



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322738-25

<b>Development</b>	Extensions on ground & first floor levels of public house & restaurant for the provision of guest bedrooms together with all associated site works.
<b>Location</b>	Kilfaughna, Knockvicar, Boyle, Co. Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	2560117
<b>Applicant(s)</b>	Cordev Construction Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refused
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cordev Construction Ltd (Applicant)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> September 2025

**Inspector**

Frank O'Donnell

## **1.0 Site Location and Description**

- 1.1. The subject appeal site is located in the townland of Kilfaughna, Knockvicar, adjacent to the northwest shore of Lough Key. The site has a stated area of 0.374 hectares and includes an existing natural stone 2 storey former dwelling structure and associated side and rear annexes. The existing building has an established use as a public house/ restaurant 'The Moorings'. The remainder of the appeal site includes hardstanding area, car parking and an existing effluent treatment system and associated percolation area. There is an existing private Marina (Lough Key Marina) located to the immediate south on the opposite side of the local road and an existing gated holiday village comprising a total of 8 no. detached residences. The Applicant states the existing property is currently vacant.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
- Ground floor extension to the rear of the existing public house comprising a new enclosed access stairs and fire escape positioned along the rear northern elevation. The ground floor extension is shown to measure 8.3 metres in length and 3.5 metres in width and has an approximate floor area of 9.5 sqm.
  - First floor extension to the rear comprising 6 no. en-suite guest bedrooms, staff room, storage room, linen and laundry room and landing circulation space. The proposed first floor extension extends a maximum of 14.7 metres to the rear of the original stone building and has a overall width of 22 metres.
  - The existing buildings are stated to have a gross floor area of 378 sqm.
  - The proposed works are stated to measure 231 sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Local Authority issued a Decision to REFUSE permission on 15th May 2025 for the following reason.

1. *Notwithstanding that the proposed development includes proposals to upgrade the existing onsite wastewater treatment system, having regard to the fact that the existing wastewater treatment arrangements are regulated by discharge licence (Roscommon County Council Discharge Licence Ref No. WP-01-18 refers and pertains to discharge to the Lough Key waterbody), it is considered that the combined loadings of the existing and proposed development would fail to accord with the parameters of the discharge license. The proposed development therefore has the potential to jeopardise the achievement of a 'Good' status rating for Lough Key under the 3rd Cycle River Basin Management Plan 2022 – 2027 and the Water Framework Directive and would therefore be contrary to national and European environmental protection policy. Having regard to the foregoing, the proposed development has the potential to be injurious to public health and would therefore be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** considered that permission should be refused having regard to the information presented in the application, the report and recommendations of the Environment Department and the merits of the proposed development.

#### 3.2.2. Other Technical Reports

- The **Environment Department** state they have major concerns in relation to the environmental impact of the proposed development and recommend that permission is refused on the ground that it could negatively impact the objective of Lough Key (IE\_SH\_26\_724) achieving 'good' status.
- The **Boyle Municipal District Office** raise no objection to the proposed development subject to 4 no. standard conditions in relation to the control of surface water, the responsibility of the development for repairs caused to the public road as a result of the construction of the development, the provision of

adequate car parking and sightlines to comply with the Development Plan standards.

- The **Roads Section** raise no objection to the proposed development subject to 5 no. conditions in relation to avoidance of a traffic hazard, the control of surface water, the use of nature based solutions for surface water where possible, the reinstatement of the public road in the event of any damage being caused and the control of car parking along the public road during construction.

### 3.3. **Prescribed Bodies**

- None

### 3.4. **Third Party Observations**

- None

## 4.0 **Planning History**

### 4.1. **Planning History on the Subject Appeal Site**

- **08/540:** Permission to demolish existing licensed premises and restaurant and reconstruct and extend building to comprise:- Licensed Premises, Restaurant and function room, Guest Bedrooms, Kitchen, stores and ancillary facilities, and to carry out site development works and including connection to existing services. Permission was GRANTED on 09th December 2008 subject to 24 no. conditions.
- **13/058:** Extension of Duration of planning reg. ref. no. PD/08/540. EOD Granted on 4<sup>th</sup> July 2013.
- **17/82:** Permission to construct an extension to the kitchen at "The Moorings". Permission was GRANTED on 30th May 2022 subject to 6 no. conditions.
- **21/77:** Retention of Wastewater treatment plant, sand polishing filter and extension to rear of building. Retention was GRANTED on 7th May 2021 subject to 2 no. conditions. Condition no. 2 reads as follows:

