



An
Coimisiún
Pleanála

Inspector's Report ACP-323475-25

Development

Permission for the removal of Planning Condition No.5. as per granted planning permission 14/289. Retention of existing cottage with extensions to front and rear, and all associated site works.

Location

Corragarry/Sruell Td , Castleblayney , Co. Monaghan

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

2560219

Applicant(s)

Francis Hanratty

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party vs. Refusal

Appellant(s)

Francis Hanratty

Observer(s)

None

Date of Site Inspection

28th October 2025

Inspector

Stephen Ward

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	6
5.0 Policy Context.....	7
6.0 The Appeal	10
7.0 Assessment.....	13
8.0 AA Screening.....	18
9.0 Water Framework Directive Screening.....	18
10.0 Recommendation	20
11.0 Reasons and Considerations	21
11.0 Conditions	22
Appendix 1 – Form 1: EIA Pre-Screening.....	26
Appendix 2 – Water Framework Directive Screening Determination.....	28

1.0 Site Location and Description

- 1.1. The site is located along Local Road L4400, approximately 5km southeast of Castleblaney. It is within a rural area that is primarily in agricultural use. There are a number of one-off houses in the surrounding area and there are large commercial business yards on the eastern side of the L4400 road.
- 1.2. The site has a stated overall area of 0.29ha and is triangular in shape, tapering from north to south. The site levels gently rise from north to south. There is an existing two-storey dwelling and associated entrance and wastewater treatment system on the northern end of the site, which bounds onto another dwelling to the north. At the southern (tapered) end of the site is a small single-storey derelict cottage and outbuildings. This structure is largely overgrown and in poor condition, with roofing, windows and doors largely absent. The site is bounded by the L4400 road to the east and by a private lane leading to another derelict dwelling to the west. Land to the south is generally undeveloped.

2.0 Proposed Development

- 2.1. In summary, permission is sought for the following:
 - The removal of Planning Condition No.5. as per granted planning permission for the existing dwelling on the northern end of the site (P.A. Reg. Ref. 14/289) which states: “Within one month from the date of occupation of the dwelling hereby granted, the dwelling within the site shall be demolished.”
 - Retention of the existing cottage (“dwelling within the site” as referenced above) with proposed single storey extensions to the front and rear of the property.
 - Outbuilding to southern corner of site (attached to cottage) to have the roof increased in height to create a single storey habitable space as part of the dwelling.
 - Vehicle access to the existing cottage will be shared via the site entrance as granted in Planning Application 14/289.
 - Retention of existing percolation area and on-site wastewater treatment plant which was previously granted permission 14/289.

- Proposed wastewater treatment plant and drip dispersal percolation area to service existing cottage.
 - Together with all associated ancillary site works.
- 2.2. Water supply will be provided via a Group Water Scheme. Surface water will be diverted to on-site soak pits.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 28th July 2025, Monaghan County Council (MCC) made a decision to refuse permission. The reason for refusal was as follows:

1. *Policy WWTP 1 of the Monaghan County Development Plan 2025-2031 states that proposals for all on-site wastewater treatment systems shall comply with Section 15.22.5 of the Monaghan County Development Plan 2025-2031. Section 15.22.5 of the development plan requires that on site waste water treatment systems should be located, constructed and maintained to the highest standards to ensure minimal impacts on water quality, including groundwater and surface water. Furthermore, Policy RSP 4 of the Monaghan County Development Plan 2025-2031 stipulates 0.2 hectares as being the appropriate size for rural house sites with individual waste water treatment systems.*

The proposed development seeks to accommodate two houses with two separate wastewater treatment systems within a site area of 0.29 hectares. Having regard to very restricted surface area for percolation for effluent from the proposed dwelling, the proximity of the adjoining percolation area serving the existing dwelling, and the lack of additional area within the site to increase the percolation area for the proposed dwelling, it is considered that the site, when taken in combination with the existing percolation area serving the existing dwelling within the site, is of an insufficient size to have adequate capacity to dispose of the volume of effluent from the proposed dwelling.

