



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323523-25

#### Development

Construct 12 no. dwellings and all site works. This application is accompanied by a Natura Impact Statement.

#### Location

Rahardrum, Virginia, County Cavan

#### Planning Authority

Cavan County Council

#### Planning Authority Reg. Ref.

2460643

#### Applicant(s)

Micheal O'Donoghue

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Francis & Aine Needham

#### Observer(s)

None

#### Date of Site Inspection

27<sup>th</sup> October 2025

#### Inspector

Aisling MacNamara

## **1.0 Site Location and Description**

1.1. The proposed development relates to a 0.62ha site located on the northern edge of Virginia in County Cavan. The site is accessed through the existing Ramparts View housing estate. The southeastern and southwestern boundaries adjoin the Rampart View housing estate. The northeastern boundary abuts an existing laneway to agricultural lands and the northwestern boundary adjoins agricultural lands. Ground levels vary across the site, from 96.00 to 93.00 towards the northern central part of the site. The site contains grassland and boundaries are marked by natural hedgerow and sod and stone bank. The site is approximately 10 minutes walk / 650m to the town centre junction of N3/ Bailieboro Road. Blackwater River / Lough Rahardrum is c 40m downhill to the west across undeveloped grasslands. Agricultural farm buildings are located to the eastern side of the adjoining laneway.

## **2.0 Proposed Development**

2.1. Permission is sought for the following:

- Construction of 12 dwellings (6 no. four bed two storey semi detached dwellings, 6 no. three bed two storey semi detached dwellings)
- Connection to public services
- Entrance onto roadway
- Associated site works

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 01/08/2025, the planning authority decided to grant permission subject to 32 conditions.

Condition 4 states that no dwelling shall be occupied until such time as the Virginia Wastewater Treatment upgrade is fully operational.

Condition 7 requires section 47 agreement that restricts all dwellings to first occupation by individual purchasers i.e those not being a corporate entity and / or those eligible for social and / or affordable housing, including cost rental housing.

Condition 10 states each dwelling shall be used as single dwelling apart from such use as may be exempted development. The dwellings shall not be used for multiple occupancy living units / non residential uses except where otherwise permitted by way of grant of permission.

Condition 14 relates to revised footpath design to be agreed prior to development.

Condition 20 requires retaining walls to be designed, supervised and certified by a Chartered Civil or Structural Engineer.

Condition 21 states that no works permitted to be carried out at the southeast boundary of the site shall interfere with services provided by the adjoining wayleave.

Condition 31 requires the carrying out of an Archaeological Impact Assessment.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

- The report of the Case Planner dated 13/02/2025 recommended Further Information. The assessment finds that the density, housing mix, public open space, layout and design are generally acceptable and noted that Virginia WWTP is currently being upgraded and will have capacity for the development.
- Further Information was requested 19/02/2025 in relation to 6 matters:
  - (1) Submit confirmation of feasibility from Uisce Eireann for the proposed water and wastewater connections.
  - (2) Submit invert levels at the inlet and outlet to the proposed stormwater attenuation system (in consultation with MD Engineer).
  - (3) Detail works to existing boundaries and demonstrate proposed boundary treatment at southeast of site would not impact on UE wayleave containing existing foul sewer line.

(4) Submit (a) revised site layout showing Rahardrum Lane to be surfaced with asphalt material for 5m beyond the proposed service road entrance to the site, (b) detail the construction make up of the proposed service road and Rahardrum Lane, (c) show sightlines at the entrance to the development onto Rahardrum Lane in accordance with DMURS, (d) provide car parking to front of units of 6m depth to avoid encroaching onto footpaths, (e) there is no connection between the two footpaths within the boundaries of the site – submit proposals for pedestrian crossing in accordance with DMURS, (f) submit public lighting layout, (g) provide road marking and signage showing 30km /hr signs, (h) provide road marking and signage for junction between the service road and Rahardrum Lane in accordance with DMURS.

(5) Clarify the intention of proposed 2m wide footpath outside the front boundary wall of the application site.