2. *Effluent disposal from the proposed development shall be in accordance with the details submitted on the 9th February 2021. The maintenance of this system shall be to the manufacturer's instructions and in compliance with the Environmental Protection Agency (EPA) – Code of Practice; Wastewater Treatment and Disposal Systems Serving Single Houses, 2009.*

*Reason: In the interests of public health.*

- **24/60289:** Permission for proposed construction of extensions on ground & first floor levels to the rear of existing public house & restaurant building known as "The Moorings" for the provision of guest bedrooms and all ancillary site works. Permission was REFUSED on 7th January 2025 for the following 1 no. reason:

1. *Having regard to the deficiency in information provided to demonstrate whether or not the existing wastewater treatment system is sufficient to serve the proposed development, the Planning Authority is not satisfied that it has been satisfactorily demonstrated that the existing Wastewater Treatment System has sufficient capacity without upgrade to accommodate the additional loading associated with the proposed development. It is therefore not considered that satisfactory proposals have been made as part of the current application to attenuate and dispose of wastewater safely and in accordance with the relevant EPA Code of Practice. The proposed development would accordingly be injurious to public health and would therefore be contrary to the proper planning and sustainable development of the area.*

#### 4.1.1. Planning History on the adjacent to the immediate North

- **99104:** Permission for 13 no. holiday homes with sewage treatment plant. NO DECISION.
- **01114:** Permission for 8 no. holiday homes together with ancillary site works. Permission was GRANTED on 13<sup>th</sup> February 2002 subject to 27 no. conditions.

- **03503:** Permission to retain a puraflo effluent treatment plant together with ancillary site works and services. Permission was GRANTED on 03<sup>rd</sup> March 2004 subject to 6 no. conditions.

4.1.2. Planning History on the adjacent to the South on the opposite side of the public road

- **001960:** Permission for the construction of an administration and toilet/shower block, together with associated ancillary site works. Permission was GRANTED on 24<sup>th</sup> May 2001 subject to 10 no. conditions.
- **2460401:** Permission for two holiday let accommodation buildings, connection into existing foul water treatment system and all associated site development works. A decision to REFUSE permission was issued by the Local Authority on 20<sup>th</sup> August 2025 for the following reasons:

1. *Having regard to the deficiency of information received (and irrespective of proposals being belatedly submitted for an upgraded wastewater treatment system, which are outside the scope of the current application) the Planning Authority is not satisfied that it has been demonstrated whether or not the existing onsite wastewater treatment system (which was originally identified and explicitly referenced in the formal development description) is adequate to serve the proposed development, not has it been satisfactorily demonstrated that the existing wastewater system has sufficient capacity to accommodate the additional loading associated with the proposed development. It is therefore not considered that satisfactory proposals have been made as part of the current application to attenuate and dispose of wastewater safely and in accordance with the relevant EPA Code of Practice. The proposed development would accordingly be injurious to public health and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the information provided, it is considered that the proposed development of two holiday let accommodation buildings represents the introduction of a new use, in the form of land based accommodation, at the established water based (marina) facility in Conservation Zone 1 of the Lough Key Area Plan in Volume II of the*

*Roscommon County Development Plan 2022 to 2028. The proposed development is considered to constitute a new commercial use which differs in nature from established uses on the subject site. The proposed development would as a consequence be contrary to Section 4.2 and Policy Objective LK9 of the Roscommon County Development Plan 2022-2028 (Volume II) and would set a precedent for further inappropriate developments, without sufficient justification in Conservation Zone 1. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.*

The appeal period for planning reg. ref. no. 2460401 is due to expire on 4 weeks after 20<sup>th</sup> August 2025. At the time of writing this report, no appeal had been registered.

## 5.0 Policy Context

### 5.1. Development Plan

- ***Roscommon County Development Plan, 2022 to 2028 (Volume I)***

5.1.1. Chapter 6 relates to Economic Development and includes the following Economic Development Policy Objectives:

- **ED 6.9:** Support the development of rural resource based industries in rural areas, subject to compliance with appropriate planning and servicing requirements.
- **ED 6.10:** Facilitate proposals for new small-scale rural enterprises or extensions to existing small-scale, rural-based, indigenous activity, subject to compliance with appropriate planning and servicing requirements.
- **ED 6.11:** Facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas, subject to compliance with appropriate planning and servicing requirements.
- **ED 6.25:** Promote the development of sustainable tourism as part of our economy, that recognises our landscapes, our cultural heritage and our environment.