Consequently, the development would, if permitted as proposed, be contrary to Policies WWTP 1 and RSP 4 of the Monaghan County Development Plan 2025-2031, would be prejudicial to public health and the protection of water quality, and thus be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The assessment outlined in the MCC Planner's Report can be summarised as follows:

- Principle – The site is not situated within a rural area under strong urban influence (S. 2.13 of CDP refers) and there are no concerns regarding ribbon development (S. 15.9.6 of CDP refers) and/or rural character.
- Siting and Design – No objections subject to landscaping conditions.
- Access - The required 90m sight distances are achievable.
- Wastewater - Policy RSP 4 sets out that application sites must be 0.2 hectares and served by an individual wastewater treatment system which can be installed in accordance with EPA Code of Practice. The entire site area is 0.29 hectares and the area available for percolation from the proposed dwelling is 0.08ha. Although the proposal may meet the necessary EPA separation distances, it is considered that the long term functionality and viability of the proposed system of sewerage disposal is not feasible given the very restricted surface area for percolation, the proximity of the adjoining percolation area, and the lack of additional area within the site to increase the percolation area if determined necessary to address any issues in the future. It is considered that the area would not in the long term be able to satisfactorily percolate and treat the daily volume of effluent from the proposed dwelling, albeit a four-person household. This combination of factors leads the planning authority to conclude that to permit the development as proposed could result in pollution of surface or ground water and could be prejudicial to public health.

- Appropriate Assessment - The site is removed from any Natura 2000 sites and there are no significant pathway connectors in the vicinity. Having regard to the context and the development as proposed, and the activities associated with the development proposal both during and post construction works, it is taken that it is not necessary for an Appropriate Assessment to be carried out.
- Conclusion – The report recommends that permission should be refused, and this forms the basis of the MCC decision.

3.2.2. Other Technical Reports

- Environmental Health Officer (EHO) – Recommends refusal based on the inadequate size of the site to accommodate two wastewater treatment systems.
- Municipal District Engineer – No objections subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

P.A. Reg. Ref. 24/60238: An application for a similar development was refused for a similar reason.

P.A. Reg. Ref. 14/289: Permission granted (Seamus Duffy) to construct a two-storey dwelling with proprietary wastewater treatment system, percolation area and all associated site works and services, (as previously granted full planning permission ref 06/552). Condition No. 5 of this permission stated as follows:

‘Within one month from the date of occupation of the derelict (*sic*) dwelling hereby granted, the dwelling within the site shall be demolished’.

The reason for this condition was stated as being ‘*In the interest of orderly development*’.

5.0 Policy Context

5.1. National Policy & Guidance

National Planning Framework (NPF) First Revision, April 2025

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. It recognises that there is a continuing need for housing provision for people to live and work in Ireland's countryside but highlights the need for careful planning and to distinguish, on the one hand, between rural areas located within the commuter catchment of the five cities and our largest towns and centres of employment and, on the other hand, rural areas located outside these catchments. Relevant provisions include the following:

NPO 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 28: 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.

NPO 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.

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

- 5.1.2. In supporting sustainable housing development patterns in rural areas, the guidelines outline that planning authorities should identify the needs of rural communities in the development plan process and manage pressure for overspill development in the rural areas closest to the main cities and towns.
- 5.1.3. Development plans should identify the location and extent of rural area types set out in section 5.3.2 of the NSS¹, including rural areas under strong urban influence; stronger rural areas; structurally weaker rural areas; and areas with clustered settlement patterns. Having identified the rural area types, planning authorities should then tailor policies that respond to the different housing requirements of urban / rural communities and the characteristics of rural areas.
- 5.1.4. Chapter 4 of the Guidelines deals with development management and provides guidance aimed at ensuring that all the necessary information and documentation is assembled to facilitate an efficient and thorough consideration of applications.

EPA Code of Practice (CoP) Domestic Wastewater Treatment Systems (2021)

- 5.1.5. The CoP provides guidance on domestic wastewater treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.
- 5.1.6. The CoP (2021) replaces the previous 2009 version. Circular Letter PSSP 01/10 from the then Department of Environment, Heritage and Local Government, addressed to each county and city manager and An Bord Pleanála, requested that the 2009 CoP be implemented in respect of all planning applications.