(6) Submit EV charge points for each dwelling in accordance with objective CP08 of CDP.

- Further Information was submitted on 22/05/2025 as follows:

(1) Confirmation of Feasibility from Uisce Eireann submitted dated 8<sup>th</sup> April 2025 for 12 units at Rahardrum Virginia.

- Water connection is feasible without infrastructure upgrade by UE. The existing water located in the Ramparts View development where a connection for this development is proposed may not be taken in charge by UE and is therefore a third party owned watermain. Third party owned assets will be referred to as the Arterial Route. UE will seek to take in charge the Arterial Route as per a special condition in the self lay agreement. The applicant will be responsible for obtaining the necessary legal agreements and vesting the third party asset in favour of UE. Any remedial works required to the third party assets as agreed with UE shall be carried out by the applicant prior to vesting.

- Wastewater connection is feasible subject to upgrades. Virginia WWTP is currently in the process of being upgraded. The development can connect upon completion of the upgrade works to the WWTP. The existing foul sewer located in Ramparts View to where a connection for this

development is proposed may not be taken in charge by UE and is therefore a third party owned sewer. Third party owned assets are referred to as the arterial route. UE will seek to take in charge the arterial routes as per a special condition in the self lay agreement. The applicant will be responsible for obtaining the necessary legal agreements and vesting the third party asset in favour of UE. Any remedial works required to the third party assets, as agreed with UE shall be carried out by the applicant prior to vesting.

- (2) Revised drawings showing updated levels for attenuation tank further to consultation with MD Engineer.
- (3) Proposals for southeast side boundary (boundary to remain in place and new block wall constructed on inside boundary), southwest side boundary (boundary to remain in place and new block wall constructed inside the boundary), northwest side boundary (boundary will be removed to facilitate the construction of new retaining wall to facilitate level difference between proposed site and adjoining lands, new boundary wall will be constructed on top of retaining wall enclosing gardens of house numbers 7-12) and northeast side boundary (existing boundary to be removed and replaced with new boundary wall, new boundary wall will be construction on top of retaining wall to side of house no.12) detailed, it is not intended to relocate existing road furniture or infrastructure to facilitate the development, the existing boundary to the southeast is not being removed or interfered with and the existing UE wayleave will not be impacted by the proposed works.
- (4) Revised drawings and details submitted showing - (a) resurfacing of Rahardrum Lane for 6m beyond the proposed service road entrance, (b) construction details submitted of service road and Rahardrum Lane, (c) drawing shows 70m sightline at entrance to proposed development onto Rahardrum Lane from 2.4m setback. Rahardrum Lane has speed limit of 30km/hr, a 70m sightline requirement is applied for a 50km/hr road in accordance with the guidelines, (d) parking depth for all houses is a min of 7m, (e) proposed pedestrian crossing with dropped kerbs and tactile paving in accordance with DMURS, (f) public lighting layout in accordance with Council's External Lighting Policy, (g) road markings and signage, (h)

road markings and signage for junction between service road and Rahardrum Lane,

(5) Revised drawings submitted showing removal of the footpath.

(6) Included a proposal for EV charge points for each dwelling.

- The further information was deemed 'significant' and new public notices were advertised.
- The second report of the Case Planner dated 01/08/2025 considers the FI response is acceptable and recommends grant of permission subject to conditions.

### 3.2.2. Other Technical Reports

- MD Area Engineer (dated 31/01/2025): No issues with road design within the development or vision lines at the entrance, acknowledge that there may be an increase in volume of traffic entering and exiting the L70313 onto the R178, Road Design may have further input in relation to bypass etc, clarification sought in relation to invert levels and flow of stormwater via attenuation tank.
- Environment (dated 27/01/2025): Recommend approval subject to conditions relating to UE confirmation that connection to public sewer and mains are acceptable, CEMP including IFI measures, measures for protection of ground and surface water and measures for environmental protection.
- Waste Enforcement, Environmental Services: Should permission be granted, recommended conditions for waste management and disposal.
- Road Design Office:
  - First report (dated 21/01/2025): Traffic and Transport Assessment is not required. Traffic generated is not likely to have detrimental impact on operational efficiency of road network. Further Information to be requested in relation to site access including surfacing and sightlines at Rahardrum Lane, parking, pedestrian crossing connecting proposed and existing footpath sections within the site, public lighting, road markings and signage.

