



An
Coimisiún
Pleanála

Inspector's Report ACP-323491-25

Development	The development will consist of the erection of 4 and all other site works houses, connection.
Location	Dunancory Demesne, Deerpark, Virginia, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2460564
Applicant(s)	S. Gaffney & Son Ltd
Type of Application	Planning Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v Decision
Appellant(s)	Sheelin & McCabe Planning Services Limited
Observer(s)	None
Date of Site Inspection	11 th December 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The development address is stated as Dunancory Demesne, Deerpark, Virginia, Co. Cavan. The site comprises an open area of land stated as measuring 0.2663ha. Ballyjamesduff Road (R194) is to the north; Deerpark Road is to the east; there is a detached bungalow to the south; and dwellings within the Dunancory Demesne housing estate are to the west.
- 1.1.2. The Blackwater River (sometimes referred to as the Nadrageel) is approx. 100m to the north-west on the far side of the existing Dunancory Demesne estate. The Blackwater flows on to Lough Ramor which is approx. 990m to the south-east.

2.0 Proposed Development

- 2.1.1. The proposed development comprises construction of 4 no. detached, 2-storey dwellings. Access to the dwellings would be from a short access road taken from the existing access road within the Dunancory Demesne estate. The development is proposed to connect to existing water, surface drainage and foul water drainage connections within the application red and blue line areas and existing estate.
- 2.1.2. The following documents were submitted to the Planning Authority: Construction Environmental Management Plan; Design Statement, architectural drawings. An Engineering Services Report was submitted in response to further information.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cavan County Council issued a notification to grant permission subject to 21 no. conditions. I note the following in particular:
 - Condition 4: No dwelling to be occupied until the Virginia Wastewater Treatment Plant Upgrade is fully operational to the proposed development.
 - Condition 5: Requirement for connection agreements with Uisce Eireann prior to commencement.
 - Condition 8: Development to be completed to Taking in Charge standards.

- Condition 11: All works relating to surface water drainage, footpaths, access road and surfacing to be completed prior to occupation.
- Condition 12: All boundary treatments to be in accordance with the revised plans. Details of boundary walls to be agreed in writing before installation.
- Condition 13: Detail of works to public road incl. traffic management plans to be agreed. Details of design of internal service road. Works to road surfacing, footpath construction, public lighting, surface water drainage, landscaping etc. to be completed to satisfaction of Roads Authority prior to occupation.
- Condition 14: Development to be carried out in accordance with Construction and Environmental Management Plan mitigation.
- Condition 15: Developer to be responsible for maintaining the public road system during construction in a clean and soil free condition.
- Condition 16: Demolition / construction waste management plan to be agreed.
- Condition 17: Construction management requirements relating to the protection of ground and surface water.
- Condition 18: During operation of the development uncontaminated surface run-off shall be collected and managed in accordance with the application.

3.2. Planning Authority Reports

3.2.1. Planning report: The report in response to further information recommended permission be granted. I note the following points:

- Proposal: Application is to complete partially constructed residential development (Ref. 06/1836). Units 1-4 were never constructed;
- Principle: Residential is permitted in principle in this zone. Report considers the proposal generally meets the objective and vision for the zoning;
- Site: Site is cleared and level. Existing estate has public lighting;
- Design: House types would match the existing house types in the estate (Units 5-12 as per Ref. 03/1836, and as altered by 06/1836);

- Boundaries: Report notes boundaries will match existing. Existing hedgerow to be retained, with a timber panel fence proposed adjacent. Strengthened boundary treatment for the bungalow to the south is proposed. This is acceptable;
- Standards: Proposal meets or exceeds open space and parking standards. Public open space is already provided in the site;
- Lighting: Proposed lighting columns to match existing;
- Surface water: Report notes Planning Authority internal reports. States proposals are satisfactory;
- Water supply and wastewater: Report notes Planning Authority internal reports. States proposals are satisfactory;
- Appropriate Assessment (AA): Stage 2 AA is not required;
- Construction: Construction access at the existing temporary access on the east of the site is proposed to be used as much as possible to minimise impact on the existing estate. A CEMP is submitted.

Other Technical Reports

- 3.2.2. Road Design: Site is within the N3 Virginia Bypass Planning Referral Corridor. Report stated proposal will not impact on the N3 Virginia Bypass Scheme.
- 3.2.3. Area Engineer: Development to be carried out as per submitted information.
- 3.2.4. Senior Executive Scientist: Report noted the application proposed to discharge surface water to the existing surface water sewer in the entrance road to the front of the proposed dwellings; to connect to the existing foul water sewer in the entrance road, and that this was demonstrated on a revised site layout map. Report recommended approval subject to a condition that the development shall not commence until Uisce Eireann confirms connections to the public sewer and public mains are acceptable, and conditions relating to construction and operational surface water management.

3.3. **Prescribed Bodies**

- 3.3.1. Inland Fisheries Ireland: None.

3.4. **Third Party Observations**

3.4.1. During the planning application stage one observer made submission to the Planning Authority (Sheelin & McCabe Planning Services Ltd). The issue raised related to:

- The housing development is vulnerable to flooding due to proximity to Flood Zones A and B;
- Development does not address previous reasons for refusal;
- The existing development is overdevelopment of the site and proposed dwellings exacerbate this.

4.0 **Planning History**

4.1. **Subject site**

4.1.1. No recent planning applications on the site.

Historical applications:

4.1.2. Reg. Ref. 06/1836: Planning permission granted by the Planning Authority in 2006 for alterations to 12 no. two storey dwellings comprising construction of conservatory and conversion of attic space to living space in dwelling nos. 1 to 8 and retain conservatory and conversion of attic space to living space in units no. 9 to 12.

4.1.3. Reg. Ref. 03/1836: Planning permission granted by the Planning Authority in 2004 to demolish dwelling and erect 12 no. detached two-storey dwellings with all ancillary site works, connection to mains water supply, mains sewerage through existing pump station on adjacent site and entrance onto public roadway (Appeal withdrawn).

4.1.4. Reg. Ref. 01/1551 (ABP Ref. PL02.129868): Outline permission refused by the Board in 2001 to construct 14 fully serviced dwellings & garages with all ancillary site works, connect to town water supply and sewerage.

4.1.5. Sufficient certainty of completion and clarity regarding that timeframe

4.2. **Nearby sites:**

4.2.1. Reg. Ref. 19/523 (ABP-308029-20): Planning Permission refused by the Board in 2020 to demolish a clubroom building & remove temporary changing room and

construct new two storey changing facilities & clubrooms. That application related to Virginia Rugby Club, located across Deerpark Road to the south-east of the site. The application was refused for 2 no. reasons, as follows:

- *1. The site is in the River Boyne catchment and the development would be connected to the Virginia Wastewater Treatment Plant, which in turn discharges into Lough Ramor. Having regard to:*
 - *(a) existing constraints at the Virginia Wastewater Treatment Plant;*
 - *(b) lack of certainty in respect of future capacity improvements to the Virginia Wastewater Treatment Plant;*
 - *(c) extent of other developments granted permission but yet to be constructed which would be dependent on the Virginia Wastewater Treatment Plant;*
 - *(d) the ecological status of Lough Ramor which has been classed by the Environmental Protection Agency as bad;*
 - *(e) article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, which requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, and;*
 - *(f) article 28(2) of those Regulations, which states that a surface water body whose status is determined to be less than good shall be restored to at least good status not later than the end of 2015,*

the development would be premature, by reference to existing deficiencies in the provision of wastewater treatment facilities and the period within which this constraint may reasonably be expected to cease, and would be prejudicial to public health.