5.2. Monaghan County Development Plan 2025-2031

- 5.2.1. Section 2.11 deals with 'Housing in Rural Settlements' and Policy RSP 4 is as follows:

To consider applications for serviced sites in accordance with Policy RDP 5 as outlined in Development Management Chapter in those Tier 5 and 6 settlements

¹ Since superseded by the National Planning Framework

which have capacity within existing public foul drainage systems. In all other instances, the application site must be 0.2ha and be served by an individual wastewater treatment system which can be installed in accordance with EPA Code of Practice.

5.2.2. Section 2.12 outlines the Rural Settlement Strategy, including RSO 2 as follows:

To seek to deliver at least 20% of all new housing in rural areas on brownfield sites through the encouragement of the renovation of vacant or derelict dwellings, the provision of on-site replacement dwellings, the redevelopment of previously developed residential sites and former homesteads, and the redevelopment of sites containing industrial or agricultural buildings.

5.2.3. Section 2.13.2 outlines that housing proposals in 'Remaining Rural Areas' will be facilitated in accordance with the principles of proper planning and sustainable development and (as per Policy RSP 8) subject to relevant policies as outlined in Chapter 15 (Development Management Standards).

5.2.4. Chapter 15 sets out planning standards and design criteria. Section 15.9 deals with 'Housing in the Rural Area' and relevant sections can be summarised as follows:

15.9.1 – Rural Character.

15.9.2 – Site Selection and Design, including Table 15.3 Guidelines for Siting and Designing a Rural House in the Vernacular Style.

15.9.3 - Restoration of Vernacular Buildings and Dwellings – The Council will encourage restoration or adaption over the demolition of vernacular buildings, subject to compliance with stated design guidelines including:

(e) Where no wastewater treatment facilities exist, or the existing wastewater treatment facilities are not adequate to facilitate the development proposed, the applicant will be required to provide an onsite wastewater treatment system to comply with the requirements of the EPA Code of Practice– Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021), or any new or updated/subsequent versions.

15.10.1 - Alterations and Extensions to Dwellings – Proposals are acceptable subject to criteria, including (h) which requires compliance with the EPA Code of Practice–

Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021) where necessary.

15.22.5 - Proposals for on-site wastewater treatment systems shall normally comply with the following: including (b) '*In respect of a rural dwelling, the Environmental Protection Agency Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021), or any new or updated/subsequent versions*'.

5.3. Natural Heritage Designations

There are no Natura 2000 Sites within 15km of the appeal site. Lough Ross (c. 800m to the east) and Muckno Lake (c. 1km to the west) are proposed Natural Heritage Areas.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The MCC decision to refuse permission has been appealed by the applicant. The grounds of appeal can be summarised as follows:

- Contrary to the EHO Report citing the 'fact' that the site is inadequate in size, the application has demonstrated that the site is adequate in size to accommodate 2 no. dwellings and 2 no. WWTSs in compliance with the EPA CoP.
- With reference to S. 15.22.5 and Policy WWTP 1 of the MCDP, the application has demonstrated that the WWTS is suitably located and will be constructed and maintained to the highest quality to ensure minimal impact on water quality.

- A Site Characterisation Form has been completed by a suitably qualified, competent technical professional. Percolation values were 'suitable for development' and it was recommended to install a Viltra Treatment System Pump Chamber and Drip Dispersal System as per Option 5 of the CoP.
- Viltra are experts in drip dispersal systems; worked closely with the EPA in the update of the CoP 2021 which includes the drip dispersal system; and are highly experienced in the design, installation and maintenance of these systems.
- The system location complies with all required separation distances in Table 6.2 of the CoP, including a 10m offset to the percolation of the adjacent dwelling.
- As per Table 10.1 of the CoP, an area of 20m² (5m² x 4 persons) is provided.
- Based on the above, the application has satisfied every requirement of WWTP 1.
- There is no requirement in S. 15.22.5 to provide 'additional area within the site to increase the percolation area' as cited in the refusal. There is no engineering or environmental basis for same, and it has not been requested in other applications. Notwithstanding this, there is room to accommodate another 20m² of percolation area while still complying with the CoP.
- Regarding RSP 4, the application has demonstrated sufficient space for the WWTS in accordance with the CoP, and a requirement for 0.2ha is overly onerous for a renovation proposal (as opposed to a new build). The application of RSP 4 to this case is also contradictory to RSO 2 and section 2.9 of the MCDP, which encourage the renovation of derelict dwellings.
- The application for the proposed WWTS (4 no. Population Equivalent (PE)) and the existing WWTS (6 PE) has the same environmental impact as a single WWTS with 10 PE, and in such a case MCC would have granted permission.

