the section on Appropriate Assessment.

Table 5 provides 'Nationally Important Sites within 5km of the Proposed Development'.

- 7.8.5. Section 4.3 describes the Flora on site and nothing of significance was found on this site. No invasive species were found on site. In terms of Fauna, the only mammals noted were fox and a cat. There was no evidence of badgers here. A total of six bats were noted commuting and feeding with the subject site. The site is important for commuting bats probably heading to a nearby lake and is also locally important for feeding bats. No bat roosts were located on this site, though a roost for soprano pipistrelles bats was found to the north west at the fire station.
- 7.8.6. A number of bird types were observed or heard during the site survey for the preparation of the EclA. Dunnock and Linnet form part of the list, and these are of an Amber Status on the Birds of Conservation Concern in Ireland 2020 – 2026. No frogs or lizards were located on site, as expected as there is no ponds or drains here. A small number of invertebrates were located here.
- 7.8.7. The site offers shelter and foraging for bats and birds as well as contributing to the Cavan local green ecological network. The site is considered to be of a low value for mammals that are protected under the relevant Wildlife Acts. The EclA reports that it is locally important for the feeding and commuting bats and does provide some valuable habitat space for birds. The development would impact on bats through a loss of roosts (none at present, though decaying trees could be future sites for roosting) and through loss of foraging habitat in the removal of scrubs, hedgerows and grasslands with new buildings. Similar impacts would occur for birds, mammals and invertebrates using the site. The impact would be long-term negative at a local level. The EclA also reports that water quality would not be impacted as there are no surface level watercourses in the area but as groundwater vulnerability ranges to extreme, suitable mitigation measures should be deployed to prevent pollution to groundwater during the construction phase of the development.

- 7.8.8. Operational Phase impacts include potential effects on bats due to lighting unless suitably mitigated and landscaping could inadvertently introduce invasive plant species to the site. Landscaping will also have a positive impact and would enhance 'the ecological value of the site post-development.'
- 7.8.9. Section 6 of the EclA includes details on mitigation measures during the construction and operational phases of the development. I note that the EclA states that it 'is recommended that all measures be incorporated into a Construction and Environmental Management Plan (CEMP), which should be submitted to the Local Authority prior to the commencement of works.' Specific measures for bats include the installation of five bat boxes (types stated) and also details on trees/ plants relevant to bats. In conclusion it states that the proposed development would 'have a slight residual negative impacts upon the local ecology and biodiversity of the area' however the new habitats, from landscaping, would have a positive benefit to the local ecology of the site.
- 7.8.10. The submitted details are noted, and I agree with the conclusion of the EclA. The site is overgrown and appears to not having been managed for some time. The proposed development would result in the loss of this wild habitat and there would be other impacts from the construction of the retaining walls and other structures on site. As reported, the site is relatively small and I note its located in an urban area, zoned for development. It would not result in the loss of any designated area and suitable mitigation measures have been provided to ensure that any impact is minimised. Reference is made in the appeals to mammals and birds on site, however the EclA survey only found fox and birds that were not on the Red List. As per the EclA I consider that a suitable Construction Management Plan should be developed to ensure that the impact on the ecology of the site is minimised to an acceptable level.
- 7.8.11. Other Assessments: The applicant has submitted 'A bat assessment of the site at Railway Rd, Cavan', dated May 2025. The information provided in this report matches that of the EclA. No roosts on site though one was found nearby at the fire station. The site is locally important for feeding and commuting bats. I note Appedix I which provides 'Bat detector data' and Appendix II provides 'Bat data from within 10 km of the site'. Mitigation measures include the provision of bat boxes and control/

details of suitable lighting to be provided on site. I note the submitted information and agree with the proposed mitigation measures.

7.8.12. Other Environmental Issues: Third party appeals raised concern about noise, pollution and nuisance generated from the proposed development of this site. I again refer to the need for a suitable Construction Management Plan if the site is to be developed. The site is zoned for development in the current Cavan County Development Plan (CMP) and it is likely that any development of this site would give rise to a level of nuisance. Such would have to be controlled by the CMP and other relevant building control requirements.