- *2. The Board is not satisfied, on the basis of the information provided with the application and appeal and the absence of a Natura Impact Statement, that the proposed development would not be likely to have significant effects on the European Sites (River Boyne and River Blackwater Special Area of Conservation (Site Code:002299) and River Boyne and River Blackwater Special*

Protection Area (Site Code:004232)). In such circumstances, the Board is precluded from granting planning permission.

4.2.2. I note that in that case the Board decision also noted that the Board considered that the works required to deliver a connection to the existing mains wastewater infrastructure are outside of the red line area of the application and that it was unclear as to how or when the connection would be delivered. Furthermore, the decision noted that that development was contingent on a connection to the mains and as such would be premature pending the availability of a public sewer. The Decision noted that having regard to the substantive reasons for refusal, the Board decided not to pursue this matter further with the parties to the appeal.

4.2.3. In the subject case, I note the appellant refers to appeal Refs. ABP-306108-19, ABP-303509-19, and PL02.248992 which were also located in Virginia. In those cases the Board refusal reasons were similar to the above case (ABP-308029-20).

5.0 Policy Context

5.1. National guidelines and strategies

Sustainable Residential Development & Compact Settlements 2024 and Appendices
Ireland's 4th National Biodiversity Action Plan 2023-2030, incl. Objectives & Targets.

Regulation of Commercial Institutional Investment in Housing Guidelines for
Planning Authorities 2023

Nature-based Solutions to the Management of Rainwater and Surface Water Runoff
in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance
Document (Department of Housing, Local Government & Heritage, 2022)

Design Manual for Urban Roads & Streets (DMURS) 2019 incl. Advice Note 5 'Road
and Street Drainage using Nature Based Solutions'

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning
Authorities 2009

Planning System & Flood Risk Management Guidelines 2009

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009 and related Urban Design Manual 2009 and Urban Design Manual, A Best Practice Guide, A Companion Document to the Planning Guidelines on Sustainable Residential Development in Urban Areas, DEHLG 2009

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivery Homes Sustaining Communities 2007

Development Management Guidelines for Planning Authorities 2007

5.2. Development Plan

- 5.2.1. The site is zoned 'Existing Residential' in the Cavan County Development Plan 2022-2028. The land use zoning objective is "Protect and enhance the amenity of developed residential communities". 'Residential' development is permitted in principle.

Density

Virginia Development Objective GT01; *"Promote sustainable growth and consolidation in Virginia coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-sustaining"*;

Section 2.15 Residential Density;

Residential Density Development Objectives RD01: *"Encourage the densities in accordance with Section 13.4.1 of this Plan throughout the County in accordance with the Core Strategy"*;

Residential Density Development Objectives RD03: *"Ensure densities of proposed developments reflect the key attributes and character of the surrounding/ adjoining area"*;

Core Strategy Development Objective CSD02: *"Restrict development in areas at risk of flooding in accordance with the Flood Risk Management Guidelines for Planning Authorities (DoECLG/OPW 2009)"*;

Core Strategy Development Objectives CSD05: *"In the assessment of development proposals, to take account of transport corridors, environmental carrying capacity,*

availability and/or capacity to provide waste water and water supply services, potential to conflict with Water Framework Directive objectives, potential to impact on the integrity of European sites and Annexed Habitats and species, features of biodiversity value including ecological networks, impact on landscape and visual characteristics, education and other socioeconomic objectives. Development proposals may require screening for Appropriate Assessment and there shall be no net loss in Biodiversity from development proposals in the lifetime of the plan”;

Section 2.3 Self-Sustaining Growth Town (Place of Strategic Potential) Virginia;

Virginia Development Objective VG03: *“Encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities and services that meet the needs of the entire community and accord with the principles of universal design and Age Friendly standards.”;*

Section 2.3.4 Physical Infrastructure;

Virginia Physical Infrastructure Development Objectives VI01: *“Support the delivery of the infrastructure that Virginia requires to grow to a Self Sustaining Growth Town including effluent treatment plant upgrade and the new bypass.”;*

Virginia Sustainable Communities VSC02: *“Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Virginia”;*

Virginia Sustainable Communities VSC03: *“Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up areas.”;*

Virginia Natural and Built Heritage Development Objectives VH04: *“Prohibit any development that would result in a significant deterioration of habitats or disturbance of species in the pNHA Lough Ramor.”*

Section 3.8 ‘Residential Densities’, and Section 3.9 ‘Layout and Design’;

Housing Strategy Development Objective HS08: *“Apply graded densities in towns and villages having regard to their role in Settlement Hierarchy and that are commensurate to the existing built environment”;*

Housing Strategy Development Objectives HS09: “*Support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009); Urban Development and Building Heights Guidelines for Planning Authorities’ (2018) and the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).*”;

Sustainable Housing Development Objective SH02: “*Achieve densities for new housing that respect the local character of surrounding areas whilst making efficient use of land.*”;

Section 6.14 ‘Availability of Land and Supporting Infrastructure’ incl. Section 6.14.1 ‘Water and Wastewater Services’;

Section 7.4.1.1 ‘Virginia Bypass’;

Virginia Bypass Development Objective VB02: “*Reserve and protect option corridors from development which would interfere with the delivery of the Virginia By-Pass*”;

Roads and Infrastructure Climate Development Objective RIC21: “*Require the incorporation of Sustainable Drainage Schemes (SuDS) (Refer to Strategic Flood Risk Assessment) for all future developments with an identified need*”;

Chapter 8 Environment, Water & Drainage, incl. Sections 8.4.2 ‘Foul Drainage and Wastewater Treatment’ and 8.4.3 ‘Wastewater – Capital Investment Plan, Wastewater Treatment Plant Early Contractor Involvement (CIP WWTP ECI) programme’;

Foul Drainage and Wastewater Development Objective FDW02: “*Ensure that development will only be permitted in instances where there is sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) of wastewater*”;

Section 8.6 ‘Flooding’ incl. Flood Risk Management Development Objective FRM02: “*Protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities*

2009 (or any superseding document) and the guidance contained in Development Management Chapter.”;

Flood Risk Management Development Objective FRM05: “In Flood Zone C, where the probability of flooding is low (less than 0.1%, Flood Zone C), site specific Flood Risk Assessment may be required and the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed. The County Plan SFRA datasets and the most up to date CFRAM Programme climate scenario mapping should be consulted by prospective applicants for developments in this regard and will be made available to lower-tier Development Management processes in the Council”;

Objective VH04 “Prohibit any development that would result in a significant deterioration of habitats or disturbance of species in the pNHA Lough Ramor”

Chapter 13 Development Management’.