The appeal is accompanied by a Planning Consultant Report, the relevant aspects of which can be summarised as follows:

- The proposed refurbishment of the derelict cottage is consistent with local² and national policy for vernacular structures, including:

² The policies cited in the consultant's report relate to the old CDP 2019-2025

- The Vacant Property Refurbishment Grant / Derelict Building Grant,
 - S. 2.4.2 of the CDP supports the refurbishment of derelict property,
 - Page 52 of the CDP highlights a need to reuse derelict units,
 - BHP 9 of the CDP aims to protect the County's Architectural Heritage,
 - S. 15.17.1 of the CDP highlights the loss of vernacular structures, their importance in built heritage, and the encouragement of restoration or adaption over demolition.
 - Policy RHP 2 encourages sensitive refurbishment of vernacular buildings,
 - P. 130 of the CDP highlights the value of reusing such building stock in accordance with Government Policy on Architecture (2009-2015).
- Previous sterilisation conditions are not a bar on a new application which must be considered solely on proper planning and sustainable development. It is more sustainable to renovate an existing cottage.
 - The proposed design was found to be acceptable by MCC in accordance with Table 15.4 and Policy RHP 1 of the CDP.
 - The existing cottage was not used as a second dwelling.
 - Private open space is in accordance with CDP requirements.
 - Appropriate Assessment is not required for the development.
 - Access arrangements are acceptable.
 - Reports associated with the WWTS have demonstrated that it will operate efficiently and safely on the site.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

7.1. Introduction

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

- The Principle of Development
- Wastewater Treatment.

7.2. The Principle of Development

7.2.1. The principle of the development effectively relates to the retention of the existing derelict dwelling (contrary to Condition No. 5 of the previous permission P.A. Reg. Ref. 14/289) and the carrying out of further extensions and alterations to provide a habitable dwelling. I note that the planning authority did not raise any objections to these matters in principle.

7.2.2. At the outset, I would acknowledge that the existing structure is at an advanced state of dereliction and requires substantial refurbishment works to provide a habitable dwelling. I consider that the nature and extent of the necessary works could have been more accurately described in the public notices. However, the planning authority did not raise any objection in this respect, and I consider that the totality of the drawings and documentation submitted with the application adequately demonstrates the nature and extent of the proposed development.

7.2.3. With regard to the principle of retaining and extending the existing dwelling, I consider that the proposal would be supported by the following CDP provisions:

- The site is located within the 'Remaining Rural Area' as per the CDP. In accordance with section 2.13.2 and Policy RSP 8 of the CDP, proposals for rural housing in such areas are facilitated in principle.
- Rural Housing Objective RSO 2 aims to deliver at least 20% of all new housing in rural areas on brownfield sites through, *inter alia*, the encouragement of the

renovation of vacant or derelict dwellings and the redevelopment of previously developed residential sites and former homesteads.

- Section 15.9.3 outlines that MCC will encourage restoration or adaption over the demolition of vernacular buildings.
- Section 15.10.1 outlines that alterations and extensions to existing dwellings, is, in principle, an acceptable form of development.

7.2.4. And having reviewed the file for the parent permission P.A. Reg. Ref. 14/289, there is no evidence, notwithstanding the attachment of condition no. 5, that the demolition of the existing dwelling was a critical factor in granting permission under PL 14/289.