7.8.13. Other issues: I have referred to the concerns raised about impact on existing business in the area. Some disruption would have to be expected during any construction on this site. The concern about children entering third party lands is not an issue that can be controlled under the Planning and Development Act 2000 as amended. The control of access to land is a matter for the landowner in the first instance. The nature of the development, one and two bedroom units would possibly suggest that such an issue would not arise directly from this site.

7.9. Overall Conclusion

7.9.1. The subject site, with a stated area of 1.054 hectares, is suitably zoned for a mix of commercial/ retail and residential development, and which allows for a density of 22 – 30 dph for brownfield/ infill sites. The subject lands are within walking distance of Cavan town centre, where a range of retail, educational, commercial and social infrastructure is available. The site is undeveloped and is vacant and is suitable for development. Due to the nature of the site, overlooking of/ loss of daylight/ sunlight to existing properties is not foreseen and I am satisfied that suitable vehicular/ pedestrian access can be provided.

7.9.2. Whilst residential development is acceptable, it should only form a part of the development of these lands and not be the sole use. The site is zoned for Mixed Use development, which is a limited zoning type within the Cavan town area. From the site visit and supporting information on file, I consider that the intention of the zoning here was to ensure the consolidation of the town centre such that it includes the former railway station, fire station and other businesses to the north of the site. The provision of an entirely residential scheme here would not achieve such an

intention and would result in piecemeal development of the town centre. I refer again to the vision for Mixed Use development and which states, 'Provide for a mix of residential development and other uses which would allow for both an expansion of the residential, employment and economic development of the town without detracting from the town core'; the proposed development does not demonstrate compliance with the vision.

- 7.9.3. I accept that this is a small site and the development could be considered an infill scheme. The Planning Authority considered it appropriate to omit the non-residential element of the scheme. I disagree with such an approach and consider that it materially contravenes the objective and vision for the Mixed Use Zoning. I also note the low density proposed on this site at 17 units per hectare, which is well outside the range of 22 – 30 dph and indicates an inefficient use of land within a town centre location. Public open space is also lacking on site, though this may be acceptable in a fully mixed use scheme, I have greater concern about this in a fully residential development as that provided. I am satisfied that a suitable mixed use scheme could be provided here on here, and which includes residential units at the density indicated in the development plan. I consider that the proposed development should be refused permission for non-compliance with the zoning objective/ vision, failure to provide for a suitable density of units and also failure to provide for suitable public open space.

8.0 Appropriate Assessment Screening

- 8.1.1. I have considered case PL-500304-CN in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The development is located on partial greenfield site to the north of Cavan Town Centre. The site slopes upwards from east to west and the public road sloped downwards from north to south connecting to Railway Road. To the east of Railway Road is the River Cavan. There are no designated sites within or adjacent to this site.
- 8.1.3. The closest European Sites, part of the Natura 2000 Network, are:
- Lough Oughter and Associated Loughs pNHA (Site Code 000007) is located approximately 2.9km to the north west of the subject site.

- Lough Oughter Complex SPA (Site Code 004049) is located approximately 2.9km to the north west of the subject site.

Having considered the nature, scale and location of the project, I am not satisfied that it can be eliminated from further assessment because it could have an effect on a European Site. The reason for this conclusion is as follows:

- The nature and limited scale of the proposed development.
- An indirect hydrological connection between the site and the identified European Sites via the River Cavan which is located approximately 30m to the east of the subject site.

I conclude that the proposed development (alone) could result in significant effects on the Lough Oughter and Associated Loughs SAC (Site Code 000007) and the Lough Oughter Complex SPA. The subject site is located on a steeply sloped site, and the public road also slopes downwards from the site to Railway Road which is located to the west of the River Cavan. Extensive excavation works are required on site and in addition to the construction of buildings on site, there are extensive retaining walls and structures required to support the land/ soil, which could give rise to cement/ concrete escaping and entering the River Cavan. The River Cavan has a poor status at present, but the escape of soil/ sediment and construction materials could further increase the poor status.

The impact on the River Cavan is not considered in the submitted AA Screening and supporting documentation does not provide for any suitable mitigation measures during the construction phase of the development. I note that measures have been proposed for the operational phase including the use of petrol interceptors and surface water drainage, but no such considerations were made for the construction phase of this development.