- **ED 6.22:** Promote tourism as an integral part of County Roscommon's economic profile, supporting urban and rural enterprise, and recognising the key strategic location of the county and access to tourist sites and attractions.
- **ED 6.23:** Continue to support the implementation of the Roscommon Tourism Strategy 2017-2020 (and subsequent revisions) in line with national and regional policy, tourism trends and identified challenges, in collaboration with Fáilte Ireland, Waterways Ireland, tourism businesses and communities and other supporting agencies.
- **ED 6.24:** Support the preparation and implementation of Regional Tourism Plans in the County Development Plan, to support the continued collaboration with Fáilte Ireland and tourism stakeholders to ensure successful implementation and delivery of these tourism plans.
- **ED 6.25:** Promote the development of sustainable tourism as part of our economy, that recognises our landscapes, our cultural heritage and our environment.
- **ED 6.26:** Facilitate small scale enterprises, such as renovation of barns, outhouses or other existing structures for short term rental associated with an existing permanent residence or active farm/agri-tourism enterprise. Proposals to reinstate, conserve and/or renovate existing, vacant, derelict or disused buildings for holiday accommodation will also be given favourable consideration subject to normal planning criteria

5.1.2. Chapter 7 relates to Infrastructure, Transport and Communications. Section 7.8 relates to Water Services and with specific regard to Wastewater, it is stated, *inter alia*, that:

- *....Outside of the larger towns and villages most developments in County Roscommon are treated by individual proprietary wastewater treatment plants and septic tanks. Developments in these unserviced areas must demonstrate that the on-site wastewater treatment system can safely and adequately dispose of effluent in accordance with the relevant EPA Code of Practice.*

5.1.3. Chapter 12 relates to Development Management Standards. Section 12.12 relates to Wastewater Treatment where, in relation to Wastewater Treatment on Non-Serviced Land and for developments other than single dwellings it is stated that;

- *For developments other than single dwellings, private wastewater treatment proposals shall be in accordance with the EPA's Wastewater Treatment Manual Treatment Systems for small communities, business, leisure centres and hotels or any amending/replacement guidance or standard considered appropriate by the Planning Authority.*

5.1.4. Section 12.18 relates to Tourism and Recreational Facilities.

- ***Roscommon County Development Plan, 2022 to 2028 (Volume II)***

5.1.5. Section 4.2 relates to **Lough Key Area Plan** and includes Conservation Zones 1, 1A, 2, 3 and 3A. The subject Appeal site is located in Conservation Zone 2. The following is stated in relation to development proposals within the Lough Key Area Plan:

- *In addition to specific policy objectives set out in this Area Plan, all development proposals arising within the Lough Key Area Plan boundary will be required to adhere to relevant policy objectives and development management standards set out in Volume I of the Roscommon County Development Plan 2022-2028, as the overarching Plan.*

5.1.6. As per Table LK1, a Visual Impact Assessment is required for all development within Zone 2. The following the following Lough Key Policy Objectives are included:

- **LK4:** Restrict development in a higher order conservation zone where it is possible in a lower order zone, or outside the study area.
- **LK6:** Encourage and facilitate agricultural diversification into agri-businesses such as organic foods or rural tourism, as a means of promoting rural diversity and strengthening the local economic base. Farm diversification proposals must be appropriately located and must not interfere with or detract from areas of special amenity value or nature conservation. The re-use of existing and/or redundant farm buildings for appropriate owner operated agri-tourism enterprises should be considered in preference to new build proposals.

- **LK7:** Require a Visual Impact Assessment to be submitted for all development proposals in the Plan area.
- **LK8:** Facilitate suitable leisure, tourism and amenity developments in Zones 3 and 3A which strengthen the significance of Lough Key as one of the main tourism/recreational attractions in County Roscommon and regionally.
- **LK9:** Support the future expansion of existing uses, while ensuring that access to facilities continues to be provided for the general public, so that Lough Key continues to function as a valuable amenity resource for Roscommon.
- **LK10:** Encourage developments which are quality driven and of high architectural merit, which will enhance their surroundings and respect this visually and environmentally sensitive area.