Climate Change and Sustainable Buildings Development Objective CCSB03:

“Require that all new development proposals seek to deliver low energy buildings and the highest energy efficiency BER ratings including: Design measures which minimise energy use, including passive solar design, energy efficient building design and emission reduction measures; Design measures which promote renewable and low carbon energy; Is designed for flexible use throughout its lifetime; Promote the use of green roofs and natural ventilation; Promote the use of permeable surfaces to decrease surface runoff rates; Institute grey-water recycling schemes to decrease abstraction of potable surface water resources, thus reducing water stress during periods of low rainfall; Maximise water conservation; Avoids internal overheating and excessive heat generation; Supplies energy efficiency and incorporates decentralised energy systems such as District Heating and uses renewable energy where feasible; Procures materials sustainably using local suppliers wherever possible ensuring designs make the most of natural systems both within and around the building; Manages flood risk, including through sustainable drainage systems (SUDS) and flood resilient design for infrastructure and property | Enhance flood resilience of buildings, e.g., elevated worksurfaces and storage facilities, raised sockets and electrical infrastructure, enhanced flood boards; Conserves and enhances the natural environment, particularly in relation to biodiversity, and enables

easy access to open spaces; Avoids the creation of adverse local climate conditions; Reduces air and water pollution; Promotes sustainable waste behaviour in new and existing development” Also Table 5.2 Climate Adaptation Measures;

Urban Design Development Objective UD02: *“All developments should include the following | Building design which minimises resource consumption, reduces waste, water and energy use shall be incorporated where possible, in all new and renovated developments | Building design shall maximise natural ventilation, solar gain and daylight, where possible, all new and renovated developments | SuDS measures are required to form part of the design of all developments | The Planning Authority will seek to encourage the implementation of best practice standards with regard to access in both indoor and outdoor environments”;*

Section 13.4 ‘Residential Development’, incl. Sections 13.4.1 ‘Residential Density’ and 13.4.8 ‘Public Open Space’;

Public Open Space Development Objectives PCOS01: *“Ensure public open spaces in new residential developments comply with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual (2009) or any updates thereof.”*

Overlooking and Overshadowing Development Objective OO01: *“A minimum distance of 22 metres of separation between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units shall generally be observed;*

Overlooking and Overshadowing Development Objective OO03: *“Reductions in this value may be considered for single storey residential units or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved”;*

Design and Layout Development Objectives DL01: *“Require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), the Urban Design Manual- A Best Practice Guide 2009 and the Urban Development and Buildings Heights Guidelines for the Planning Authorities (2018), or any updates thereof.”*

Chapter 14 Land Use, incl. Sections 14.2 ‘Flooding’ and 14.2.1 ‘Land Uses and Flooding’

Electric vehicles: Objective EV01 and Policy CP09.

5.3. Natural Heritage Designations

- 5.3.1. River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232) are approx. 6.00km to the south-east. Lough Ramor pNHA (Ref. 000008) is approx. 990m to the south-east.

6.0 Environmental Impact Assessment screening

- 6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 & 2 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Third-Party Appeal

- 7.1.1. A third-party appeal was received, from Sheelin & McCabe Planning Services Ltd, the main points of which I summarise as follows:

- Flood risk: Site is on/within a floodplain (flood zones A & B). Housing is inappropriate in absence of Sequential/Justification Tests and a Site-Specific Flood Risk Assessment (SSFRA). Non-compliance with CDP Section 14.2 and 2009 Flood Guidelines;
- Prematurity: Virginia's waste water treatment plant's upgrade has recently commenced and is not yet commissioned. The Board has repeatedly found prematurity and risk to Lough Ramor / River Boyne Blackwater where additional loading would arise before upgrades are operational, referencing obligations under Surface Waters Regulations 2009 Article 5 and Water Framework Directive obligations. Appeal references two Board cases. A grant of permission

contingent on an upgrade has not occurred and is contrary to those precedents and fails the precautionary principle;

- Overdevelopment / Residential Amenity / Standards: Four additional large detached houses in an 8-unit estate is overdevelopment. It erodes open space/character; stresses shared infrastructure; adversely affects residential amenity and estate functionality; and conflicts with County Development Plan (CDP) Chapter 13. Site also represents an inefficient underuse of serviced residentially zoned lands contrary to 2009 Sustainable Residential Development in Urban Areas Guidelines;
- Conditions: Notwithstanding, appeal requests 4 no. conditions be attached should permission be granted. These are generally that:
 - Prematurity / WFD Compliance: No connection to public foul network or dwellings occupied until the Virginia WWTP and associated network upgrades are completed, commissioned and certified, as providing adequate spare capacity, compliant with all EPA licence ELVs (Emission Limit Values) demonstrated for at least 12 consecutive months;
 - Flood risk: SSFRA and Sequential/Justification test prior to commencement;
 - Estate layout & open Space: Revised landscape and layout plan demonstrating compliance with Sustainable Residential Development 2009 and Urban Design Manual (quality, usability, surveillance of open space, interface / overlooking, parking/turning). Reduce / omit units if necessary to protect residential amenity;
 - Surface water: Provide a detailed SUDS strategy sized for climate change with greenfield runoff targets and proof of no increase in downstream flood risk, and Stage 2/3 audits prior to connection;
- The appeal request the Commission to refuse permission on these grounds.

7.1.2. The appeal references a number of documents and attaches extracts of the Development Plan.

7.2. **First-Party Response**

7.2.1. None.

7.3. **Planning Authority Response**

7.3.1. None.

7.4. **Observations**

7.4.1. None.

8.0 **Assessment**

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Prematurity;
- Flood risk;
- Surface water;
- Overdevelopment, residential amenity and residential standards;
- Related matters raised in the course of the appeal, including conditions.

8.2. **Principle of Development**

8.2.1. The site is zoned 'Existing Residential' where the land use zoning objective is "Protect and enhance the amenity of developed residential communities". 'Residential' development is permitted in principle. I am satisfied the proposed development is acceptable in principle subject to the considerations below.

8.3. **Prematurity**

8.3.1. The appeal states Virginia's wastewater treatment plant (WWTP) upgrade has recently commenced, is not yet commissioned, and the development would stress shared infrastructure. The appeal states that, notwithstanding, should the Commission grant permission, conditions should be attached that no connection to

public foul network be provided or dwellings occupied until Virginia WWTP upgrades are completed, commissioned and certified for at least 12 consecutive months.

- 8.3.2. The Planning Authority Senior Executive Scientist report stated the proposal would connect to the existing foul water sewer in the entrance road, and recommended approval subject to conditions relating to Uisce Eireann confirmation. The Planner Report indicated this was satisfactory. There is no submission from Irish Water / Uisce Eireann recorded on the file. The Planning Authority reports or request for further information did not directly address the capacity of Virginia WWTP. Condition 4 of the decision to grant required that no dwelling be occupied prior to the Virginia WWTP upgrade is fully operational. Condition 5 required connection agreements with Uisce Eireann prior to commencement.
- 8.3.3. I have reviewed the application, response to further information, and submitted Engineering Services Report. The capacity of the Virginia WWTP was not directly addressed by the applicant.
- 8.3.4. The County Development Plan Section 2.3.4 (adopted in 2022) states Virginia is served by an existing WWTP which requires upgrade. It states that works are ongoing in addressing this issue. Section 6.14.1 states that ongoing projects being progressed as part of Irish Water's 2020-2024 Capital Investment Plan include upgrades at Virginia WWTP. Section 8.4.3 states that an ECI (early contractor involvement) contractor has been appointed and will progress the work packages from gate 2 stage to completion and has received Project Brief packages including for Virginia (the brief for which is to increase current capacity from 2000 PE to 6000PE (Population Equivalent), and upgrade processes to meet the current WWDL (wastewater discharge licence) requirements). I note the Development Plan Objective FDW 02 seeks to ensure that development will only be permitted in instances where there is sufficient capacity for appropriate collection, treatment and disposal of wastewater.
- 8.3.5. I have had regard to relevant publicly available information from Uisce Éireann in this regard. A publicly available notice on the Uisce Eireann website states that Uisce Éireann is progressing with works to upgrade the Virginia WWTP which will ensure all wastewater is treated appropriately and will serve a population equivalent of 6,000 PE. It states the improvements will safeguard the water quality of Lough Ramor, and

ensure the treatment of wastewater is fully compliant with EU Urban Wastewater Treatment Directives and Wastewater Discharge Licence Emission Limit Values and will eliminate all non-compliant combined sewer overflows in the area. The notice states the works commenced in June 2024, are in progress, and are expected to be concluded in late 2026.

