



An
Coimisiún
Pleanála

Inspector's Report ABP-322382-25

Development	Retention of a two-bedroom log dwelling, covered outdoor space, utility, septic tank and percolation area, new entrance and associated site works.
Location	Grellagh, Carrickaboy, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2560029
Applicant(s)	Ann Nelson
Type of Application	Retention
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observers	<ol style="list-style-type: none">1. Bridget Lynch, Rose McKenna, John Conlon and Desmond Conlon2. Dessie O'Reilly & Vincent O'Reilly
Date of Site Inspection	13 th August 2025
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an almost rectangular shaped site with a stated site area of 0.310 hectares located to the south east of the L6515, local road within the townland of Grellagh, Co. Cavan. The site is approximately 7km to the south east of Cavan town, and 2.7km to the west of the N3 Dublin to Cavan road.
- 1.2. The site is located in a rural area and the adjoining lands are characterised by one off houses and farm houses/ farmyards. The subject unit, which is a single storey timber finished house is located to the south east of the site with the front elevation facing north. The site boundary consists of mature hedgerows and trees, thereby screening the unit from view. Access to the site is via a stepped back entrance with timber gates in place. There is shed located to the north of the site, foundations for another structure and a shipping container also located adjacent to the shed. There is an extensive area of hardstanding on site.
- 1.3. The local road to the front of the site is straight at this point but is narrow in width. The site access is located to the centre of the hedgerow at the front of the site. The site/ public road rise on a north to south axis.

2.0 Development

- 2.1. The development consists of:
 - Retention of a single storey timber finished cabin. This is a two bedroom unit with a stated floor area of 67.11sq m. Also includes a covered outdoor space and utility room.
 - Retention of a septic tank and a percolation area.
 - Retention of a new site entrance and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons as follows:

‘1. On the basis of the information submitted, the planning authority is not satisfied

that the applicant has demonstrated a rural housing need in accordance with the Development Plan criteria for rural housing in a Stronger urban influence Area under Objective SUI01 and SUI03 of Cavan County Development Plan 2022-2028. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information available, the Planning authority considers that the development poses public health concerns. Therefore, the Planning authority are precluded from considering the application.'

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority considered that the applicant had not demonstrated a rural housing need in accordance with the Cavan County Development Plan 2022 – 2028 for a development on these lands located within a Stronger Urban Influence Area.
- Secondly the retention of this development would give rise to a public health concern, and this was confirmed by the Environmental Section of Cavan County Council. The wastewater treatment system is required to demonstrate compliance with the minimum separation distances specified in the EPA Code of Practice 2021. In addition, there is a requirement for the submitted layout plan to indicate all water services infrastructure on site including pipework that provides the water supply to other properties. The Environmental Section noted a third party comment that there was never a septic tank on site previously although the applicant's cover letter indicates that such a system was in place in the late 1960s and was upgraded during the period 1992-1993. The third party water supply well is from the subject site, which they have a wayleave/ easement over and the development would give rise to a public health issue.
- I note some of the other comments in the PA report. The applicant was approved a house in 2001, with an extension to the house approved in 2023. They subsequently sold their house, and the PA have confirmed that this is the case. No particular comment, other than a description, was made of the house design, trees would require removal to facilitate 80m sightlines, water would be from an

existing well on site and the proposed wastewater treatment system would be acceptable to serve this development. The public health issues arise from inadequate separation distances and impact on third party water supply.

- No Appropriate Assessment (AA) issues arise.