5.1.7. In relation to Leisure and Tourism Development within the Lough Key Area Plan it is stated that *'lands in Zone 3 and 3A have been specifically identified for Leisure and Tourism.'* It is further stated in relation to Zone 3 and 3A lands that they *'represent the most suitable location for more intensive tourism within the Area Plan boundary.'*

5.1.8. Table LK2 relates to Potential Leisure and Tourism Developments and is focused on Zones 3 and 3A only. Tourist Accommodation facilities, in the form of Hotel Accommodation and the potential for unique tourist accommodation by the sympathetic refurbishment and conversion of the existing stable complex at Lough Key Forest Park are the sole references to such development in the Lough Key Area Plan and are restricted to Zone 3A.

## 5.2. Natural Heritage Designations

5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- Lough Arrow SAC (Site Code 001673), c. 6.2 km to the northwest.
- Lough Arrow SPA (Site Code 004050), c. 5.9 km to the northwest;

### **5.3. EIA Screening**

- 5.3.1. 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The main Grounds of Appeal can be summarised as follows:

- Planning History:
  - Planning Reg. Ref. No. PD/24/60289. The same Applicant and Agent previously applied for an identical development.
  - Points 1 and 3 of the Request for Further Information on PD/24/60289 were successfully addressed by the Applicant/ Agents as noted in the Local Authority Planners Report.
  - Point no. 2 of the Request for Clarification of Further Information (PD/24/60289) was not deemed to be adequate by the Local Authority and permission was subsequently refused for this reason and this reason only.
  - Separate Consulting Engineers who had previously carried out an approved planning application at the site for the upgrade of the existing sewerage treatment system (see planning reg. ref. no. PD/21/77) were retained for the current application. A detailed design for the upgrade of the existing system was presented by the same said Consulting Engineers as part of the subject planning application.

- The decision to refuse refers to 1 no. reason for refusal only which relates to sewerage treatment and the potential impact the proposed development would have upon the water quality of Lough Key.
- The Agent submits his professional opinion that if this notion (potential impact on water quality/ injurious to public health) is applied then very little development would be carried out anywhere.
- The main Agent submits that if the proposed sewerage upgrade is implemented under the supervision and certification of the sub Consulting Engineers then the proposed development will not present an adverse effect on Lough Key. The proposal will instead deliver much needed local accommodation and would make the existing business, which is currently vacant, viable.
- Effluent Treatment:
  - The Appeal is accompanied by a letter from the sub Consultant Engineers, the main content of which can be summarised as follows:
    - The proposed upgrades to the wastewater treatment system, as presented in the application, demonstrate the said upgrades are suitable to cater for the proposed potential increase in the volume of wastewater generated as a result of the proposed development.
    - Both the Hydraulic and Organic Loading calculation set out in the environmental Planning documents, submitted as part of the planning application, are accurate for the proposed usage on site.
    - The proposed development will not impact negatively the current 'good' status of the receiving waters (Lough Key (IE\_SH\_26\_724)). Any discharge permitted will comply with the emission limits as prescribed in any regulatory license.
    - The Board is requested to overturn the decision of the Local Authority as there is no definitive way within the documents forming this application to determine that the proposed discharge will negatively impact on the receiving waters (River Shannon).

## **6.2. Planning Authority Response**

- None

## **6.3. Observations**

- None

## **6.4. Further Responses**

- None

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Reason for Refusal
- EPA Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999)

### **7.2. Reason for Refusal**

7.2.1. The 1 no. reason for refusal is concerned with the proposals to upgrade the existing on site wastewater treatment system which is currently regulated by means of a Discharge License, ref. no. WP-01-18 and relates to discharge to the Lough Key waterbody (IE\_SH\_26\_724). Wastewater from the existing wastewater treatment system is pumped to a sand filter/ percolation area and treated. This then discharges to Lough Key via an existing surface water discharge point as per the said Discharge License. I note as per the submitted site layout plan, dwg. no. 01, the outfall pipe is shown to connect to an existing surface water sewer pipe which serves the adjacent holiday village to the immediate north and that this in turn is shown to travel south towards a discharge point at Lough Key.