Assessment

- 8.3.6. I note the site is on residentially zoned land within Virginia. The proposed development would essentially provide for the completion of previously permitted housing development. It is to connect to existing sewage infrastructure within the site and estate which are within the red and blue line areas, and which connect onward to public mains within the Ballyjamesduff Road. Publicly available information from Uisce Éireann states that works to the upgrading of the Virginia WWTP are underway and are expected to conclude in late 2026. No objection was raised within Planning Authority internal reports. I acknowledge the appeal points; the lack of correspondence from Uisce Eireann on this case; and that this matter was not specifically addressed by the Planning Authority or applicant. However, given the available information I am satisfied this matter can be satisfactorily addressed by condition, as indicated by the Planning Authority and appellant. No appeal or observation from the applicant in this regard has been received. I consider that standard conditions replacing Conditions 4 and 5 of the Planning Authority decision is sufficient and appropriate.
- 8.3.7. Regarding precedent, the appeal states the Board repeatedly found prematurity and risk to Lough Ramor and River Boyne / Blackwater where additional loading would arise before upgrades are operational. The appeal states that a grant of permission contingent on an upgrade has not occurred and is contrary to those precedents and fails the precautionary principle. The appeal also states the application has not addressed previous reasons for refusal. The appeal references a number of Board cases; I am satisfied there is no such planning history on this site, but that the appeal refers to others site in Virginia including the adjacent Rugby Club as set out above. In relation to prematurity, I note the Board decisions in those cases did not require the WWTP upgrades to be operational, but instead referenced operational constraints and a lack of certainty in respect of future capacity improvements. I also note the referenced cases date from 2017-2020 and were decided under the

previous County Development Plan (2014-2020) and the current status of Uisce Eireann upgrading of the Virginia WWTP.

- 8.3.8. I have considered these matters and am satisfied the issues raised in the appeal and previous refusals in Virginia are satisfactorily addressed, including those set out in the refusal reasons for the neighbouring Rugby Club site (Reg. Ref. 19/523 (ABP Ref ABP-308029-20)) as noted above. I am satisfied that constraints at the Virginia Wastewater Treatment Plant are being addressed by Uisce Eireann, that there is sufficient certainty as to the completion of capacity improvements, and that this would satisfactorily address related concerns as to the potential source of ecological and water quality impacts relating to foul water for the purposes of granting planning permission in this case, subject to conditions. Refer to Section 9 and Appendix 2 of this report in relation to European Sites and Section 10 and Appendix 3 in relation to Water Framework Directive.
- 8.3.9. Regarding conditions, the appeal seeks for conditions to be attached to any grant of permission from the Board that no connection to public foul network occur or dwellings be occupied until the Virginia WWTP and associated network upgrades are completed, commissioned and certified, as providing adequate spare capacity, compliant with all EPA licence ELVs demonstrated for at least 12 consecutive months. I have addressed issues relating to conditions separately below.

8.4. Flood risk

- 8.4.1. The appellant states the development is vulnerable to flooding due to proximity to Flood Zones A & B, and that the site is on or within a floodplain. The appeal also states that notwithstanding the matters raised regarding flood risk, that should the Commission be minded to grant permission, the applicant should provide a detailed drainage strategy sized for climate change with greenfield runoff targets, proof of no increase in downstream flood risk, and Stage 2/3 stormwater audits.
- 8.4.2. The applicant does not directly address flood risk in the submitted documentation, including the Engineering Services Report. I note points made in relation to flood zones within the submitted Construction Environment Management Plan (CEMP), including the point that surface water pipes discharging into a watercourse should be

fitted with an anti-flood flap valve at the outlet. A Site-Specific Flood Risk Assessment was not submitted.

- 8.4.3. For clarity, some of the existing dwellings (Nos. 8-12) with the Dunancory Demesne housing estate are within Flood Zones A & B, as indicated in the Development Plan (map 'Virginia'). The proposed development and application red line area are outside Flood Zones A & B (that is, are within Flood Zone C), at a distance of approx. 42m. The existing estate access road to Ballyjamesduff Road, and the proposed road extension, both of which are to serve the proposed dwellings, are also outside the identified Flood Zones. I see no record of past flood events within or around the estate on publicly available OPW flood mapping.
- 8.4.4. Accordingly, I am satisfied the proposed development is at a low risk of flooding in terms of the proposed dwellings, access, open space, and services. I am satisfied a SSFRA, sequential test and justification test are not warranted or required for the proposed development in this specific regard.

Stormwater

- 8.4.5. I am satisfied the proposed dwellings are located within an area of reduced flood risk (Flood Zone C), however, the Flood Risk Management Guidelines (Section 2.5) state that increase in flood risk as a result of new development may be caused by increasing run-off due to changes in land management and introducing surfaces with reduced permeability. In this regard:

- Development Plan Objective FRM02 seeks to protect Flood Zone A and Flood Zone B from inappropriate development in accordance with The Planning System and Flood Risk Management Guidelines. The proposed development is to connect to the existing housing estate surface water connections which discharge directly to the Blackwater River approx. 100m away. I address related matters regarding the proposed surface water arrangements below; however, in relation to flood risk, the application does not clearly reference existing or proposed stormwater flow restriction from the site to compensate for the reduced surface water permeability that would arise from the proposed development. The response to further information generally set out information showing existing stormwater infrastructure capacity within the estate, however information on existing or proposed stormwater flow control including climate change allowance

for runoff from the proposed road, roofs and other impermeable areas were not clearly indicated;

- Development Plan Objective CCSB03 and Table 5.2 'Climate Adaptation Measures' require new development proposals to promote the use of permeable surfaces to decrease runoff rates. The proposed development incorporates grassed gardens and permeable paving for driveways and hard surfaces around the dwellings. However no permeable surfaces or SuDS features to decrease runoff rates for the proposed dwellings or road are indicated to be tarmacadam with concrete footpaths) are shown;
- I note from publicly available aerial photography that previously a dwelling existed on the subject site which has been demolished; no details of same are provided;
- I further note that no commentary regarding the potential for surcharging within the subject proposal is set out in the application.

8.4.6. I note the Planning Authority request for further information, related internal reports, and applicant response. In response to further information, the Senior Executive Scientist report (recommended condition no. 9) stated that during the operational phase, uncontaminated surface run-off within the development shall be collected and managed in accordance with the surface water drainage system detailed in the application documents received. The Area Engineer report recommended that the development be carried out as per the drawings and details submitted with the further information. However, as set out above limited information in relation to comprehensive sustainable urban drainage and flood risk management were provided.

8.4.7. Having regard to the foregoing, in particular to:

- the lack of clarity regarding the potential impact on adjacent development within the Dunancory Demesne estate dwellings which are located within and adjacent Flood Zones A & B adjacent the Blackwater river;
- the lack the information on the sufficiency of existing or proposed stormwater flow control or permeable surfaces for the management of runoff from the proposed impermeable surfaces to the existing stormwater infrastructure within

the Dunancory Demesne housing estate which discharges directly to the Blackwater river;

- and having regard to the absence of a SSFRA or related assessment in this regard which considers the potential for increased flood risk as a result of the proposed development including in terms of increased runoff;

8.4.8. I am not satisfied the submitted information demonstrates due consideration of flood risk in the area or has provided sufficient details in relation to stormwater management within the submitted drawings and particulars. I note again the permeable and impermeable features proposed, including limited sustainable urban drainage features.