It is not possible to screen out potential effects on designated sites as the potential for impact on the River Cavan was not considered.

A revised Appropriate Assessment Screening and Appropriate Assessment (Stage 2) could be sought from the applicant to address these issues in full.

9.0 Environmental Impact Assessment (EIA)

9.1.1. Under Part 2, Schedule 5 of the Planning and Development Regulations, the development is classed as 10(b)(iv) urban development. The proposed development is located in a built up area and has a stated area of 1.054 hectares. The proposed development is sub-threshold for mandatory EIA as the site area is less than 10 hectares and less than 500 units are to be provided as per 10(b)(i).

9.1.2. Having regard to: -

a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

c) the location of the site on lands governed by the zoning objectives 'Mixed Use' and which has an objective to 'Provide for residential and appropriate mixed-use development',

d) The existing use on the site and pattern of development in surrounding area,

e) The planning history relating to the site,

f) The availability of mains water and wastewater services to serve the proposed development,

g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),

h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and

j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

10.0 Water Framework Directive

- 10.1. The Cavan River is located approximately 30m to the east of the subject site, whilst there is no direct hydrological connection, due to the topography of the site and the sloped nature of the public road, material escaping the site through water would likely enter the Cavan River. Surface water drainage on Railway Road may not be sufficient to capture escaped material. The proposed development consists of the provision of 18 apartment units, but the construction of this scheme requires extensive groundworks and the provision of retaining structures to ensure the stability of the subject land.
- 10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 4 after my report. This assessment considered the impact of the development on:
- Cavan River
 - Killashandra Ground Waterbody
- 10.3. The impact from the development was considered in terms of the construction and operational phases. Through the nature of the development, and the provision of suitable mitigation measured especially during the construction phase, all potential impacts can be screened out. The proposed development is for an urban scheme to the north of Cavan town, and which will be connected to the public foul drainage and water supply systems. These have adequate capacity according to the Uisce Éireann Capacity Registers when checked on the 3rd of March 2026.

Conclusion

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

Note: In the interest of clarity, I am satisfied that measures can be taken to screen out any concern about impact on watercourses through the WFD process. Engineering/ site processes can be put in place to prevent run-off from the site. There is no conflict with the AA Screening process, as the onus is on the applicant in that case to provide the necessary details and in the absence of adequate information as to what measures would be employed on site, which may or may not be determined to be mitigation measures requiring appropriate assessment. The absence of such information does not allow for the screening out of potential effects on designated sites, where a hydrological connection, though indirect, has been identified in this case.

11.0 Recommendation

I recommend that planning permission should be refused for the following reasons.

12.0 Reasons and Considerations

1. The subject application provides for residential only development on lands zoned for a mix of residential and mixed uses, with a stated vision in the Cavan County Development Plan 2022 – 2028 to 'Provide for a mix of residential development and other uses which would allow for both an expansion of the residential, employment and economic development of the town without detracting from the town core'. The zoning would consolidate the town centre and existing development to the north, whilst providing for additional residential development in this part of Cavan town. Having regard to the Mixed Use zoning of the site, the objective of which is to 'Provide for residential and appropriate mixed-use development', and the location of the site adjoining the town centre to the south and commercial/ social infrastructure

to the north, it is considered that the proposed development, which is entirely residential in nature, would contravene materially the said zoning objective, would not support the consolidation of the town centre giving rise to piecemeal development, and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, as revised by a further information request, provides for a total of 18 units on a site area of 1.054 hectares. The proposed density is of 17 dwellings per hectare which is far below the range stated in the Cavan County Development Plan 2022 – 2028 for Brownfield/ Infill Sites and which is indicated to be in the range of 22 – 30 units per hectare. Permitting such a density of development would set a poor precedent and would result in the inefficient use of serviced lands. The proposed development does not demonstrate an efficient use of lands which are within walking distance of Cavan town centre, does not provide for a suitable mix of uses on site contrary to the mixed use zoning and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to its location at the edge of the centre of Cavan town, it is considered that the proposed development would result in the poor disposition and quantity of public and communal open space. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Paul O'Brien