7.2.5. Having regard to the foregoing, I am satisfied that the principle of the proposal is consistent with the CDP subject to compliance with relevant design and servicing criteria. Consistent with the planning authority's approach, I am satisfied that issues of access, siting and design are acceptable, and that the key issue in this case is wastewater treatment.

7.3. **Wastewater Treatment**

Site Size

7.3.1. The planning authority's decision to refuse permission is largely based on a perceived inadequate site size. In particular, the decision highlights non-compliance with a stipulated size of 0.2 hectares for rural house sites with individual wastewater treatment systems as per CDP Policy RSP 4.

7.3.2. At the outset, I would highlight that Policy RSP 4 appears in section 2.11 of the CDP, entitled 'Housing in Rural Settlements' (my emphasis). The policy primarily relates to applications for serviced sites in '*Tier 5 and 6 settlements which have capacity within existing public foul drainage systems*'. It then goes on to state that '*In all other instances, the application site must be 0.2ha and be served by an individual wastewater treatment system which can be installed in accordance with EPA Code of Practice*'.

7.3.3. However, given the context of this policy, i.e. relating to 'Housing in Rural Settlements' and more particularly 'Tier 5 and 6 settlements', it is my opinion that the entirety of the policy must be read in that same context. Therefore, I do not consider

that the phrase '*all other instances*' can be interpreted so widely as to include all one-off rural housing proposals (i.e. outside settlements) but instead is limited to proposals for serviced sites in Tier 5 and 6 settlements which do not '*have capacity within existing public foul drainage systems*'. Accordingly, it is my opinion that Policy RSP 4 and the stipulated site size of 0.2ha is not applicable to the proposed development.

7.3.4. The above approach would be supported by other relevant provisions of the CDP which do not stipulate any minimum site size. These include:

- Policy WWTP 1 and S. 15.22.5, which requires that rural dwellings comply with the EPA CoP (2021).
- Policy RRDP 1 and S. 15.9.3 (e), which requires that the Restoration of Vernacular Buildings and Dwellings comply with the EPA CoP (2021).
- Policy AEDP 1 and S. 15.10.1 (h), which requires that Alterations and Extensions to Dwellings comply with the EPA CoP (2021).

7.3.5. Furthermore, it should be noted that the EPA CoP (2021) itself, despite stipulating quantitative standards such for individual elements such as percolation areas and separation distances etc., does not stipulate an overall minimum site size. Therefore, notwithstanding the site size (0.29ha gross, including 0.08 ha for the derelict dwelling), I consider that the proposal should be judged on its merits having regard to the standards and recommendations set out in the EPA CoP (2021).

Assessment in accordance with EPA CoP 2021

7.3.6. For the proposed refurbishment of the derelict dwelling, it is proposed to install a Viltra Treatment System Pump Chamber and Drip Dispersal System in accordance with EPA CoP guidelines 2021. This proposal is supported by a Site Characterisation and Site Suitability Assessment Report in accordance with the CoP.

7.3.7. The Characterisation Form identifies that the Aquifer Category is 'Poor' (PI) and that the groundwater vulnerability is 'Extreme'. The trial hole encountered the water table at 1.5m bgl and bedrock at 1.7m bgl. The soil conditions to 0.3m bgl were classified as 'silt/clay', while below this was 'clay intermixed with stone'.

7.3.8. As per Table E1 of the Code of Practice (CoP), the Groundwater Protection Response Matrix (R2¹) indicates that wastewater treatment is acceptable subject to

normal good practice. It states that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised.