7.2.2. I note the current Discharge License no. WP-01-18 sets an Emission Value Limit of  $\leq 4 \text{ m}^3$  per day. As per the proposed plans there are a total of 8 no. en-suite bedrooms shown, which comprise 6 no. new en-suite bedrooms and 2 no. existing en-suite bedrooms located at first floor level within the original restaurant building. I note there were no first floor plans submitted under planning reg. ref. no's 17/82 and 21/77. The said 2 no. existing en-suite bedrooms are understood to not have been previously accounted for when the Local Authority, under the current Discharge License (WP-01-18), set the above said Emission Value Limit of  $\leq 4 \text{ m}^3$  per day. The said 2 no. bedrooms, as per recommended wastewater loading rates for commercial premises, as set out in Table 3 of EPA Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) equate to 720 flow litres per day (4 no. persons times 180 flow litres per day per person) and 180 grams Organic Loading per day (4 no. persons times 45 BOD grams per day). The existing system is therefore, in my opinion, at maximum output, is likely to already be operating close to or, potentially in excess, of the Emission Value Limit of  $\leq 4 \text{ m}^3$  per day.

7.2.3. I note the Applicants' anticipated Existing and Proposed Hydraulic and Organic Loadings set out in Section 2.3 (Table 3) of the submitted Environmental Planning Report. The Applicants' calculations do not account for existing staff, nor indeed additional loading as a result of bar meals. I am therefore satisfied that the development, as proposed, will serve to result in an increased Hydraulic Loading which would be considerably in excess of the specified Emission Value Limit of  $\leq 4 \text{ m}^3$  per day. It is therefore my opinion that the proposed development, as presented, would not be in accordance with the terms and limits of the current Discharge License.

7.2.4. See Section 9.0 below in relation to Water Framework Directive.

7.3. **EPA Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) (New Issue)**

- *Separation Distances*

7.3.1. I note condition no. 2 of planning reg. ref. no. 21/77 relates to compliance with the EPA Code of Practice (Wastewater Treatment and Disposal Systems Serving Single Houses, 2009 and this said Code of Practice relates to a Population Equivalent (PE)

of  $\leq 10$  persons. Under the subject application, the Applicant refers in the accompanying Environmental Planning Report to the EPA Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) which relates to a PE of between 10 and 500 persons.

- 7.3.2. The Applicants' proposals include the decommissioning of the existing sand filter/percolation area and to replace this with 6 no. new Ter3 Packaged Tertiary Units with discharge to the same existing outlet pipe to the existing surface water discharge point to Lough Key. As per Section 3.8, Table 4 of the EPA Wastewater Treatment Manual, 1999, the minimum separation distance in the case of the minimum system size (10 to 40 P.E.) which would typically serve 2 to 10 no. houses is indicated to be 28 metres. I note, as per the submitted proposed Site Layout Plan, drawing. no. 01, and Site Layout Plan, drawing no. 2, which is attached as part of Appendix 3 of the Applicants' Environmental Planning Report, that this minimum separation distance of 28 metres from both the existing and proposed treatment system is not achieved. I estimate the existing percolation area is c. 17 metres and that the proposed 6 no. new packaged tertiary units are c. 19 metres from the rear northwest corner of the existing building. I also estimate the existing and proposed location of the wastewater treatment tanks to the rear of the building are, at their closest point, c. 4 metres from the rear of the proposed ground floor extension.
- 7.3.3. I note Section 12.12 of the Roscommon Development Plan, in relation to Wastewater Treatment on Non-Serviced Land states that *'for developments other than single dwellings, private wastewater treatment proposals shall be in accordance with the EPA's Wastewater Treatment Manual Treatment Systems for small communities, business, leisure centres and hotels or any amending/replacement guidance or standard considered appropriate by the Planning Authority.'*
- 7.3.4. In my opinion, the proposed development, as presented, does not satisfy minimum separation distances and therefore does not comply with the EPA Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) and therefore presents a risk to public health.
- 7.3.5. This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.



## 8.0 AA Screening

### 8.1. Appropriate Assessment Screening Determination

#### **Finding of no likely significant effects**

8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Arrow SAC or Lough Arrow SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.1.2. This determination is based on:

- The nature and relatively modest scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
- The location/ distance from the nearest European Site and the lack of any connections to same.

## 9.0 Water Framework Directive

9.1. The subject appeal site is located in the rural townland of Kilfaughna, (Knockvicar). The proposed development comprises extensions on the ground and first floor levels of the existing Restaurant for the provision of guest bedrooms and includes upgrades to the existing wastewater treatment system and associated site works.