3.2.2. Other Technical Reports

- Senior Executive Scientist (Environment Section): Reports that the submitted documentation indicates that there is an existing septic tank on site, and the submitted site characterisation form indicates that the site can provide for suitable percolation and sufficient depth to the water table. Notes the third party issues regarding the presence or not of a septic tank on site since the 1960s. Further information was requested including a revised site layout plan indicating all relevant features as per Table 6.2 of the EPA Code of Practice 2021, with particular reference to wells within 250m of the wastewater treatment facilities. Separation distances are to comply with the EPA Code of Practice 2021. All pipework including those serving adjacent properties are to be indicated on the revised site layout plan.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

Eight submissions objecting to the development were received and comments, in summary, were as follows:

- Concern about contamination of water supply due to the subject septic tank.
- Access to a pumphouse/ well is prevented through the construction of a concrete wall.
- The description of an existing pump house is incorrect, as it is newly constructed.
- An existing pump house is not indicated on the site layout plan.
- Details of an underground water pipe are not indicated on the site layout plan.

- Query over conflict of interest as the submitted Site Assessment Report was prepared by a relation of the applicant. This report has been badly prepared and is not signed off by someone with the correct authority to do so.
- Impact on the area from the proposed development including a loss of flora and fauna. Reference is made to impact to bats in the area.
- There is a need for an Environmental Impact Report.
- Road safety concerns about the access to/ from the site.

4.0 Planning History

There are no recent, relevant applications on this site.

Immediately adjoining to the north of the site are a number of applications under the same name as the applicant and which are referenced in the Planning Authority report.

PA Ref. 01504 refers to a June 2001 decision to grant permission for a two-storey house with garage attached, septic tank, percolation area and ancillary works, for Ann Nelson.

PA Ref. 2360189 refers to an October 2023 decision to grant permission for the retention of a sitting room extension, covered outdoor space, lean-to carport, sheds, a widened entrance and associated site works, for Ann Nelson.

5.0 Policy Context

5.1. Development Plan

The Cavan County Development Plan 2022 – 2028 is the operative plan for the area. The subject site does not have a specific land use zoning but as per Appendix 21: 'Rural Area Types Map', the site is located within an area of 'Stronger Urban Influence'.

Section 12.13 of the Cavan County Development Plan 2022 – 2028 (CDP) provides details and requirements for 'Rural Housing', i.e. housing located outside of designated towns and villages defined in the Core Strategy. The CDP states:

'The Plan aims to:

- Sustain and renew established rural communities in the small towns and villages and wider countryside areas.
- Strengthen the established structure of villages and smaller settlements in rural areas to support local economies and to accommodate additional population in a way that supports the viability of local infrastructure and services.
- Avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads for single houses, to which speed limits greater than 60kmph apply.
- Ensure that key assets in rural areas such as water quality and the natural and cultural heritage are protected to support quality of life and economic viability.
- Review the Rural Housing Policy and Typologies pending updated Section 28 Guidelines for Rural Housing.

It is necessary to carefully manage rural housing development. The provision of more sustainable housing options for rural communities will be facilitated by the plan through building up the capacity of our rural villages and Community Nodes to accommodate future housing needs of rural dwellers.'

Objectives RH01 to RH11 are the Rural Housing Development Objectives are the following are relevant to this this development:

RH01: 'Ensure rural generated housing needs should be accommodated in the locality in which they arise and where the applicant comes within the development plan definition of need, subject to satisfying good planning practice in matters of location, siting, design, access, wastewater disposal and the protection of environmentally sensitive areas and areas of high landscape value.'

RH02: 'Ensure urban generated housing needs is accommodated in areas identified for housing in the adjoining towns and villages.'

RH03: 'Deliver at least 20% of all new housing in rural areas on brownfield sites'

RH04: 'All rural housing planning applications, in all rural area types, shall be required to complete a "Rural Housing Application" form. The purpose of this form is to ascertain the need for housing in rural areas and to allow the Planning Authority to monitor trends to ensure effective decision making.'

RH05: 'Applications in rural areas shall be for individual dwelling houses only and must be made in the name of the person who is the intended occupier of the dwellinghouse.'

RH06: 'Apply occupancy condition of 7 years'.