- 7.3.9. The Site Assessment outlines that three percolation test holes were used in the subsurface percolation test for subsoil, which resulted in a percolation value of 18.05min/25mm. The percolation value for the topsoil/surface soil was 12.42min/25mm. The Site Assessment concludes that this indicates good percolation characteristics of the subsoil and topsoil material. I am satisfied that the tests were carried out in accordance with the CoP and that the test conditions and results are consistent with the site conditions observed on my site inspection.
- 7.3.10. The Site Assessment concludes that the proposal is 'suitable for development' and recommends that a Viltru Treatment System Pump Chamber and Drip Dispersal System (Option 5) is installed in accordance with EPA guidelines 2021. I note that this is consistent with the interpretation of the percolation values as outlined in Table 6.4 of the CoP.
- 7.3.11. The recommended treatment system has a PE of 6 and a soil area of 25m², which exceeds the requirements as per Table 10.1 of the CoP (i.e. $\geq 5\text{m}^2$ per person (4)). The depth of unsaturated soil and/or subsoil beneath the invert level of drip tubing would exceed 0.9m in accordance with Table 6.3 of the CoP. The tubing would be placed at 600mm spacing with discharge emitters spaced at 300-600mm, which is in accordance with 'Option 5' as per the CoP.
- 7.3.12. I am satisfied that the proposed wastewater treatment system would comply with the minimum separation distances as outlined in Table 6.2 of the CoP. Furthermore, I am satisfied that the proposal complies with the recommendations for packaged wastewater treatment systems receiving raw wastewater and tertiary treatment systems receiving secondary treated effluent as outlined in sections 9 and 10 of the CoP.
- 7.3.13. Having regard to the foregoing, I am satisfied that, notwithstanding the limited size of the site, the wastewater proposal for the derelict dwelling would be in accordance with the requirements of the CoP, which would be acceptable in accordance with the relevant provisions of the CDP.

Wastewater treatment for the existing dwelling – New Issue

- 7.3.14. Although the concerns of the planning authority relate to the proposed wastewater treatment for the derelict dwelling, it should be noted that the application also involves the '*Retention of existing percolation area and on-site wastewater treatment plant which was previously granted permission 14/289*', i.e., the system serving the existing dwelling at the northern end of the site.
- 7.3.15. Having reviewed the drawings and documentation for P.A. Reg. Ref. 14/289, I note that the permitted proposals included a 'Klargester 'BAP BIO DISC' pumped treatment plant' and a 'raised and mounded percolation area'. The percolation area was to be installed to the north of the derelict dwelling, consistent with the location now proposed for the new wastewater treatment system.
- 7.3.16. As per the site layout plan submitted, a 'Tricel Novo IE10 Pumped Treatment Plant' and a percolation area (150m²) has been installed in a different location (further north). And while a 'raised and mounded percolation area' was permitted to a level of 850mm above the existing ground level, the evidence from my site inspection and the drawings and documents submitted with the application does not indicate that a raised percolation area has been installed.
- 7.3.17. Apart from the submitted site layout plan, the application includes no details of the existing wastewater treatment system and percolation area to be retained. Accordingly, it is not possible to assess whether the proposal complies with the EPA CoP 2021 as required under Policy WWTP 1 and Section 15.22.5 (b) of the CDP.
- 7.3.18. This is a 'new issue' in the context of the appeal, and the Commission may wish to seek the views of the parties on the matter. However, I consider this to be a 'standalone' element that is not ancillary to the substantive issue in this case, i.e. the retention, extension, and ancillary works to the derelict dwelling. Therefore, it is my recommendation that this standalone element of the application should be refused.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located c. 19km from the nearest Natura 2000 site (Dundalk Bay SPA to the southeast) and there are no watercourses in the immediate vicinity. The proposed development comprises alterations, extensions and ancillary works relating to an existing and proposed dwelling (see section 2 of this report for further details). No nature conservation concerns were raised in this case.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The small scale and domestic nature of the development,
 - The distance of the development from European Sites, the nature of intervening habitats, and the absence of ecological pathways to any European Site.
- 8.4. 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 Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive Screening

- 9.1. The impact of the proposed development in terms of the WFD is set out in Appendix 2 of this report. There are no surface water features on the site or on the immediately surrounding lands. The River Fane is the dominant river feature in the area and there are tributaries to the east and west of the site. The Fane_020 (c. 900m to southwest) flows northwards to Lough Muckno (c. 1km northwest of the site), while the Fane_030 (c. 600m to northeast) flows southwards to Lough Ross (c. 800m southeast of the site). The site is underlain by the Louth Groundwater body.