- Second report (dated 29/05/2025): revised proposals are satisfactory, recommended that final designs of footpaths be agreed prior to development, recommended conditions set out in relation to street furniture within sightlines, final design of footpaths to be agreed prior to development, public lighting, management of traffic during construction, design of car parking spaces.

### 3.3. Prescribed Bodies

- Department Housing, Local Government and Heritage (dated 31/01/2025): Archaeological Impact Assessment should be completed. It is possible that subsurface archaeological remains could be encountered during construction.
- Uisce Eireann (dated 09/01/2025): Further Information requested – the applicant has engaged with UE via a pre-connection enquiry for new water and wastewater connections. The applicant should submit evidence of confirmation of feasibility from UE for new water and wastewater connections.
- Inland Fisheries Ireland (dated 27/01/2025): Lough Ramor is currently at 'bad' status 2020. The river is a prominent fishery with prominent stocks of brown trout, eels and coarse fish. A condition should be imposed that no house should be occupied before the new Virginia Wastewater Treatment Pant is commissioned.

### 3.4. Third Party Observations

Six third party submissions were received from residents in the area, a local anglers group and Wild Ireland Defence. The key issues raised are summarised as follows:

- There is no evidence submitted to show that wastewater from the development will not have an adverse effect on the River Boyne and River Blackwater SAC. Reference is made to case law relating to the Habitats Directive.
- Object to pedestrian connection to adjoining private estate which is currently cul de sac – impact on cul de sac, anti social behaviour, litter, removal of flower bed, shrubbery, tree.

- Concern regarding capacity of the sewerage treatment plant – plant is operating beyond its EPA licence. Development is premature pending upgrade of the plant.
- Site is a natural flood plain. Elevated site will result in additional run off – flooding threat to area.
- Lack of investment in local infrastructure, community facilities and services.
- Existing water services already in place in unfinished estate unable to accommodate development.
- Entrance to estate from R178 is poorly designed and not suitable for additional traffic. Pedestrian facilities, lighting poor.
- Impact of construction traffic on existing residents.
- Concern over general upkeep of the estate, estate should be finished.
- Concern over impact on trees and personal landscaping, subsidence risk.
- Impact on wildlife
- Impact on residential amenity and privacy, proximity to existing houses.

## 4.0 Planning History

The following planning history of is relevance:

Larger site incorporating the subject development site:

PA 05/1905 – Grant – permission to demolish existing sheds and erect 54 no. two storey houses, connection to public services being laid by adjoining developer and linking to existing service road and ancillary works.

Rampart View housing estate:

PA19/514 (ABP 307587-20) – Refused Oct 2020 – 4 houses - (1) In the absence of AA screening report or NIS, the Board cannot be satisfied that there would not be a significant adverse effect on River Boyne and River Blackwater Special Area of Conservation and River Boyne and River Blackwater Special Protection Area and

the Board is precluded from granting permission. (2) The development to connect to Virginia Wastewater Treatment Plant which discharges to Loch Ramor is premature by reference to existing deficiencies in sewerage facilities - prejudicial to public health.

PA 04/1525 – Grant – permission for 105 dwellings, creche, connected to mains sewerage via pumping station with connection to mains water and surface water, service road onto public roadway and ancillaries.

PA 06/1037 – Grant – permission for revised site layout to include a wayleave for foul sewer and surface water drainage & the omission of detached house no.79 from site layout granted under planning ref.no. 04/1525 and the reinstatement of 2 no. 4 bed two storey semi-detached dwellings (house nos 79 & 80), connections to all services and all ancillaries.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Cavan County Development Plan 2022-2028**

The site is located within the settlement of Virginia, a Self-Sustaining Growth Town with population targeted to grow from 3079 in 2022 to 3510 by 2028 and a housing supply target of 364 units over the plan period.