Inspectorate

3rd March 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500304-CN-25		
Proposed Development Summary	The construction of 23 apartments in two separate buildings, a commercial unit and all other site works. Significant further information was received, which omitted the commercial unit and only 18 residential units in one block was proposed.		
Development Address	Railway Road, Drumavanagh, Co. Cavan.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	√	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
No	√	Not a development under Class 1.	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
Yes	Part 2 - Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units. – subthreshold – only 46 units proposed. (iv) Urban development which would involve an area greater than	Subthreshold in terms of (b)(i) and (b)(iv).	Proceed to Q.4

		<p>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.</p> <p>– subthreshold – Business district but with a site area of 1.054 hectares.</p>		
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	The construction of 23 apartments in two separate buildings, a commercial unit and all other site works. Significant further information was received, which omitted the commercial unit and only 18 residential units in one block was proposed.
Development Address	Railway Road, Drumavanagh, Co. Cavan.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Following the receipt of significant further information: <ul style="list-style-type: none"> • Construction of 18 units in the form of 6 apartments and 12 duplex apartment units. • New road access, car parking and site landscaping. • Significant excavation works and provision of retaining structures on site. Materials and construction methods would be typical of a project of this nature. Nuisance may occur due to noise, dust and construction vehicles but would be short term. No accidents/ disasters are foreseen.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,	The development is located on greenfield site to the north west of Cavan Town Centre, though it is located on Mixed Use Zoned lands, thereby forming part of the extended town centre. There are no designated sites within or adjacent to this site.

landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The revised application was supported with an Ecological Impact Assessment. No significant effects are foreseen on environmental sites. The proposed development would have a long term beneficial impact through the provision of additional housing in Cavan. Landscaping would benefit biodiversity in the immediate area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

Inspector: _____ **Date:** _____

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects	
Brief description of project	<p>The construction of 23 apartments in two separate buildings, a commercial unit and all other site works. Significant further information was received, which omitted the commercial unit and only 18 residential units in one block was proposed.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site with a stated area of 1.054 hectares consists of an irregular shaped site located to the west of Drumnavanagh off Railway Road approximately 390m to the north west of Cavan Town Hall. The lands are undeveloped and are mostly overgrown except for a small section adjacent to an access gate on the eastern side of the site. The Drumnavanagh Road rises steeply on a south to north axis and the road turns sharply to the south west opposite the former Cavan Railway Station, which is now in office use, the road here leading to Swellan Court. The site itself slopes steeply upwards from the roadside.</p> <p>To the west of the site is Highfield Road which is access from Swellan Court and consists of a residential development of two-storey, semi-detached houses. The development is within 500m of Cavan Town Centre.</p> <p>The area is served by public water supply and foul drainage, with available capacity according to the Uisce Éireann Capacity Register.</p> <p>Potential Impact Mechanisms include:</p> <ul style="list-style-type: none"> • Release of dust during demolition and construction phases.

	<ul style="list-style-type: none"> Noise and traffic nuisance during demolition, construction and operational phases. Pollution of water courses during the construction and operational phase of the development. 			
Screening report	An 'Appropriate Assessment Screening Report For A Proposed Development at Drumavanagh Road, Cavan, Co. Cavan' has been prepared by Whitehill Environmental on behalf of the applicant.			
Natura Impact Statement	None			
Relevant submissions	<p>The Department of Housing, Local Government and Heritage – Development Applications Unit, reported that they note the findings of the Appropriate Assessment Screening Report with a determination of no significant effects on designated sites. The Department note the proximity of the development to the Cavan River, which is approximately 30m from the subject site. They report that no specific measures have been proposed for surface water control during the construction phase of the development. They recommend that a fully detailed Construction Environmental Management Plan be prepared for the management of surface waters. They also request that prior ecological surveys be undertaken including for Bats – specific request for assessment of any potential roost features and faunal surveys to detect the presence of protected mammals on site.</p>			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
<p>The proposed development is not located within or adjacent to any designated site. therefore, the proposed development would not result in any direct effects such as habitat loss on any European Site.</p>				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N