RH07: 'Applicants shall submit evidence of their rural generated housing need at the particular location they are seeking permission. Rural generated housing need generally refers to

- Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry.
- Persons employed locally whose employment would provide a service to the local community
- Persons who have a social or economic tie within the area, including returning emigrants.
- Persons who wish to return to farming and who buy or inherit a substantial farm-holding which is kept intact as an established farm unit. Where there is already a house on the holding, reestablishment of this house is the preferred option.

RH08: 'Ensure new rural housing comply with the Design Guide for Single One-Off Houses within Cavan Rural Countryside with respect to Site Selection, House Design, Landscaping, Sustainability and Design Statement.'

RH10: 'Prevent ribbon development extending out along radial roads from the towns in this area.'

RH11: 'Urban generated housing development shall be directed into towns and villages.'

Section 12.13.2 'Rural Housing' provides definitions on rural housing/ rural generated housing and rural area types. For areas under Strong Urban Influence such as this site the following objectives apply:

SUI 01: 'That development within 'Areas under Strong Urban Influence' shall be restricted to landowners and their immediate family members only with a demonstratable social or economic need.**'

SUI 02: 'Accommodate rural generated, housing need from individuals for permanent residential development in strong urban influence who have strong social or economic need to locate in the area and who are an intrinsic part of the rural community, subject to good planning practice, in matters of location, siting, design and the protection of environmentally sensitive areas and areas of high landscape value, environmental carrying capacity and landscape protection consideration.'

SUI 03: 'Apply an occupancy clause of a minimum of 7 years.'

'**Satisfied by the following criteria: Landowner is defined as an individual with a land holding of a minimum of 10 hectares. Applicants not meeting the criteria of ownership of a minimum of 10 hectares will be dealt with on a case by case basis.'

Section 12.13.2.2 refers to 'Rural House Design' and Appendix 22: provides the 'Design Guide for Single One Off Houses within Cavan Rural Countryside'.

The following are also relevant to this development:

Section 12.13.2.3 refers to 'Wastewater Treatment in Rural Areas' and the following are noted:

WTR 01 'Ensure proposals involving the installation of an on site wastewater treatment system are in accordance with the requirements of the 'EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses,' (2009) or any subsequent Code of Practice which supersedes it.'

WTR 02 'Ensure proposals shall be accompanied by a Site Characterisation Form which has been properly completed by a suitably qualified person.'

WTR 04 'Ensure that private wastewater treatment plants, where permitted, are operated in compliance with EPA's Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (PE. ≤10) (EPA 2009), as may be amended.'

WTR 05 'Protect against development proposals, involving individual treatment systems, which would increase effluent loading within existing housing clusters located within areas of high groundwater vulnerability.'

'12.13.2.4 Private Wells

The use of private wells to provide water to single houses remains the responsibility of the householder. Private wells are not regulated under the European Communities (Drinking Water) Regulations 2014 and Irish Water has no role in relation to private water supplies. The Local Authority is responsible for providing advice and guidance in relation to the protection of the supply. Applicants will be required to connect to mains or Group Water Supply water sources where available.'

A single objective applies:

'PW 01: Support householders, through advice and guidance, to ensure that private wells are to acceptable drinking water standards.'

Section 12.13.2.6 refers to 'Access and Sightlines for Rural Applications' with the following objectives:

AS 01 'Existing roadside hedgerows and trees shall be retained as much as possible. The entrance shall be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow.'

AS 02 'New access points onto the public road network shall generally be subject to sight line visibility standards as set out in Cavan County Councils document Sightline Visibility Requirements for Junctions and Direct Accesses, contained in Appendix 4 of this Plan.'

AS 03 'Restrict the creation of additional access points from new developments or the generation of increased traffic from existing accesses to national roads, to which speed limits greater than 60kmph apply.'

Section 12.13.2.7 refers to 'Boundary Treatment in Rural Areas' and Section 12.13.2.10 refers to 'Siting and Design'.

