

An
Coimisiún
Pleanála

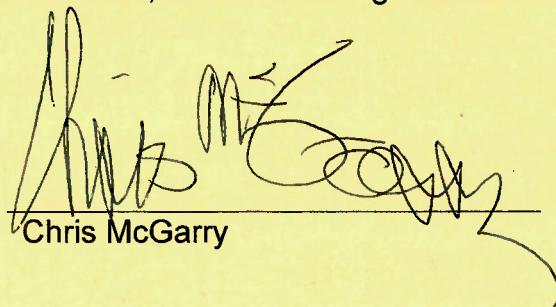
Direction
CD-021801-26
ACP-323660-25

The submissions on this file and the Inspector's report were considered at a meeting held on 22/01/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:



Chris McGarry

Date: 23/01/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the fact that the proposed residential development would be dependent on a connection to the Mullagh Wastewater Treatment Plant, to the submissions on file including correspondence from Uisce Eireann dated 14th October 2025 (which accompanies a submission from the first party received by the Commission on the 15th October 2025) and which states that the plant was designed and built before EPA discharge authorisation was granted and as such was not designed to meet Emission Limit Values as stipulated under its discharge licence and that Uisce Eireann has a project in place to deliver planned upgrades at Mullagh WwTP to ensure compliance and increase capacity, with an expected completion

date of the upgrade stated as being 2029 (though no detail of the specific nature of the deficiencies at the plant, nor confirmation of whether or not any relevant consents are in place for such upgrades), it is therefore considered having regard to:

- (a) the existing constraints at the Mullagh Wastewater Treatment Plant, which is non-compliant with the Emissions Limit Values of its Discharge Licence (D0252),
- (b) the lack of certainty with regard to timing/consent, in respect of works to improve the performance of the Wastewater Treatment Plant to ensure compliance with its licence,
- (c) the existing biological status of the Mullagh Lough Stream, which has been classed by the Environmental Protection Agency as being of 'poor' status,
- (d) Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, which requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water,
- (e) Article 4, Section 1 and 4 of the Water Framework Directive, which requires that a surface water body whose status is determined to be less than good shall be restored to at least 'good' status by 2015, or by 2027 at the latest,
- (f) the relevant provisions of the Cavan County Development Plan 2022-2028 that seek to protect surface water quality in accordance with the Water Framework Directive, specifically Objectives FDW 02 and GW03,

that the proposed development would be premature by reference to the existing deficiencies in the Mullagh Wastewater Treatment Plant and the period within which this constraint may reasonably be expected to cease. The proposed development would, therefore, pose an unacceptable risk of environmental pollution and would be contrary to the proper planning and sustainable development of the area.