<p>Lough Oughter and Associated Loughs SAC (Site Code 000007)</p>	<ul style="list-style-type: none"> • Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation • Bog woodland • Otter 	<p>2.9km to the north west of the subject site.</p>	<p>No direct hydrological connections, however further consideration on impact on QI's due to proximity to this SAC and proximity of the development to the River Cavan.</p> <p>Surface water will be treated on site through proposed SUDs measures as standard for the development of this nature.</p>	<p>Y</p>
<p>Lough Oughter Complex SPA (Site Code 004049)</p>	<ul style="list-style-type: none"> • Great Crested Grebe • Whooper Swan • Wigeon • Wetlands & Waterbirds 	<p>2.9km to the north west of the subject site.</p>	<p>No direct hydrological connections, however further consideration on impact on QI's due to proximity to this SAC and due to the proximity of the site to the River Cavan.</p> <p>Surface water will be treated on site through proposed</p>	<p>Y</p>

			SUDs measures as standard for a development of this nature.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

In terms of Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA, there are no direct hydrological connections, however further consideration on impact on QI's due to location of the proposed development within 2km of this designated site. The subject site is also within 30m of the River Cavan which forms a hydrological pathway to the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Oughter and Associated Loughs SAC (Site Code 000007)	<p>Direct</p> <p>None, due to location of the site and scale of development. There is no hydrological connection due to the lack of watercourses on site.</p> <p>Indirect:</p> <p>Whilst there are no watercourses on site, the subject lands are within 30m of the River Cavan which provides a direct hydrological connection to the Lough Oughter and Associated Loughs SAC. There is potential for a deterioration in water quality due to surface water entering this river during the construction phase. The</p>	<p>Potential for water pollution due to the proximity of the site to the River Cavan and thereby providing an indirect hydrological connection between the subject site and the Lough Oughter and Associated Loughs SAC</p>

	<p>subject site and road are characterised by a steep slopes and there is the potential for sediments, earth and cement to escape the site through surface water and to enter the River Cavan. No measures have been identified in the submitted documentation to prevent such an incident. The submitted AA Screening states ‘There are no pollution pathways between the area of construction works and the SAC/SPA, and this will prevent emissions from the construction from affecting the SAC and SPA.’ This is incorrect, and I note that the Department have raised such concerns in their submission. The potential for materials to enter the River Cavan have not been considered in the submitted AA Screening.</p>	
	<p>Likelihood of significant effects from proposed development (alone): Y</p>	
	<p>There is potential for water pollution due to the proximity of the site to the River Cavan, the significant slope of the site and the public road, and which would provide an indirect hydrological connection between the subject site and the Lough Oughter and Associated Loughs SAC, thereby allowing contaminants to enter the watercourse. QIs in the SAC would likely be effected in the event that water were polluted.</p>	
<p>Lough Oughter Complex</p>	<p>Direct None, due to location of the site and scale of development. There is no</p>	<p>Potential for water pollution due to the proximity of the site to the River Cavan and</p>