The site is located on lands zoned '*Proposed Low Density Residential*' where the objective is "*Facilitate serviced low density residential development in a structured and coordinated manner*" and the vision is as follows: "*Ensure the provision of high quality low density residential environments with good layout and design. All Low Density Residential zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for residential purposes where appropriate. Where appropriate, development design proposals shall provide for further access to adjacent zones of residential lands in order to facilitate their future access and development.*"

Residential use is '*permitted in principle*'.

#### Chapter 2 Settlement Strategy

## 2.3 Self Sustaining Growth Town – Virginia

### Virginia Sustainable Communities Development Objectives

VSC01 Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.

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.

VSC 07 Promote cycling and walking within the community through the implementation of improved walking/ cycling infrastructure within the Town and its hinterlands and at areas of interest and attractions.

### Chapter 3 Development Management Standards

#### 13.4.9 Overlooking and Overshadowing

New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building design and layout that demonstrates a high level of energy efficiency and use of renewable energy sourced will be encouraged. New development should be designed to avoid overlooking of existing or proposed residential units.

OO 01 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.

OO3 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.

#### 13.4.10 Design and Layout

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.

DL05 New developments shall enable positive integration, both physically and socially towards building integrated communities and social cohesion.

## Chapter 7 Transportation and Infrastructure

### 7.3 Sustainable Transport

#### 7.3.1 Walking and Cycling

WC01 Promote walking and cycling as efficient, healthy and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas and in vicinity of schools.

WC 07 Ensure that all new relevant developments are fully permeable for walking and cycling, the principles of filtered permeability are applied and that the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods.

#### **Other local policy considerations:**

The site is c 228m from National monument CV039-074 (unclassified ringfort)

Site is not located within any flood zone on the OPW flood maps (CFRAMS, National Indicative Mapping)

Virginia bypass corridor designation is to the north of the site.

#### **National and Regional Policy**

- National Planning Framework First Revision 2025
- Sustainable Residential Development and Compact Settlement Guidelines (2024)

### **5.2. Natural Heritage Designations**

The site is not located within a designated site. The nearest relevant sites are:

- Lough Ramor pNHA located c 0.53km from the site.
- River Boyne and River Blackwater SAC and SPA located c 5.4km from the site.

- Killyconny Bog (Cloghbally) SAC and pNHA located c 8.6km from the site.

### **5.3. EIA Screening**

5.4. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

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

A third party appeal has been received from the owner /occupiers of 29 Rampart View. The issues raised are summarised as follows:

- The letters to third parties post decision did not include a copy of the decision. This was received subsequently by email.
- Council failed to address concerns raised in initial objection.
- No consideration was given by the Council to concerns raised regarding subsidence and the existing structures in place.
- To date, Rampart View estate remains unfinished with a number of vacant sites with foundations in situ since 2007. There is no plan or planning permission to finish Rampart View.
- The local authority claim to have taken over the estate. The last communication from Cavan County Council in 2017 to residents was that the estate would not be taken over until the estate was completed. The estate is in private ownership and residents have not been notified that Cavan County Council have taken over the estate. Residents continue to fund and provide upkeep of the estate.

- In the report from Uisce Eireann the applicant was advised to seek permission from the residents of Rampart View Estate (a private estate) to connect to the water services. This did not occur and yet planning permission has been granted.
- The permission for additional footpath through a cul de sac in Rampart View results in the demolition of private property including greenery and structures including a flower bed (maintained by residents of the estate) and tree. The works result in the removal and destruction of Rampart View green space and gardens.
- The proposed pedestrian link at the cul de sac will contribute to anti social behaviour / easy exit route for those involved in crime, compromises public safety including safety of children playing, will devalue their property (homes purchased as end house in a quiet cul de sac), significant increase in pedestrian traffic. Quickest access to the planned River Rampart pedestrian cycle bridge is via existing footpaths and proposed link will not aid access.
- Overlooking / overshadowing. The site is significantly lower than current Rampart View estate. Regardless of how the estate is constructed the residents of Rampart View will overlook this estate and their gardens.
- 4 appendices attached (details of application accessed from Cavan County Council website, letter from Cavan County Council dated 01/08/2025 and further information received by email on 06/08/2025, copy of submission submitted at application stage by appellants, photograph of retaining wall at the back of Rampart View houses, photographs of structures to be demolished to create walkway link, view of the site from 29 Rampart View.