8.4.9. The Commission may be inclined to seek submissions in this regard from the applicant including revised site and surface water layouts; proposals for flow control and related attenuation; and related details of levels, ground conditions and calculations. However in the absence of same I do not consider the proposed development is acceptable in this regard as submitted or that it has clearly demonstrated the proposal manages flood risk appropriately, including through SUDS, or that it would not unacceptably increase the risk of flooding in the Dunancory Demesne estate, as required by Objective FRM02, Section 14.2.1, and Objective CCSB03 of the Development Plan. I am also not satisfied that sufficient certainty is available that these matters can be satisfactorily mitigated by condition given the proposed layout, and the proximity to and relationship of the proposed development to adjacent dwellings and the Blackwater River which are located in identified Flood Zones. I consider the application should be refused in this regard.

8.5. **Surface water**

8.5.1. The appeal states that notwithstanding the matters raised regarding foul sewerage and flood risk, that should the Commission be minded to grant permission, the applicant should provide a detailed SuDS strategy sized for climate change.

8.5.2. Regarding the Planning Authority assessment, as set out above, the Senior Executive Scientist report noted the application set out proposals to discharge surface water to existing connections in the estate entrance road, and that this was demonstrated on a revised site layout map. It also stated (recommended condition

no. 9) that during the operational phase, uncontaminated surface run-off within the development shall be collected and managed in accordance with the surface water drainage system detailed in the application documents received. The Area Engineer report recommended the development be carried out as per the drawings and details submitted with the further information. Condition 18 of the Planning Authority decision required that during the operational phase of the proposed development, uncontaminated surface run-off shall be collected and managed in accordance with particulars received with the planning application, as revised by the further information received. The Planner Report assessed the application in the context of AA, but not the response to further information. The Planner Report did not identify a likely significant impact on a European Site either individually or in combination with other plans or projects, and considered that a Stage 2 Appropriate Assessment was not required. No assessment in relation to Water Framework Directive was set out in the Planning Authority internal reports.

- 8.5.3. The Planning Authority referred the application to Inland Fisheries, however no submission was received.
- 8.5.4. Regarding the application, I have reviewed the application drawings, response to further information to the Planning Authority incl. Engineering Services Report and related drawings. The submitted plans (Drw. No. 24140-BGV-MFA-00-ZZ-DR-A-502-P02) indicate Sustainable Urban Drainage (SuDS) features in the form of permeable paving for the driveway, footpaths, and patio around each dwelling. However, no treatment train / SuDS are indicated to cater for runoff from the proposed dwellings, road, and related impermeable surfaces are clearly indicated in the application. Submitted plans (Drw. No. 25-025-101) indicate all surface water is to existing surface water drains. The submitted drawings do not clearly show any SuDS or other surface water treatment features within the existing estate. The existing surface water line within the estate to which the proposed development would connect is indicated as discharging directly to the Blackwater River adjacent the estate to the west. Details in this regard are not shown on the available planning history. No Appropriate Assessment screening report, Natura Impact Statement, or other assessment of potential impacts on local water quality were submitted.

Assessment

- 8.5.5. Existing surface water infrastructure in the Dunancory Demesne estate which the proposal is to connect to discharges directly to the Blackwater River approx. 100m to the west of the site. As set out above, no SUDS features relating to runoff from the proposed dwellings, road and related impermeable surfaces are indicated in the application, and no other treatment train is clearly indicated for any run-off that would occur from proposed impermeable surfaces. In addition, no level of pre-treatment within the existing estate is indicated on the submitted plans. Whilst calculations relating to the capacity of existing surface water drainage are provided, minimal assessment or calculations in terms of required SuDS treatment volumes/areas are provided. In addition, minimal assessment in this regard is clearly set out in the Planning Authority reports, and no assessment in relation to Water Framework Directive.
- 8.5.6. Noting the extent of impermeable surfacing proposed, including the proposed road, dwellings, and related impermeable surfaces, and the lack of proposals for related SuDS measures or other runoff treatment, I am not satisfied the information submitted meets the requirements of Development Plan Objectives UD02 and VH04.
- 8.5.7. Regarding water quality, having reviewed the information on file submitted from the applicant, I note minimal information on, or consideration of, potential impacts on water quality in the area. In this regard, refer to Section 9.0 'Appropriate Assessment screening' (and Appendix 2) and Section 10.0 'Water Framework Directive' (and Appendix 3) of this report; the site is approx. 100m from the Blackwater River. The Blackwater flows from adjacent Dunancory Demesne approx. 1.22km to Lough Ramor, which is located approx. 990m to the south-east. Lough Ramor is identified as a proposed Natural Heritage Area in the County Development Plan. Both of these waterbodies are at 'Moderate' WFD status and are 'At Risk' in terms of not achieving WFD Objectives. The EPA identifies agricultural and hydromorphological pressures on the Blackwater, and agricultural, invasive species, and urban wastewater pressures on Lough Ramor. The Blackwater continues south-east from Lough Ramor, approx. 6.0km from the site into the River Boyne and River Blackwater Special Area of Conservation, and River Boyne and River Blackwater Special Protection Area. The subject site is hydrologically connected to the Blackwater River through existing surface water infrastructure in the Dunancory Demesne estate.

- 8.5.8. Regarding mitigation, the proposed development does not include comprehensive proposals for surface water treatment, and none are indicated as existing in the Dunancory Demesne estate. The site is hydrologically connected to the River Boyne and River Blackwater Special Area of Conservation and River Boyne and River Blackwater Special Protection Area by the Blackwater River and Lough Ramor. No NIS or AA screening information is submitted with the application. In relation to WFD, the Blackwater River and Lough Ramor are both 'At Risk'. No assessment in terms of WFD and no mitigation is submitted. No assessment in terms of WFD was undertaken by the Planning Authority. In this context, and in the context of the proximity and hydrological connectivity to River Boyne and River Blackwater Special Area of Conservation and River Boyne and River Blackwater Special Protection Area, and water quality status of Blackwater River and Lough Ramor, I am not satisfied the applicant has submitted sufficient information in terms of SuDS treatment, or in terms of potential impacts on water quality and European Sites, for permission to be granted or for conditions to be attached to resolve outstanding matters (Refer to Appendices 2 and 3 for related commentary in this regard).
- 8.5.9. The Commission may be inclined to seek details of SuDS treatment and related sizing and levels in this regard. Supporting information relating to potential impacts on European Sites and water quality should also be required. In the absence of this information, I am not satisfied the current proposal is sufficient in relation to surface water management, or that sufficient certainty is available that these matters can be satisfactorily addressed by condition.

8.6. **Overdevelopment, residential amenity, and residential standards**

- 8.6.1. The appeal states the proposal represents both overdevelopment and also inefficient use or underuse of serviced residentially zoned land. In relation to overdevelopment, the appeal states the proposal erodes open space and character; adversely affects residential amenity and estate functionality; and conflicts with Development Plan Chapter 13. The appeal also raises issue in terms of quality, usability, surveillance of open space, interface / overlooking, parking/turning, and states it may be necessary to reduce or omit units to protect residential amenity.
- 8.6.2. The application included a Design Statement, Lighting Report, and related drawings.