5.2. National Guidance

Sustainable Rural Housing - Guidelines for Planning Authorities (DoEHLG, 2005).

National Planning Framework First Revision – April 2025 recognises the importance of rural Ireland.

National Policy Objective 28 is relevant to this development:

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Also relevant is National Policy Objective 29:

‘Project the need for single housing in the countryside through the local authority’s overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.’

5.3. Natural Heritage Designations

- Lough Oughter Complex SPA (Site Code 004049) and Lough Oughter and Associated Loughs pNHA (Site Code 000007) are approximately 12km to the west of the subject site.

5.4. EIA Screening

See Form 1 – Appendix A. The proposed development is of a Class under Schedule 5 and below threshold. Having regard to the nature, scale and location of the proposed development and the criteria set out in Schedule 7 of the Regulations, I have conducted a preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been received and the following points, in summary, are made:

- A Rural Housing Application Form was submitted with the application, demonstrating the applicant's connection to the area. The subject lands were given to her by her mother. An OSI map is provided with the appeal indicating the location of the family lands.
- Details are provided to demonstrate compliance with SUI 03. The applicant has lived in the area for some time, is willing to sign an occupancy clause and the site is on the location of the family's original farmhouse/ outhouse. She does not own ten hectares and examples of other permitted development without ownership of ten hectares is provided in support of the application.
- Details are provided to address the public health issues. The septic tank is over 30m from the well on site. Full details are given on the septic tank and PE demand would be for three persons. Photographs of the replacement septic tank and associated infrastructure area provided in support of the appeal.
- The claim by the O'Reilly family in relation to the well is not accepted. They only have the right to the water and wayleave to pumphouse no.1. Pumphouse no.2 serves the applicant's home. Photographs of the pumphouses are provided and are located on an aerial photograph of the site.
- The design of the house is considered to be acceptable and is appropriate in this 'brown field site'. Photographs of the house are provided.
- The access to the site is via an existing access and the Planning Authority raised no concern in relation to the proposed access.
- There is no evidence of bats on site and the shed is in full time use. The applicant is willing to provide a bat survey if requested.
- Full details of the legal history of the site are provided.

A number of supporting Property Registration Authority documents, maps and Land Registry details are provided.

A cover letter has been provided by the applicant/ appellant, and which includes the following points:

- The applicant/ appellant has lived in the area for at least 53 years. She lived in the house adjacent to the subject site for the last 24 years.
- Due to an issue with her mortgage, she had to sell/ move from her home.
- Money was got to buy and build the cabin which is the subject of this application.
- Other personal issues were detailed in the appeal including family circumstances, harassment from neighbours and health matters.

6.2. Third Party Submissions

Two third party submissions were received and were similar to those made to the original application. I note the following points:

- The decision of Cavan County Council is considered to be correct.
- It would be unsafe to permit this development on public health grounds.
- The development is contrary to Objectives SUI01 and SUI03 of the Cavan County Development Plan 2022 – 2028. I note that the submission refers to SU101 and SU103, which I am taking as a typing error.

6.3. Planning Authority Response

- All matters were considered in the original planning report and requests that the decision to refuse permission be upheld.
- Notes the comments made regarding the lack of opportunity for the applicant to comment on the Environment Report, however no further information request was sought and hence why no opportunity to comment was made.

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
- Rural Housing Policy
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Wastewater Treatment and Water Supply
- Access and Transportation
- Other Issues

7.2. Nature of the Development

- 7.2.1. The development consists of the retention of a detached single storey house, which is described as a timber log cabin, a wastewater treatment system, site entrance and all associated works. The unit provides for two bedrooms, a combined kitchen/ dining/ living room, a WC and a utility of 3 m which is separate to the rest of the house. A covered outdoor space is also provided to the southern corner of the structure. I note that the applicant refers to the unit as a two bedroom, three person unit.