<p>SPA (Site Code 004049)</p>	<p>hydrological connection due to the lack of watercourses on site.</p> <p>Indirect:</p> <p>Whilst there are no watercourses on site, the subject lands are within 30m of the River Cavan which provides a direct hydrological connection to the Lough Oughter and Associated Loughs SAC. There is potential for a deterioration in water quality due to surface water entering this river during the construction phase. The subject site and road are characterised by a steep slopes and there is the potential for sediments, earth and cement to escape the site through surface water and to enter the River Cavan. No measures have been identified in the submitted documentation to prevent such an incident. The submitted AA Screening states 'There are no pollution pathways between the area of construction works and the SAC/SPA, and this will prevent emissions from the construction from affecting the SAC and SPA.' This is incorrect, and I note that the Department have raised such concerns in their submission. The potential for materials to enter the River Cavan have not been</p>	<p>thereby providing an indirect hydrological connection between the subject site and the Lough Oughter Complex SPA.</p>
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	considered in the submitted AA Screening.	
	Likelihood of significant effects from proposed development (alone): Y	
<p>There is potential for water pollution due to the proximity of the site to the River Cavan, the significant slope of the site and the public road, and which would provide an indirect hydrological connection between the subject site and the Lough Oughter Complex SPA, thereby allowing contaminants to enter the watercourse. QIs in the SPA would likely be effected in the event that water were polluted.</p>		
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>I conclude that the proposed development (alone) could result in significant effects on the Lough Oughter and Associated Loughs SAC (Site Code 000007) and the Lough Oughter Complex SPA. The subject site is located on a steeply sloped site, and the public road also slopes downwards from the site to Railway Road which is located to the west of the River Cavan. Extensive excavation works are required on site and in addition to the construction of buildings on site, there are extensive retaining walls and structures required to support the land/ soil, which could give rise to cement/ concrete escaping and entering the River Cavan. The River Cavan has a poor status at present, but the escape of soil/ sediment and construction materials could further increase the poor status.</p> <p>The impact on the River Cavan is not considered in the submitted AA Screening and supporting documentation does not provide for any suitable mitigation measures during the construction phase of the development. I note that measures have been proposed for the operational phase including the use of petrol interceptors and surface water drainage, but no such considerations were made for the construction phase of this development.</p> <p>It is not possible to screen out potential effects on designated sites as the potential for impact on the River Cavan was not considered. A revised Appropriate Assessment Screening and Appropriate Assessment (Stage 2) could be sought from the applicant to address these issues in full.</p>		

Appendix 4: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500304-CN	Townland, address	Railway Road, Drumavanagh, Co. Cavan.
Description of project		The construction of 23 apartments in two separate buildings, a commercial unit and all other site works. Significant further information was received, which omitted the commercial unit and only 18 residential units in one block was proposed.	
Brief site description, relevant to WFD Screening,		The subject site with a stated area of 1.054 hectares consists of an irregular shaped site located to the west of Drumnavanagh off Railway Road approximately 390m to the north west of Cavan Town Hall. The lands are undeveloped and are mostly overgrown except for a small section adjacent to an access gate on the eastern side of the site. The Drumnavanagh Road rises steeply on a south to north axis and the road turns sharply to the south west	

	<p>opposite the former Cavan Railway Station, which is now in office use, the road here leading to Swellan Court. The site itself slopes steeply upwards from the roadside.</p> <p>To the west of the site is Highfield Road which is access from Swellan Court and consists of a residential development of two-storey, semi-detached houses. The development is within 500m of Main Street, Cavan Town Centre.</p>
Proposed surface water details	SuDS measures to be used in the engineering design.
Proposed water supply source & available capacity	For Cavan town, including the subject site, for water supply there is 'Capacity Available' – dated August 2025.
Proposed wastewater treatment system & available capacity, other issues	For Cavan town, including the subject site, in terms of wastewater treatment there is a 'Green' indication of available capacity – dated August 2025.
Others?	N/A
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	Located approximately 30m to the east of the subject site.	Cavan_010 (Code: IE_NW_36C020300)	Poor	At Risk	Agriculture and Urban Run-off	Surface water run-off, groundwater and drainage.
	0m	Killashandra Ground Waterbody (IE_NW_G_062)	Good	Not at Risk	N/A	Groundwater

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	Cavan_010 (Code: IE_NW_36C020300)	Indirect – potential for polluted water and material to escape the site and cross the road to the River Cavan.	Water Pollution Surface water run-off	Use of Standard Construction Practice – This is not detailed in the submitted	No	Screen out at this stage.

					documentation but could be conditioned to be provided to a satisfactory standard.		
2.	Site clearance & Construction	Killashandra Ground Waterbody (IE_NW_G_062)	Indirect impact via Potential hydrological pathway to groundwater.	Water Pollution	Use of Standard Construction Practice	No	Screen out at this stage.
OPERATIONAL PHASE							
3.	Surface Water Run-off	Cavan_010 (Code: IE_NW_36C020300)	None	Water Pollution	SuDS features incorporated into development. Also provision of petrol interceptor.	No	Screen out at this stage.

4.	Surface Water Run-off	Killashandra Ground Waterbody (IE_NW_G_062)	Indirect impact via Potential hydrological pathway	Water Pollution	SuDS features incorporated into development	No	Screen out at this stage.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A