

Planning and Development Act 2000, as amended

Planning Authority: Cavan County Council

Planning Register Reference Number: 24/60646

APPEAL by Boyne Catchment Anglers Association against the decision made on the 19th day of August, 2025 by Cavan County Council to grant subject to conditions a permission to Mary Crook and Anne O'Connell Cavan for the proposed development.

Proposed Development: Construction of 58 number dwellings comprising of the following: (a) 14 number three bed dormer dwellings, (b) one number three bedroom single storey dwelling, (c) 26 number three bed two storey semi-detached dwellings, (d) 16 number four bed two storey semi-detached dwellings, (e) one number four bed two storey detached dwelling and (f) form connections to all public services, form new entrance onto public road, together with all associated site works at Mullagh Townland, Mullagh, County Cavan, as amended by the further public notices received by the planning authority on the 24th day of July, 2025.

Decision

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

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 Éireann dated 14th day of October 2025 (which accompanies a submission from the first party received by the Commission on the 15th day of October 2025) and which states that the plant was designed and built before Environmental Protection Agency discharge authorisation was granted, and as such, was not designed to meet Emission Limit Values, as stipulated under its discharge licence, and that Uisce Éireann has a project in place to deliver planned upgrades at Mullagh Wastewater Treatment Plant 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;

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- (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; and
- (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.



Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 26th day of January 2026.