7.3. Rural Housing Policy

- 7.3.1. The development of new housing is to be in accordance with Section 12.13.12 of the Cavan County Development Plan 2022 – 2028. There is no indication from the submitted information, including the required rural housing planning form, that the applicant needs to live here due to her employment, no details of agricultural or forestry etc. generated income are provided. The rural generated housing need is therefore on the basis of their links to the local area. The applicant states that they have lived here for over 53 years and her family have a connection to the area going back further.
- 7.3.2. Other than the application form and supporting cover letter, there is no evidence that she has lived in the area for 53 years or more. Documents provide her current address but there is no supporting documentation that indicates that she has lived here for five, ten or more years. The site is within an area under Strong Urban Influence and the requirements for a home here are provided under Objectives SUI 01 to SUI 03, and I have considered each as follows:

SUI 01: Evidence on file that the land is owned by the applicant. The applicant has not provided a demonstrable social or economic need for this house. There is a requirement for a minimum landholding of 10 hectares, which again has not been demonstrated, though this can be assessed on a case-by-case basis as appropriate.

SUI 02: I have no issues with the location of the house on this site and whilst the design is not characteristic of the area, it is set back by 32m from the roadside boundary with good levels of screening when viewed from the road. This is not a heavily trafficked road, and the subject unit does not have a negative impact on the visual amenity of the area. However, the applicant has not provided documentary evidence of their connection to the area. Just saying they lived here for 53 years is not adequate evidence.

SUI 03: The applicant is willing to accept an occupancy clause of 7 years.

- 7.3.3. I am not satisfied that the applicant has demonstrated how she complied with the requirements of the Cavan County Development Plan 2022 – 2028 for the development of a rural house on these lands which are within an area of Stronger Urban Influence. No documentary evidence has been provided as to their connection to the area, they have not demonstrated a social or economic need for a house in this location, and they do not own the required 10 hectares of land to be considered a landowner. The applicant has failed to comply with the requirements of Objectives SUI 01 and SUI 02, and it is recommended that permission be refused for the retention of this development.

7.4. Design and Impact on the Character of the Area

- 7.4.1. The applicant is applying to retain a single-storey log dwelling on this site. I consider the description to be misleading, and I would describe the unit as a single storey timber house. A log dwelling would imply a much more basic form of finish/ construction than that provided here, and timber built/ finished units would not be unknown in this area over the years. The veranda to the front and green/grey and yellow colouring are unusual but not unattractive features.
- 7.4.2. As I have already reported, the unit is set back by over 32m from the roadside edge and I am satisfied that through its location on site, setback from the road and relatively modest scale, it would not have an adverse effect on the visual character of

the area. As I have already reported, the local road does not see a high volume of traffic and there would not be a significant number of people who would be impacted by the retention of this unit.

7.5. Impact on Residential Amenity

- 7.5.1. The subject house provides for adequate room sizes and floor area and is provided with more than adequate private amenity space. There is more than adequate space on site for off-road car parking.
- 7.5.2. I am satisfied that the unit proposed for retention would not have an adverse effect on the existing residential amenity of the area. Separation distances to relevant boundaries are good and the minimum of 25.4m to that to the north east is considered to be acceptable. The subject unit is single storey and does not give rise to overlooking or overshadowing that would lead to a loss of daylight or even sunlight. I accept that there may be a perception of nuisance arising from the introduction of a new house into the area, but an acceptable level of residential amenity remains protected here.
- 7.5.3. The third party submissions commented on their loss of right of way to access the well providing water for their properties. Concern was also raised that the proposed development may impact on the availability of water supply to their properties. There is no indication that access to this well is under threat, but also it can be argued that there is no certainty about future access. This right of way issue is a legal matter, and in fairness to the applicant, the third parties have not provided adequate documentary evidence of their right to access/ cross these lands.