9.2. Lough Key (IE\_SH\_26\_724) is located c. 40 metres to the south of the subject appeal site and has a current 'at risk' WFD status. Wastewater from the subject appeal site currently discharges to Lough Key which is controlled as part of a Discharge License (WP-01-18). It is proposed that the upgraded WWTS will also discharge to Lough Key under the same Discharge Licence, the Emission Value Limited for which is  $\leq 4 \text{ m}^3$  per day.

9.3. The issue of Water Framework Directive is raised in the assessment of the Local Authority.

9.4. I have assessed the proposed development, as presented, and I 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. Having considered the nature, scale and location of the project, I am satisfied that it cannot be eliminated from further assessment because there is a potential risk to the adjacent surface waterbody both qualitatively or quantitatively.

9.5. The reason for this conclusion is as follows:

- The scale and nature of the proposed works, which includes an additional 6 no. en-suite bedrooms in addition to 2 no. existing en-suite bedrooms.
- The anticipated increase in hydraulic and organic loading arising as a result of the proposed development and the existing the Emission Value Limited for which is  $\leq 4$  m<sup>3</sup> per day as set out in the current Discharge License (WP-01-18).
- The proximity of the site to the nearest waterbody (Lough Key (IE\_SH\_26\_724)) located c. 40 metres to the south.
- Taking into account the determination and decision of the Local Authority in relation to the Water Framework Directive.

9.6. I conclude that, on the basis of objective information, the proposed development could potentially result in a risk of deterioration on nearby waterbody either qualitatively or quantitatively on a permanent basis which could serve to jeopardise said waterbody in reaching its WFD objectives and consequently, the proposed development, as presented, warrants further assessment, as per the Water Framework Directive.

## 10.0 Recommendation

10.1. I recommend that permission be refused for the following reasons.

## 11.0 Reasons and Considerations

1. The existing development and associated wastewater discharges are subject to a current Discharge License, WP-01-018, the emission value limit for which is set at  $\leq 4 \text{ m}^3$  per day. It is anticipated the proposed development, as presented, would significantly exceed this said limit and therefore breach the terms of said Discharge License. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the stated anticipated population equivalent (PE) in excess of 10 persons for the proposed Waste Water Treatment System, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development, can be satisfactorily treated or disposed of on site in accordance with recommendations set out in the Environmental Protection Agency Wastewater Treatment Manual (Treatment Systems for Small Communities, Business, Leisure and Hotels) 1999 and, in particular, the recommended separation distances contained therein, notwithstanding the proposed reconfiguration of the existing wastewater treatment plant, decommissioning of the existing sand filter percolation area and installation of 6 no. packaged tertiary units. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Wastewater from the subject appeal site discharges to an existing surface water sewer and in turn to Lough Key (IE\_SH\_26\_724) which has a current 'at risk' status. It is considered that the proposed development, as presented, poses a significant risk to the ability of this waterbody to achieve the required Water Framework Directive quality status. There is insufficient information presented as part of the application and appeal to definitively determine whether or not the proposed development will not result in a deterioration of the existing WFD quality status of the above said site. Consequently, the Commission is not satisfied that the proposed development will not impact

negatively upon the ability of the aforementioned waterbody to achieve the relevant water quality status required under the Water Framework Directive. The proposed development therefore, as presented, is not considered to be in accordance with 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.*

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Frank O'Donnell  
Planning Inspector