- 8.6.3. Regarding overdevelopment, Development Plan Section 13.4.1 'Residential Density' indicates approximate density ranges. It indicates targets of 20-25 dpha for brownfield and infill sites within Virginia. As a comparison I note that it indicates 16-20 dpha in 'proposed residential' zoned lands in Virginia. The proposed density on the subject site is approx. 16 dpha (15.6 dpha). If the estate as a whole is taken into account, including the existing public open space, the density would be approx. 14 dpha (13.5 dpha). Development Plan Objective HS08 seeks to apply graded densities in towns and villages having regard to their role in Settlement Hierarchy that are commensurate to the existing built environment. Objective SH02 seeks to achieve densities for new housing that respect the local character of surrounding areas whilst making efficient use of land. Objective RD01 seeks to encourage the densities in accordance with Section 13.4.1 of the Development Plan in accordance with the Core Strategy. Objectives RD03 seeks to ensure densities of proposed developments reflect the key attributes and character of the surrounding/ adjoining area. I consider that the proposed layout and density in broad terms mirrors the existing pattern of development at the western end of the existing estate. Meeting the requirements of Section 13.4.1 on this site would equate to 5 no. dwellings rather than 4. On balance, and having regard to the abovementioned Development Plan Objectives, I consider the proposed layout and density demonstrates due regard to the provisions of the Development Plan, strikes an appropriate balance between local policies and national guidelines and the existing attributes and local character of the adjoining area whilst making reasonably efficient use of land.
- 8.6.4. Development Plan Section 2.15 'Residential Density' states that generally the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the accompanying Urban Design Manual (2009) or any update thereof and the Smarter Travel policy.
- 8.6.5. Regarding impacts on existing residential amenity, the proposed dwellings ('Nos. 1-4') are orientated east-west, with no existing or proposed dwellings orientated toward or overlooking from the north, south, east or west, including in terms of existing and proposed windows. I note the proposed unit no. 4 would face toward the side of an existing dwelling in the estate (No. 5). Dwelling No. 5 has a small translucent window at first-floor, and relatively small habitable windows at ground floor. Dwelling No. 4 as

proposed would be approx. 17.2m away from No. 5. I also note the layout of No. 4 would generally mirror that of the existing dwelling No. 9, to the west, which was constructed as part of the original estate. No other objections or observations in this regard are on file. There is an existing timber panel fence along the boundary between No's. 4 and 5 which stands at approx. 1.8m in height. A concrete 'H' post fence of similar height is also proposed along this boundary as part of the application. Having regard to the existing and proposed layout in the area, I am generally satisfied the proposed development is acceptable in this regard, and would not give rise to significant detrimental impacts on residential amenity, including in terms of overlooking, overbearance, or overshadowing.

- 8.6.6. In relation to the existing bungalow to the south of the site, it would be located to the south of the site; would be approx. 20m from the nearest proposed dwelling; would not be directly opposite that dwelling; no habitable first-floor windows would be opposing; the existing intervening hedgerow and fence are to be retained; and tree screening is also proposed at this point. I am satisfied no unacceptable issues of residential amenity arise in relation to this dwelling.
- 8.6.7. Regarding proposed resident amenity, I have had regard to the requirements of the Development Plan; current national guidelines; and previous national guidelines referenced in the Development Plan. Given the size, design and layout of the proposed dwellings, I am satisfied the proposal will provide for a good level of residential amenity and will generally meet or exceed requirements in this regard.
- 8.6.8. Regarding impacts on existing open space, the site comprises an open area of land which appears to have originally been intended to comprise housing when the Dunancory Demesne housing estate was first permitted. The site is fenced off. Formal open space for the estate is adjacent to the west of the subject site within the existing estate. As such I am satisfied the proposal will not erode open space for the existing development.
- 8.6.9. Regarding proposed open space provision, the submitted Design Statement indicates that information on the provision of public open space is provided, however no such commentary was included in the Statement on file. Development Plan Public Open Space Development Objectives PCOS 01 seeks to ensure public open spaces in new residential developments comply with the Sustainable Residential

Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual (2009) or any updates thereof. Those Guidelines set out a general provision of 10% of a site area for public open space. I have also had regard to the current Compact Settlement Guidelines which state that Development Plans should include a requirement of 10-15% of a site area to be public open space. The site is stated as being 0.2663ha. The application proposes a small area (approx. 75sqm) as open space adjacent the existing open space within the estate. Taking the proposed and existing areas of open space within the estate, I estimate that a total of approx. 935sqm open space would be provided. I estimate that the total area of the existing estate and proposed development would be approx. 8,965sqm. I am satisfied the total open space provision would exceed the Development Plan and national guidelines minima. Given the relationship of the existing and proposed dwellings, including in terms of the quality of open space and passive surveillance, I am satisfied this provision is acceptable.

- 8.6.10. Regarding character, I would characterise the immediate area as residential, noting its location at the edge of a village adjacent to rural areas. I consider the proposed dwellings are closely comparable to the existing estate dwellings. I am satisfied the proposed development is a reasonable addition to the area in this regard.
- 8.6.11. Regarding estate functionality, the proposed dwellings are in an area originally planned as part of the existing housing estate. I consider the proposed access road and the proposed layout would form a reasonable extension to the existing estate, and generally mirror the layout of Unit 9-12 of the existing estate. Proposed services are to connect to the existing infrastructure services. Overall, I am satisfied the proposal is acceptable in this regard.
- 8.6.12. Having regard to the foregoing, I am satisfied that the proposal is acceptable in these regards, including in terms of the quality, usability, and that the proposal generally meets the requirements of the Development Plan and national guidelines.
- 8.6.13. The appeal requests conditions in relation to the estate layout and open spaces in the event that the Commission decides to grant permission. It states that a revised landscape and layout plan is required which demonstrates compliance with the 2009 Sustainable Residential Development 2009 and Urban Design Manual. Given the

information submitted I do not consider this is warranted. I address access and parking below.

8.7. **Related matters raised in the course of the appeal**

Roads and Access

- 8.7.1. The proposal will generally add 4 no. dwellings to the existing estate of 8 no. dwellings. The estate was originally planned and permitted as an estate of 12 no. dwellings. The Ballyjamesduff Road is relatively straight outside the site, with visibility of at least 300m in either direction. The estate access is a wide bellmouth access. There are a number of accesses in the area. The estate is within a 60kmh zone. Two on-site parking spaces per dwelling are proposed to serve each of the 6-bed dwellings. The Development Plan (Table 7.4) provides for a maximum of 2 spaces per unit. Given the size and location of the dwellings I consider this to be acceptable and generally complies with local policy and national guidelines. I am satisfied that the proposed layout provides sufficiently for parking and manoeuvring. The Road Design office report raised no objection in these regards. I am satisfied the proposal is acceptable in terms of access, parking and traffic safety.
- 8.7.2. Regarding the N3 Virginia Bypass Planning Referral Corridor, the Planning Authority Roads report stated the site is within the N3 Virginia Bypass Planning Referral Corridor, but that the proposal will not impact on the N3 Virginia Bypass Scheme. My review of the emerging scheme is that works are at closest approx. 65m west of the existing estate access. The proposed works will not directly impact the Bypass Scheme. I am satisfied with the proposal in this regard.

Water services

- 8.7.3. As set out above, foul and potable water connections are currently available in the Dunancory Demesne estate within the red and blue line areas. These ultimately connect to existing mains lines outside the estate. The Planning Authority Senior Executive Scientist report recommended approval subject to conditions relating to Uisce Eireann (Condition 5). The Planner Report recommended attachment of Condition 4 relating to the occupation of dwellings prior to the operation of the Virginia WWTP. No correspondence from Uisce Eireann is on the file and no submissions in this regard were received from Uisce Eireann. I note the appellant's

points regarding prematurity in relation to Virginia' wastewater treatment plant upgrade Capacity. I have addressed these matters above. In relation to connection to potable and wastewater infrastructure I am satisfied with the proposal in these regards subject to standard conditions.