7.6. Wastewater Treatment and Water Supply

- 7.6.1. A site assessment report, dated 20th June 2024, was submitted in support of the application. Trial hole tests were undertaken on the 10th of June 2024, a new septic tank and percolation area have been provided, and which replaced an existing system on this site. The Site Characterisation Form states that the system will be able to meet the needs of up to four persons, though I note reference elsewhere in the application to a treatment system for three person. The subject site area is given as 0.310 hectares.

- 7.6.2. Table 6.2 of the 'EPA Code of Practice for Domestic Waste Water Treatment Systems (2021) sets out minimum separation distances between a treatment system and existing features in the area. 25m is required for an 'Alongside domestic well' and 15m from an 'Up-gradient domestic well'. The issue of separation distance was queried through the third party submissions. From the submitted plans, the well, in use by third parties, is only 12m from the treatment system and 20m from the percolation area. The treatment system is therefore non-compliant with the COP for this requirement, but I am satisfied that all other requirements set out in Table 6.2 are met.
- 7.6.3. The site is located in an area identified with an "Extreme" vulnerability classification on the GSI Groundwater maps and is located within area defined "Poor" Aquifer category, representing a Groundwater Protection Response of R21 under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B2).
- 7.6.4. The trial hole had a depth of 2.5 m and the assessment submitted by the applicant indicates that the water table was not reached at this depth. The submitted site characterisation records a T-test value (Standard Method) of 64.78 min providing for good percolation. As reported, the development does not provide the required separation distance to an existing well on site. A standard septic was considered suitable for this development.
- 7.6.5. I note the submitted details, and I have no objection to the proposed wastewater treatment system to be used here, however due to the lack of adequate separation distance to an existing well, it is recommended that permission be refused due to public health concerns.

7.7. Access and Transportation

- 7.7.1. Access to the site is via an upgraded existing entrance onto the local road to the north west of the subject lands. I have no objection to the access arrangement and the nature of the development and character of the area will ensure that no traffic congestion or safety issues arise. The site is located in a low speed environment off the main public road and good sightlines are available here. As I have reported access to the site is controlled by the use of timber gates, which were open on the day of the site visit.

7.8. Other Issues

- 7.8.1. I note the concern about the impact on bats and in general flora and fauna in the area. The site is not within or adjacent to a European designated site and the general character of the area is not impacted by this development. There is no indication that significant bat species are to be found here, and, in any case, bats are protected under the Wildlife Act 1976 as amended.
- 7.8.2. As I have already reported, there is no requirement for Environmental Impact Assessment of this development and its impact on the area as the subject development is sub-threshold. Considering that this is a retention application, I note that the third parties did not raise any issues in relation to actual impact on the environment.

8.0 AA Screening

- 8.1. I have considered the subject development, which comprises the construction of a new dwelling in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject development is located in a rural area approximately 12km to the east of the Lough Oughter Complex SPA (Site Code 004049). The subject development comprises a single dwelling and has no hydrological or other connection to any European site.
- 8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 8.3. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Water Framework Directive

- 9.1. The subject site is located approximately 685m to the north west of the Stradone Watercourse and overlies the Cavan Ground Waterbody. The proposed development consists of the retention of a single house and wastewater treatment system in the form of a septic tank and percolation area.
- 9.2. 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 1 after my report. This assessment considered the impact of the development on the:
- Stradone watercourse
 - Groundwater
- 9.3. The impact from the development was considered in terms of the construction and operational phases. Through the nature of the development, and distance to the relevant waterbodies, all potential impacts can be screened out.

Conclusion

- 9.4. 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.