- 9.2. The site is located in Flood Zone C and there is no significant flood risk associated with the development. There are no Natura 2000 Sites within 15km of the appeal site. Lough Ross (c. 800m to the east) and Muckno Lake (c. 1km to the west) are proposed Natural Heritage Areas.
- 9.3. As per Appendix 2, I have outlined the potential pathways between the site and the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed 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.
- 9.4. I have outlined that there is a residual risk of groundwater pollution at operational stage associated with the existing wastewater treatment system to be retained. This is based on the fact that no details of same have been submitted to demonstrate compliance with the EPA CoP 2021. I am recommending that this element of the application should be refused in order to eliminate any such risk to WFD status.
- 9.5. Having considered the nature, scale and location of the remainder of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 9.6. The reasons for this conclusion are as follows:
- The domestic nature and limited scale of the proposed works;
 - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
 - The mitigation measures included as part of the application to address surface water and wastewater emissions.
- 9.7. Subject to the refusal of the retention of the existing wastewater treatment system, I conclude 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. Accordingly, the proposed development can be excluded from further assessment.

10.0 Recommendation

I recommend that, subject to conditions, and for the reasons and considerations marked (1) below, permission should be **GRANTED** for:

- The removal of Planning Condition No.5. as per granted planning permission 14/289 which states: “ Within one month from the date of occupation of the dwelling hereby granted, the dwelling within the site shall be demolished.”
- Existing cottage (“ dwelling within the site” as above referenced) to be retained, with proposed single storey extensions to the front and rear of the property.
- Outbuilding to southern corner of site (attached to cottage) to have the roof increased in height to create a single storey habitable space as part of the dwelling.
- Vehicle access to the existing cottage will be shared via the site entrance as granted in Planning Application 14/289.
- Proposed wastewater treatment plant and drip dispersal percolation area to service existing cottage.
- Together with all associated ancillary site works.

I recommend that permission should be **REFUSED** for the ‘Retention of existing percolation area and on- site wastewater treatment plant which was previously granted permission 14/ 289’ for the reasons and considerations marked (2) below.

11.0 Reasons and Considerations

Reasons and Considerations (1)

Having regard to the provisions of the Monaghan County Development Plan 2025-2031, the nature and extent of existing development on the site, the pattern and character of development in the area, and the design, scale and servicing of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character or amenities of the area or properties in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health or the protection of water quality. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its decision, the Commission concluded that Policy RSP 4 of the Monaghan County Development Plan 2025-2031 was not applicable to this rural site which is located outside any defined settlement, and that wastewater proposals satisfactorily addressed the requirements of the Environmental Protection Agency Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021) in compliance with the Monaghan County Development Plan 2025-2031 policies WWTP 1 'On-Site Wastewater Treatment Policy' (including s. 15.22.5 (b)), RRDP 1 'Restoration and Replacement of Vernacular and Non-Vernacular Buildings and Dwellings Policy' (including s. 15.9.3 (e)), and AEDP 1 'Alterations and Extensions to Dwellings Policy' (including s. 15.10.1 (h)).

Reasons and Considerations (2)

It is the policy of the Monaghan County Development Plan 2025-2031 (WWTP 1 'On-Site Wastewater Treatment Policy', including section 15.22.5) that normally all such planning applications must be accompanied by a Site Characterisation Form completed by a suitably qualified, competent, technical professional, and comply with the Environmental Protection Agency Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses ($PE \leq 10$) (2021). This policy is considered reasonable and appropriate. Having regard to the absence of any such information,

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 to be retained can be satisfactorily treated and disposed of on site. The development to be retained therefore presents an unacceptable risk to public health and water pollution and is contrary to the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas, or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

4. The developer shall enter into a connection agreement with Donaghmoyne Group Water Scheme in respect of water supply to serve the proposed development. Details in this regard shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 3rd of June 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a drip dispersal percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, traffic, noise and dust management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interest of visual and residential amenity.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

9. The vehicular access, including visibility splays and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of traffic safety and to prevent flooding and pollution.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Stephen Ward
Senior Planning Inspector

17th of November 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323475-25
Proposed Development Summary	Retention of existing cottage, proposed extensions and alterations, retention of existing wastewater treatment plant, proposed new wastewater treatment plant.
Development Address	Corragarry/Sruell Td, Castleblayney, Co. Monaghan.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	No further screening is required.