17<sup>th</sup> September 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322738-25
<b>Proposed Development Summary</b>	Extensions on ground & first floor levels of public house & restaurant for the provision of guest bedrooms together with all associated site works.
<b>Development Address</b>	Kilfaughna, Knockvicar, Boyle, Co. Roscommon
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>Class 10 b) (i)</b>  Construction of more than 500 dwelling units.  <b>Class 10 b) (iv)</b>  Urban development which would involve an area greater than 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.  (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b> <i>[Delete if not relevant]</i>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> <i>[Delete if not relevant]</i>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-322738-25</b>
<b>Proposed Development Summary</b>	Extensions on ground & first floor levels of public house & restaurant for the provision of guest bedrooms together with all associated site works.
<b>Development Address</b>	Kilfaughna, Knockvicar, Boyle, Co. Roscommon
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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>The subject appeal site has a stated site area of 0.374 hectares and comprises an existing public house/ restaurant 'The Moorings' and associated hardstanding and amenity spaces. The proposed development comprises extensions on the ground and first floor levels for the provision of guest bedrooms together with all associated site works. The existing buildings on site are stated to measure 378 sqm (GFA) and the proposed works are stated to measure 231 sqm (GFA).</p> <p>It is anticipated that the proposed development will not result in any significant use of natural resources, will not result in any significant production of waste, will not give rise to nuisance impacts, will not give rise to any significant risk of accident/ disaster or significant impacts to upon human health.</p>
<b>Location of development</b>  (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, landscapes, sites of historic, cultural or archaeological significance).	<p>There are no Protected Structures on the site or surrounding area or building or features listed on the National Inventory of Architectural Heritage (NIAH). Aside from its location within Conservation Zone 2 of the Lough Key Area Plan, the site is not located within or adjacent to sensitive sites or European Sites including any Natura 2000 sites. The site is not located within what can be considered to be a densely populated area and is not within an area of archaeological significance.</p>

<b>Types and characteristics of potential impacts</b>  (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 relatively small scale nature of the proposed development, 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.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>
There is a real likelihood of significant effects on the environment.	<del>EIAR required.</del>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)



## Template 2:

### Standard AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Extensions on ground & first floor levels of public house & restaurant for the provision of guest bedrooms together with all associated site works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject appeal site comprises a Restaurant, amenity space, car parking and circulation space. The site is located in a rural area and has a stated site area of 0.374 hectares.</p> <p>The proposed development seeks to construct extensions to the ground and first floor of the existing building to provide guest bedrooms (6 no. new en-suite rooms together with 2 no. existing en-suite rooms), to upgrade the existing WWTS and all associated site works.</p> <p>It is proposed to discharge of surface water to an on site soakpit.</p> <p>Wastewater currently discharges from the site via the existing WWTS to the existing shared surface water sewer to the east of the site which will ultimately discharge to Lough Key as governed under a current Discharge License. The Applicant proposes to upgrade the existing WWTP and to utilise the same Discharge arrangement.</p> <p>There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p>
<b>Screening report</b>	Yes – Local Authority

Natura Impact Statement		No		
Relevant submissions		None		
Step 2: Identification of relevant European sites using the Source-pathway-receptor model.				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Lough Arrow SAC (Site Code 001673)	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]  <a href="https://www.npws.ie/protected-sites/sac/001673">https://www.npws.ie/protected-sites/sac/001673</a>	6.2 km to the northwest.	No direct connection  European Site is upstream of the subject appeal site.	N
Lough Arrow SPA (Site Code 004050)	Little Grebe (Tachybaptus ruficollis) [A004]  Tufted Duck (Aythya fuligula) [A061]  Wetland and Waterbirds [A999]  <a href="https://www.npws.ie/protected-sites/spa/004050">https://www.npws.ie/protected-sites/spa/004050</a>	5.9 km to the northwest.	No direct connection  European Site is upstream of the subject appeal site.	N

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 1:</b>  <b>Lough Arrow SAC (Site Code 001673)</b>  <u>Qualifying Interests</u>  Hard oligo- mesotrophic waters with benthic vegetation of Chara spp. [3140]	Direct: None  Indirect: None	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC and SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC or SPA for the QIs listed.  Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2:</b>  <b>Lough Arrow SPA (Site Code 004050)</b>  <u>Qualifying Interests</u>  Little Grebe (Tachybaptus ruficollis) [A004]  Tufted Duck (Aythya fuligula) [A061]	Direct: None  Indirect: None	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed.

Wetland and Waterbirds [A999]		Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site.</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Lough Arrow SAC or Lough Arrow SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Arrow SAC or Lough Arrow SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and relatively modest scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
- The location/ distance from the nearest European Site and the lack of any connections to same.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322738-25	Townland, Address	Kilfaughna, Knockvicar, Boyle, Co. Roscommon
Description of project		Extensions on ground & first floor levels of public house & restaurant for the provision of guest bedrooms together with all associated site works.	
Brief site description, relevant to WFD Screening,		The subject appeal site comprises a Restaurant, amenity space, car parking and circulation space. The site is located in a rural area and is served by an existing wastewater treatment system and sand filter percolation area which discharges to Lough Key (IE_SH_26_724) further to the south via an existing surface water sewer which also serves the adjacent site to the north comprising a holiday village of 8 no. residential units. This arrangement is controlled by means of a current Discharge License (Ref. WP-01-18) which sets an Emission Value Limit of $\leq 4 \text{ m}^3$ per day.	
Proposed surface water details		It is proposed to discharge surface water to an on-site soakpit/ soakaway.	
Proposed water supply source & available capacity		It is proposed to serve the development with water via an existing connection to the public mains which runs along the front of the site. No water supply capacity constraints have been identified.	