## 6.2. Applicant Response

None

## 6.3. Planning Authority Response

The planning authority responded to the grounds of appeal stating that no new issues have been presented other than those already considered by the planning

authority, the Commission should refer to the planner's report and request that the decision of the planning authority be upheld.

#### **6.4. Observations**

None

#### **6.5. Further Responses**

None

### **7.0 Assessment**

7.1. Having 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 having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- principle of development
- impacts of proposed pedestrian link
- residential amenity
- other matters

#### **7.2. Principle of development**

7.2.1. Under the Cavan County Development Plan (CDP) 2022-2028, the site is located within the settlement boundary of Virginia, which is designated a Self Sustaining Growth Town with a target of 364 units for the plan period. The site is located on lands zoned under the Cavan County Development Plan (CDP) 2022-2028 for low density residential development. It is proposed to construct 12 two storey dwellings including associated open space, roads and services on a 0.62ha site. The planning authority are satisfied that the density, form, mix, layout, open space and design is acceptable and is in accordance with the CDP.

7.2.2. I am satisfied that in principle, the proposed development is acceptable in principle and is in accordance with the zoning objective of the CDP.

### 7.3. Impacts of the proposed pedestrian link

- 7.3.1. The proposed layout shows that the main vehicular and pedestrian access to the proposed development is at the eastern side of the site. The appellant has raised concerns in relation to a proposed second pedestrian link at the western side of the site, between proposed house unit 6 and 7 and the cul de sac at 28/29 Rampart View.
- 7.3.2. The site is located on lands zoned in the CDP for low density residential development with the objective to provide where appropriate further access to adjacent zones of residential land in order to facilitate their future access and development.
- 7.3.3. The CDP includes objectives to promote the creation of pedestrian linkages within urban neighbourhoods. Section '13.4.10 Design and Layout' of the CDP includes objective DL01 which requires all proposed residential developments to demonstrate compliance with Sustainable Residential Development in Urban Areas, or any updates thereof. The update to these guidelines is the Sustainable and Compact Settlement Guidelines for planning authorities 2024 which sets out key indicators of quality design and placemaking. One of these key indicators is to facilitate sustainable and efficient movement. This includes promoting highly permeable and connected neighbourhoods and enhanced local connections. Objective DL05 states that new developments shall enable positive integration both physically and socially towards building integrated communities. Section 7.3 of the CDP relates to sustainable transportation and includes WC01 to promote walking and cycling and securing of a network of direct, comfortable, convenient and safe cycle and footpath routes particularly in urban areas and WC07 which ensures that new developments are permeable for walking and cycling and that retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods. The Virginia settlement plan includes objectives for the development of sustainable communities in the town. Objective VSC07 promotes cycling and walking through the implementation of improved walking / cycling infrastructure within the town and its hinterlands and at areas of interest and attractions.

7.3.4. The report of the Case Planner refers to a planned local authority / NTA project - the River Rampart Pedestrian Cycle Bridge, currently at design stage, which is a new planned pedestrian and cycle bridge over the River Rampart, located to the southeast of the site and which would connect Rampart View /Riverview estate to an access road at the southern side of the river and the N3.

7.3.5. I am satisfied that in principle, the proposal to provide the proposed pedestrian connections to the existing urban area is positive and in accordance with national and CDP objectives to encourage the development of permeable neighbourhoods including new connections for walking and cycling.