Previous reasons for refusal

- 8.7.4. The appeal states the application does not resolve previous reasons for refusal. As noted above I am satisfied that there are no previous refusals recorded on the site, but that the appellant refers to other cases in Virginia from the period 2017 to 2020. I have addressed these matters above.

Conditions

- 8.7.5. In the interests of completeness, and in the event the Commission is minded to grant permission, I set out recommended conditions above. I have stated above I am not satisfied that outstanding matters relating to stormwater and sustainable urban drainage can be addressed by condition. I also consider the following:

- Part V: The proposal is for 4 no. dwellings, and is to complete an estate first permitted in 2003. A certification of exemption is attached to the application.
- Commercial housing regulations: A condition in this regard is required.
- Taking in charge: The Planning Authority Condition 8 required for the development to be completed to taking in charge standards and Condition 9 required for areas to be Taken in Charge to be agreed. I consider that a condition in this regard is warranted. I note that Condition 3 required for a bond for satisfactory completion of supporting infrastructure. No information as to whether the existing estate is taken in charge is provided. No works to the public road are proposed. I am not satisfied this condition is warranted.
- Contributions: Should permission be granted a standard Section 48 condition is required.

- 8.7.6. I note conditions 6, 7 and 12 attached by the Planning Authority. Condition 6 required the proposed external materials to be agreed and completed as proposed. Condition 7 required for each dwelling to be used as a single dwelling. Condition 12 set out requirements for the completion of proposed boundary treatments. I consider

that sufficient details in these regards are set out in the application, and accordingly I do not consider that these conditions are warranted.

- 8.7.7. Conditions 10 and 11 required for all works to site infrastructure are to be undertaken at the Developer's expense and to the standards of Cavan County Council prior to first occupation; in this regard I note that the existing estate is incomplete adjacent the site; accordingly, I consider a condition in this regard is warranted.
- 8.7.8. Condition 19 required the undergrounding of services. I am satisfied that a condition in this regard is warranted. Condition 20 required details of services for electrical vehicles to be agreed where such provision is proposed. No such provision was proposed, however Development Plan Objective EV01 seeks to facilitate provision of electricity charging infrastructure for electric vehicles in new developments in accordance with Development Plan car parking standards, and Policy CP09 requires the provision of wiring and ducting. I consider a condition in this regard is warranted.
- 8.7.9. Regarding construction management, the applicant submitted a CEMP. Conditions 13, 14, 15, 16, 17 and 21 attached by the Planning Authority related to construction management. Given the relationship of the site to the Blackwater River I consider that a condition in this regard is warranted. Given the relationship of the site public roads, and existing dwellings, I consider that conditions requiring agreement of a CMP is warranted. Given the foregoing, I also consider that a condition relating to the management and construction waste management is warranted.
- 8.7.10. Regarding surface water, as set out above, Condition 18 of the Planning Authority decision required that during operation of the development uncontaminated surface run-off shall be collected and managed in accordance with the application. I am not satisfied that this condition satisfactorily addresses potential impacts in terms of water quality and European Sites arising from the proposed development, and as such I am not satisfied that this issue can be satisfactorily addressed by condition.

9.0 Appropriate Assessment screening

- 9.1.1. Refer to Section 8 and Appendix 2 of this report. 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 including provided with the application and appeal and in the absence of a Natura Impact Statement,, I conclude that it is

not possible to exclude the possibility that the proposed development alone or in combination with other plans and projects will give rise to significant effects on River Boyne and River Blackwater Special Area of Conservation (Site Code:002299) and River Boyne and River Blackwater Special Protection Area (Site Code:004232) European Sites in view of the Sites' conservation objectives. This determination is based on: the nature of the proposed development; the location distance from nearest European Site; and presence of hydrological of connections.

10.0 Water Framework Directive

10.1.1. Refer to Appendix 3.

10.1.2. The subject site is located approx. 100m from the Blackwater River (Ref. IE_EA_07B011000). (The Blackwater River at this point is sometimes also referred to as the Nadrageel; EPA records vary as showing the Nadrageel Lough Stream (Ref. IE_EA_07B011000) ending at Dunancory bridge upstream of the site or continuing south with the Blackwater, however primarily show the Nadrageel ending north of the subject site). The Blackwater flows to Lough Ramor lake (Ref. IE_EA_07_275) which is approx. 990m to the south-east. The Blackwater continues from Lough Ramor approx. 6.0km to the south-east.

10.1.3. The proposed development generally comprises 4 no. dwellings. Water deterioration concerns were raised in the planning appeal, including in regard to the Water Framework Directive specifically.

10.1.4. I have assessed the project 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 prevent deterioration. Having considered the nature, scale and location of the project, I am not satisfied it can be eliminated from further assessment as I consider there is a risk to surface water bodies either qualitatively or quantitatively, which could jeopardise the above-referenced waterbodies in reaching their WFD objectives. The reason for this is: the nature of works proposed (e.g. residential development with minimal sustainable urban drainage or other storm water treatment systems proposed); the location-distance to the nearest waterbodies and hydrological connection; and the lack of

information submitted with the application. Noting the lack of WFD screening by Planning Authority, on the basis of available objective information I cannot conclude 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.

11.0 Recommendation

11.1.1. I recommend permission be **Refused**, for the reasons and considerations below.

12.0 Reasons and Considerations

1. It is considered the application has not satisfactorily demonstrated the development as proposed would manage surface water runoff and flood risk appropriately, including through the use of Sustainable Urban Drainage Systems, or that it would not unacceptably increase the risk of flooding around and adjacent existing dwellings within the Dunancory Demesne estate which are located within Flood Zones A and B, as required by Objective FRM02 and Objective CCSB03 of the County Development Plan. The application has also not demonstrated due regard to the Planning System and Flood Risk Management Guidelines, Section 2.5, in relation to increased flood risk as a result of new development by increasing runoff due to changes in land management and introducing surfaces with reduced permeability.

2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of River Boyne and River Blackwater Special Area of Conservation (Site Code:002299) and River Boyne and River Blackwater Special Protection Area (Site Code:004232) European Sites, in view of the site's Conservation Objectives, the nature of the proposed development; the location distance from nearest European Site; and presence of hydrological connections. In such circumstances the Commission is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

-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.-

Dan Aspell
Inspector
30th January 2026

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-323491-25
Proposed Development Summary	Erection of 4 no. houses, road and all other site works
Development Address	Dunancory Demesne, Deerpark, Virginia, Co. Cavan
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	<input 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 type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) Construction of more than 500 dwelling units.
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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: __ 17th December 2025__

Form 2: EIA Preliminary Examination

Case Reference	ABP-323491-25
Proposed Development Summary	Erection of 4 no. houses, road and all other site works
Development Address	Dunancory Demesne, Deerpark, Virginia, Co. Cavan
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	Proposed development comprises 4 no. dwellings adjacent existing houses in a town. The proposed development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of environmental pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is particularly vulnerable to climate change.
Location of development	The development is located in a town on open land. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is not of historic or cultural significance, and is not near Protected Structures, Sites of archaeological interest, or any Architectural Conservation Area. Given the scale and nature of development there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: 17th December 2025 _____
 DP/ADP: _____ Date: _____

APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of 4 no. houses, access road, and all other site works		
Brief description of development site characteristics and potential impact mechanisms		Site measures 0.2663ha and comprises grassed land. River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232) are approx. 6.00km away.		
Screening report		No		
Natura Impact Statement		No		
Relevant submissions		Planning Authority screening		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connection	Consider further in screening Y/N
I identify the following Sites on grounds the source-pathway-receptor model. These European Sites were considered and discounted in the Planning Authority screening.				
River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299)	https://www.npws.ie/protected-sites/sac/002299	Approx. 6.0km	Hydrological connection.	Yes
River Boyne and River Blackwater Special Protection Area (Site Code: 004232)	https://www.npws.ie/protected-sites/spa/004232	Approx. 6.0km	Hydrological connection.	Yes
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
AA Screening matrix				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) 1099 River Lamprey Lampetra fluviatilis 1106 Salmon Salmo salar 1355 Otter Lutra lutra 7230 Alkaline fens 91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project	Potential indirect impacts.	Significant effects cannot be excluded.		

would not compromise the objective of restoration or make restoration more difficult.		
No	Likelihood of significant effects from proposed development (alone)	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Yes	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
River Boyne and River Blackwater Special Protection Area (Site Code: 004232) <i>A229 Kingfisher Alcedo atthis</i> The Conservation Objectives for the SPA are to maintain the favourable conservation conditions of the identified Qualifying Interests.	Potential indirect impacts.	Significant effects cannot be excluded.
No	Likelihood of significant effects from proposed development (alone)	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Yes	Possibility of significant effects (alone) in view of the conservation objectives of the site	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
There is a possibility of significant effects occurring in the absence of mitigation and there is uncertainty as to the significance of effects. I conclude that the possibility of significant effects on European Site(s) including the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232) from the proposed development either alone or in combination with other plans or projects cannot be excluded on the basis of available objective information. Accordingly I consider the project to have a likely significant effect on European Sites. Appropriate Assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required.		

Screening Determination

Significant effects cannot be excluded

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, including provided with the application and appeal and in the absence of a Natura Impact Statement, I conclude that it is not possible to exclude the possibility that the proposed development alone or in combination with other plans and projects will give rise to significant effects on River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232) European Sites in view of the Sites' conservation objectives. This determination is based on:

- the nature of the proposed development;
- the location distance from nearest European Site, and;
- the presence of hydrological of connections.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING							
Step 1: Nature of the Project, the Site and Locality							
An Bord Pleanála ref. no.	ABP-323491-25	Townland, address			Dunancory Demesne, Deerpark, Virginia, Co. Cavan		
Description of project.	The development will consist of the erection of 4 no. houses, a section of access road, site services, boundary treatments, and all site works.						
Brief site description, relevant to WFD Screening.	The site comprises an open area within the built-up area of Virginia. There previously was a dwelling on the site that has been demolished. The topography is relatively level. The soil in the area comprises well drained mineral soils. The application red line area is stated as 0.2663ha. The site boundary comprises hedges and fencing. The site is approx. 100m from the Blackwater River (Ref. IE_EA_07B011000. Sometimes referred to as the Nadrageel Lough Stream Ref. IE_EA_07B011000. Lough Ramor lake (Ref. IE_EA_07_275) is approx. 990m to the south-east. River Boyne and River Blackwater Special Area of Conservation (Site Code:002299) and River Boyne and River Blackwater Special Protection Area (Site Code:004232) are 6.00km to the south-east.						
Proposed surface water details	Application proposes surface water drainage from the dwellings and road to be collected and diverted to existing surface water drainage infrastructure within the site and adjacent Dunancory Demesne housing estate where it will discharge to an existing outfall pipe to the Blackwater River.						
Proposed water supply source & available capacity	Application proposes connection to existing potable water services within the Dunancory Demesne housing estate which in turn connect to mains supply.						
Proposed wastewater treatment system & available capacity, other issues	Application proposes connection to existing foul water connection within the site which connects to the existing foul water drainage infrastructure within the site and adjacent Dunancory Demesne housing estate which in turn connects to main wastewater drainage and in turn to the Virginia WWTP.						
Others?	Not applicable						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Distance to (m) approx.	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
River waterbody	100m	Blackwater (Kells) (Ref. IE_EA_07B011000.	Moderate	At risk	Agriculture, Hydromorphology	Site hydrologically connected to watercourse.	
River waterbody	105m (EPA records vary, but primarily show the Nadrageel ending upstream of the site)	Nadrageel Lough Stream (Ref. IE_EA_07B011000)	Moderate	At risk	Agriculture, Domestic Waste Water, Hydromorphology	Site not hydrologically connected to watercourse.	
Lake waterbody	990m	Ramor (IE_EA_07_275)	Moderate	At risk	Agriculture, Invasive Species, Urban Waste Water	Site hydrologically connected to watercourse.	
Groundwater waterbody	Underlying site	Bailieborough (IE_EA_G_006)	Good	Not at risk	None identified	Well drained Extreme Vulnerability	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	River waterbody	Blackwater (Kells) (Ref. IE_EA_07B011000.	Yes - watercourse	Silt, sediment, wet concrete, hydrocarbon spillages	Standard Construction Measures / Conditions. CEMP.	Yes – proximity to monitoring location warrants assessment	Screened in
2.	River waterbody	Nadrageel Lough Stream (Ref. IE_EA_07B011000)	No (waterbody primarily defined as ending immediately upstream of site)	n/a	n/a	No	Screened out
3.	Lake waterbody	Ramor (IE_EA_07_275)	Yes - watercourse	Silt, sediment, wet concrete, hydrocarbon spillages	Standard Construction Measures / Conditions. CEMP.	Yes – proximity to monitoring location warrants assessment	Screened in
4.	Groundwater waterbody	Bailieborough (IE_EA_G_006)	Yes - drainage	Hydrocarbon spillages	Standard Construction Measures / Conditions. CEMP.	Yes – soil type and topography warrants assessment	Screened in
OPERATIONAL PHASE							
5.	River waterbody	Blackwater (Kells) (Ref. IE_EA_07B011000.	Yes - watercourse	Hydrocarbon spillages, heavy metals, residential runoff	Partial / incomplete SUDS proposed. No pre-treatment components proposed.	Yes – proximity to monitoring location warrants assessment	Screened in
6.	River waterbody	Nadrageel Lough Stream (Ref. IE_EA_07B011000)	No (waterbody primarily defined as ending immediately upstream of site)	n/a	n/a	No	Screened out
7.	Lake waterbody	Ramor (IE_EA_07_275)	Yes - watercourse	Hydrocarbon spillages, heavy metals, residential runoff	Partial / incomplete SUDS proposed. No pre-treatment components proposed.	Yes – proximity to monitoring location warrants assessment	Screened in
8.	Groundwater waterbody	Bailieborough (IE_EA_G_006)	Yes - drainage	Hydrocarbon Spillages, heavy metals	Surface water drainage infrastructure to Blackwater River.	No (Extreme groundwater vulnerability noted)	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA
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	Objective 1: Surface Water Prevent deterioration of the status of all bodies of surface water	Objective 2: Surface Water Protect, enhance and restore all bodies of surface water with aim of achieving good status	Objective 3: Surface Water Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	Objective 4: Surface Water 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:	
Construction Works	Site-specific construction mitigation methods	Site-specific construction mitigation methods	N/A	N/A	Yes
Stormwater drainage	Minimal mitigation proposed. Extent of required mitigation unclear.	Minimal mitigation proposed. Extent of required mitigation unclear.	N/A	N/A	No
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	Objective 1: Groundwater Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	Objective 2: Groundwater Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	Objective 3: Groundwater 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:		
Construction Works	Site-specific construction mitigation methods.	Site-specific construction mitigation methods.	N/A	YES	