10.0 Recommendation

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

11.0 Reasons

1. Having regard to the location of the site, within an area Under Stronger Urban Influence as identified in the Cavan County Development Plan 2022 - 2028, and

which is located in a rural area, and having regard to the stated provisions of Objectives RH07, SUI 01 and SUI 02 of the said development plan for considering rural housing in such areas where consideration of new housing is restricted to persons demonstrating local need and/ or persons with a social/ economic tie to the area, which is considered to be reasonable, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the development plan for a house at this location, as they have failed to adequately demonstrate their connection to this area and have not provided appropriate documentary evidence demonstrating compliance with the requirements of said plan. The proposed development would be contrary to the stated provisions of section 12.13.2 – Rural Housing of the Cavan County Development Plan 2022 - 2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development includes the retention of a septic tank and percolation area that do not demonstrate the required separation distance to an existing well as required under Table 6.2 of the 'EPA Code of Practice: Domestic Waste Water Treatment Systems'. A separation of only 12m from the treatment system and 20m from the percolation area to the well is indicated when the minimum requirement is for 25m. The retention of the development would, therefore, be prejudicial to public health.

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

14th August 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-322382-25		
Proposed Development Summary	Retention of a two-bedroom log dwelling, covered outdoor space, utility, septic tank and percolation area, new entrance and associated site works.		
Development Address	Grellagh, Carrickaboy, Co. Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		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)?			
Yes	Tick/or leave blank		Proceed to Q3.
No	Tick or leave blank	✓	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	Class 10, (b), (i) (threshold is 500 dwelling units)	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Threshold is 500 units, the proposal is only for one unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-322382-25
Proposed Development Summary	Retention of a two-bedroom log dwelling, covered outdoor space, utility, septic tank and percolation area, new entrance and associated site works.
Development Address	Grellagh, Carrickaboy, Co. Cavan
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The proposal comprises a single development of 1 no. house in a rural area. The size of the house would not be described as exceptional in the context of the existing environment. The proposal will not give rise to the production of significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p>Location of development</p> <p>(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</p>	<p>The proposed development is situated in a rural area. The proposed development is removed from sensitive natural habitats, centres of population and sites of</p>

natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	historic/cultural/archaeological importance.	
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).	Having regard to the limited nature and scale of the proposed development (i.e. a single one-off dwelling), its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects; there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date:

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-322382-25	Townland, address	Grellagh, Carrickaboy, Co Cavan
Description of project		Retention of a two-bedroom log dwelling, covered outdoor space, utility, septic tank and percolation area, new entrance and associated site works.	
Brief site description, relevant to WFD Screening,		Area consists of a mix of detached houses and agricultural lands. The subject site area is 0.3 hectares. There are no watercourses on or adjacent to the site.	
Proposed surface water details		Surface water is indicated as discharging to nearest existing watercourse.	
Proposed water supply source & available capacity		Private well.	

Proposed wastewater treatment system & available capacity, other issues			Septic tank on site.			
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.	Underlying site	Cavan Ground Waterbody (IE_NW_G_061)	Good	Not at Risk	N/A	Discharge to Groundwater

		685m to the south east.	Stradone Watercourse (IE_NW_36S0 20075)	Good	Not at risk	N/A	Surface water run-off/ discharge
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 Ground Waterbody	Indirect impact via Potential	Water Pollution Surface water run-off	Retention application –	No	Screen out at this stage.

		(IE_NW_G_061)	hydrological pathway		works complete. Minor nature of the development		
2.		Stradone Watercourse (IE_NW_36S 020075)	Indirect impact via Potential hydrological pathway	Water Pollution Surface water run-off	Retention application – works complete. Minor nature of the development	No	Screen out at this stage.
OPERATIONAL PHASE							
3.	Surface Water Run-off	Cavan Ground Waterbody (IE_NW_G_061)	Indirect impact via Potential hydrological pathway	Water Pollution	Minor nature of the development	No	Screen out at this stage.

	Surface Water Run-off	Stradone Watercourse (IE_NW_36S 020075)	Indirect impact via Potential hydrological pathway	Water Pollution	Minor nature of the development and dilution due to distance.	No	Screen out at this stage.
DECOMMISSIONING PHASE							
6.	N/A	N/A	N/A	N/A	N/A	N/A	N/A