7.3.6. The layout drawing of 22/05/2025 shows that the proposed new footpath is to connect to a footpath in the adjoining Rampart View cul de sac at 28/29 Rampart View. I note from site visit and from the submitted Site Survey /Contour map that the existing footpath in the cul de sac does not extend directly to the site boundary and that there is a green verge (with planted box) located between the tarmac / concrete edge of the cul de sac / footpath and the hedge boundary. I note that the works of the development are confined to those within the site boundary in red only. Whilst the layout drawing shows a footpath within the Rampart View cul de sac directly up to the boundary, this section of footpath is not currently in place. Whilst the developer of the subject site has provided the footpath and opening to allow for a link, the works on the other side of the boundary to deliver the link are outside of the remit of this planning application. Any works on the adjoining lands within the cul de sac verge would be a matter for the owner of these adjoining lands or the Council should the lands be taken in charge. Whilst the development is served by the main access, I am satisfied that the proposal to allow for a potential future additional link at the cul de sac would bring the benefit of enhanced permeability.

7.3.7. The appellant raises concerns that the proposed works will impact on the existing green area, flower boxes and tree located in the verge area at the end of the cul de sac. I note that there is no evidence submitted to show that this verge is part of the designated public open space of the estate. Having regard to the limited nature and scale of the planting works, I do not consider that there would be a significant adverse impact on biodiversity or amenity of the cul de sac should the flower box and tree be removed to facilitate a future link and that the creation of a future link would be a greater overall benefit to the area. I do not consider that the works linking

one housing area to another via pathway would be detrimental to the character of the existing cul de sac or the privacy of any existing properties.

7.3.8. The appellant raises concerns that a new connection may result in greater risk of anti social behaviour and crime. In this regard, both the proposed footpath and the existing footpath are overlooked by existing houses. There is an existing lighting pole within the cul de sac and any permission is subject to standard condition for public lighting. I am satisfied that the design and layout of the proposed connection is acceptable and would not compromise public safety by reason of anti social behaviour or noise and disturbance. I do not consider that the development would result in significant public health or nuisance issues such as littering etc. I am also satisfied that due to the nature of the link which is for footpath connection, that the development can be accommodated without resulting in traffic safety issues.

7.3.9. In conclusion, I am satisfied that the proposed link is acceptable, in accordance with the objectives of the CDP to promote walking and cycling links and would not compromise residential, visual or natural amenities.

#### **7.4. Residential amenity**

7.4.1. The appellant has raised concerns regarding overlooking of the existing and proposed residential units.

7.4.2. Section 13.4 of the CDP sets out development management objectives relating to residential development. Section 13.4.9 relates to overlooking and overshadowing. The plan states the following: *“New development should be designed to avoid overlooking of existing or proposed residential units.”* Objective OO01 states the following: *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.*

7.4.3. The Sustainable and Compact Settlement Guidelines for planning authorities 2024 includes SPPR1 relating to separation distances which states that it is a specific planning policy objective that there is a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses.

7.4.4. Proposed house units 1 to 6 adjoin the shared boundary to the rear gardens of the adjoining no.30 to 37 Rampart View. The rear elevation of the proposed two storey

houses are 10.9m from the shared boundary with the houses at Rampart View set back a minimum 11m from the shared boundary. I am satisfied that the separation distance between directly opposing windows is acceptable and in accordance with OO01 of the CDP and SPPR1 of the guidelines.

- 7.4.5. The side elevation of proposed unit 7 (house type B) contains a single first floor ensuite bedroom facing the side of no.29. Subject to this window containing obscure glass, there would be no overlooking impacts on no.29.
- 7.4.6. The side elevation of proposed unit 1 (house type A) contains a first floor ensuite and bathroom window facing no. 79 and 105 Ramparts View. Subject to these windows containing obscure glass, there would be no overlooking impacts on the existing houses.
- 7.4.7. In conclusion, I do not consider that the proposed development would adversely impact on the amenity of the existing area by reason of overlooking and I consider that the future residents would also be provided with an acceptable level of privacy and their amenity. Furthermore, due to the layout, design and separation distances, I do not consider that the amenity of existing or future residents would be adversely impacted by reason of significant overshadowing or overbearing impacts.