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	323475-25	Townland, address	Corragarry/Sruell Td , Castleblayney , Co. Monaghan
Description of project		Permission for the removal of Planning Condition No.5. as per granted planning permission 14/289. Retention of existing cottage with extensions to front and rear, and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>There are no surface water features on the site or on the immediately surrounding lands. The nearest river features are the Fane_020 (c. 900m to southwest) and the Fane_030 (c. 600m to northeast).</p> <p>The Fane_020 flows northwards to Lough Muckno (c. 1km northwest of the site), while the Fane_030 flows southwards to Lough Ross (c. 800m southeast of the site).</p> <p>The site is underlain by the Louth Groundwater body.</p>	
Proposed surface water details		Disposal to on-site soak pit.	
Proposed water supply source & available capacity		Group Water Scheme – No significant impacts on capacity.	
Proposed wastewater treatment system & available capacity, other issues		Proposed wastewater treatment plant and drip dispersal percolation area to service existing cottage. Existing percolation area and on-site wastewater treatment plant to serve existing dwelling.	
Others?		<p>Located in Flood Zone C - no significant flood risk associated with the development.</p> <p>There are no Natura 2000 Sites within 15km of the appeal site. Lough Ross (c. 800m to the east) and Muckno Lake (c. 1km to the west) are proposed Natural Heritage Areas.</p>	

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 (2019-2024)	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)
River	C. 900m to SW	Fane_020 (UKGBNI1NB0 60608229)	Moderate	Under Review	Not available	Yes – Surface / ground water run-off and wastewater from the site (at significant distance).
River	C. 600m to NE	Fane_030 (UKGBNI1NB0 60608250)	Poor	At risk	Not available	As above.
Lake	C. 1km to northwest	Muckno (IE_NB_06_56)	Moderate	At Risk	Not available.	Yes - Surface / ground water run-off and wastewater, via surface / groundwater features (at significant distance).
Lake	C. 800n to southeast	Ross MN (UKGBNI3NB0 020)	Poor	Under Review	Not available.	As above.
Groundwater	Underlying	Louth (IEGBNI_NB_G_019)	Good	Not at Risk	Not available	Yes – Surface / ground water run-off and wastewater, via the overlying soil.

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	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	Fane_020 Fane_030 Muckno Ross MN	Surface / ground water run-off from the site via overland flows. Surface / ground water run-off from the site – via the Fane River.	Siltation, pH (Concrete), hydrocarbon spillages. Siltation, pH (Concrete), hydrocarbon spillages.	None.	No. Having regard to the limited scale of the works and the separation distance from these waterbodies, I am satisfied that there would be no significant risk.	Screened out.
2.	Ground	Louth	Via the overlying soil.	Siltation, pH (Concrete), hydrocarbon spillages.	None.	No. Having regard to the limited scale of the works, I am satisfied that there would be no significant risk to groundwater.	Screened out.

OPERATIONAL PHASE							
1.	Surface	Fane_020 Fane_030 Muckno Ross MN	Surface water run-off from the site. Wastewater emissions. Via overland flows and Fane River.	Hydrocarbon spillage / pollution, wastewater pollution.	Surface water disposal to on-site soak pit. On-site wastewater disposal in accordance with EPA Code of Practice 2021.	No. Having regard to the mitigation measures and the distance from waterbodies, there will be no significant residual pollution risk.	Screened out.
2.	Ground	Louth	Surface water run-off from the site. Wastewater emissions. Via overlying soil.	Hydrocarbon spillage / pollution, wastewater pollution.	Surface water disposal to on-site soak pit. On-site wastewater disposal in accordance with EPA Code of Practice 2021.	Yes. Residual wastewater pollution risk as compliance with EPA CoP has not been demonstrated for the existing wastewater treatment system.	Screened In.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A