Proposed wastewater treatment system & available capacity, other issues			It is proposed to upgrade the existing wastewater treatment system as set out in the Applicants’ Environmental Planning Report. The Applicant proposes to retain the 2 no. existing EuroSeptic9PE tanks (each with a capacity of 3,377 Litres) and to utilise these as Primary Settlement Tanks and to use the same existing Primary and Rector Tank (Capacity 8,000 litres) and 2 no. Clarifier Tanks (Each with a capacity of 3,400 litres) which provides a total system volume of 21,554 litres, the same as is existing. The Applicant then intends to decommission the existing sand filter percolation area (50 sqm) and to install 6 no. Ter3 Packaged Tertiary Units (each with a capacity to treat 900 litres per day (5,400 litres per day for all 6 no. units)) and to utilise the existing discharge to the existing surface waster sewer, which also serves the adjacent site to the north comprising a holiday village of 8 no. residential units. This will then discharge to Lough Key (IE_SH_26_724) further to the south, as per the current arrangement. This arrangement is controlled by means of a current Discharge License (Ref. WP-01-18) which sets an Emission Value Limit of ≤ 4 m³ per day.			
Others?			Not applicable			
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,	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

				review, not at risk		
River Waterbody	518m	Boyle_040 (IE_SH_26B080600)	Poor	At Risk	Unknown	Not hydrologically connected to surface watercourse.
Lake Waterbody	40m	KEY (IE_SH_26_724)	Moderate	At Risk	Unknown, IS	Hydrologically connected to surface watercourse.
Groundwater Body	Underlying site	Curlew Mountains (IE_SH_G_073)	Good	Not at Risk	None stated	Mineral poorly drained soil conditions
<b>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.</b>						

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.	Surface – River Waterbody	Boyle_040 (IE_SH_26B080600)	None	None	None	No	Screened out
2.	Surface – Lake Waterbody	KEY (IE_SH_26_724)	Discharge from existing and proposed WWTS to Surface water	Potential excessive discharge from WWTS	None	Yes – Potential excessive discharge from WWTS	Uncertain
3.	Ground	Curlew Mountains (IE_SH_G_073)	Drainage to Groundwater	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
1.	Surface – River Waterbody	Boyle_040 (IE_SH_26B080600)	None	None	None	No	Screened out



2.	Surface – Lake Waterbody	KEY (IE_SH_26_724)	Discharge from existing and proposed WWTS to Surface water	Potential excessive discharge from WWTS	None	Yes – Potential excessive discharge from WWTS	Uncertain
3.	Ground	Curlew Mountains (IE_SH_G_073)	Drainage to Groundwater	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							

Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<b>Objective</b> <u>1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<b>Objective 2:Surface Water</b> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<b>Objective 3:Surface Water</b> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<b>Objective 4:</b> <u>Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
<b>Development Activity 1</b> Potential excessive discharge from existing and proposed WWTS to Surface water	None	See comments for Objective 1	See comments for Objectives 1 and 2	See comments for Objectives 1, 2 & 3	No

Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<b><u>Objective 1:</u></b> <b><u>Groundwater</u></b> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<b><u>Objective 2 : Groundwater</u></b> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<b><u>Objective 3:Groundwater</u></b> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:		

Development Activity 1 : Construction Phase – Potential discharge direct to Groundwater such as Hydrocarbon Spillages	Site specific construction mitigation methods.  Existing and proposed on site soakpits.	See comments for Objective 1	See comments for Objective 1 & 2	Yes
Development Activity 2: Operational Phase – Potential discharge direct to Groundwater such as Hydrocarbon Spillages	Site specific construction mitigation methods.  Existing and proposed on site soakpits.	See comments for Objective 1	See comments for Objective 1 & 2	Yes