## 7.5. **Other matters**

- 7.5.1. Landownership and consent to carry out the proposed development
- 7.5.2. The appellant has raised concerns that the proposed developer does not have the necessary legal consents to carry out the proposed development. The appellant states that the existing Rampart View estate is not taken in charge and is in private ownership and that the applicant cannot connect to the private water services infrastructure or carry out works to the existing green / verge at the cul de sac without the consent of the owners of the estate. The appellant states that the proposed works at the cul de sac would result in the destruction of private property.
- 7.5.3. The application form states that the lands within the red site boundary are in ownership of the applicant. The site is part of a larger landbank outlined in blue. The site is provided with an existing vehicular access via the existing Rampart View laneway. The report of the Case Planner states that part of the existing Rampart View housing estate has been taken in charge by the local authority and that there is

a current application for taking in charge the remainder of the estate as far as the proposed development. The submitted Uisce Eireann Confirmation of Feasibility indicates that the existing foul sewer and water main in Ramparts View appears to be in third party ownership and is not taken in charge by Uisce Eireann.

- 7.5.4. Based on the information provided, it would appear that the existing open space, roads and water services infrastructure in Ramparts View are currently in third party private ownership. Section 34(13) of the Planning and Development Act 2000 (as amended) states “(a) person shall not be entitled solely by reason of a permission under this section to carry out any development.” I note that the third party owner has not made any submission or objection to the proposed development that would raise doubt as to the sufficiency of legal interest.
- 7.5.5. I am of the opinion that it is a matter for the applicant to satisfy themselves that they have the necessary consents for connection to water services infrastructure. I do not consider that the information provided by the appellant casts doubt that the applicant has the necessary legal consents. Should the Commission consider that there is doubt over the sufficiency of legal interest, further information can be sought on this matter or an advice note can be attached referring to section 34(13) can be attached.
- 7.5.6. As stated above, I am satisfied that no physical works are proposed at the cul de sac at 29 Rampart View that extend to private lands outside of the red site boundary.
- 7.5.7. At the main access from Rampart View laneway, there is an existing footpath and roadway up to the red site boundary, which it is proposed to connect to. Any works for surfacing of the laneway to facilitate the proposed new entrance are within the lands outlined in blue and in the control of the applicant.
- 7.5.8. Matters raised in relation to the taking in charge of the existing housing estate are outside of the remit of the subject application.
- 7.5.9. Subsidence
- 7.5.10. The appellant has raised concerns in relation to potential subsidence. In this regard I note that the existing Rampart View estate contains retaining walls. The topography on the proposed development site varies and it is proposed to construct retaining walls to address the change in ground levels across the site. The submitted Boundary Wall and Entrance details drawing on 22/05/2025 shows that retaining

walls are to be constructed along proposed boundary treatment 2 and 4 (shown in solid blue and brown colour), along the rear boundary of 7-12 and along part of the side boundary to 29 Rampart View and along part of the shared boundary to the adjoining laneway to the north. The drawings show a section detail of the retaining wall atopped with screen wall. The layout drawing shows sections showing proposed fill of material. Subject to best construction practice, I am satisfied that the applicant has addressed the ground level changes across the development and that the proposed development can be constructed to an acceptable engineering standard and would not impact on the structural integrity of the adjoining lands. The planning authority attached a condition requiring that retaining walls be certified by a qualified person and it is recommended that a similar condition be attached to any grant of permission.

- 7.5.11. Engineering considerations (water services, flooding and traffic safety)
- 7.5.12. It is proposed to connect to public water main and foul sewer. At further information stage, the applicant submitted a Confirmation of Feasibility from Uisce Eireann stating that water connection is feasible without upgrade and wastewater connection is feasible subject to upgrade. The Virginia WWTP is currently in the process of being upgraded. Information on [www.water.ie](http://www.water.ie) states that the upgrade is expected to be completed by 2026. Therefore subject to condition restricting occupation of the development upon completion of the WWTP upgrade works, I am satisfied that effluent can be disposed of in acceptable manner without compromising environmental quality or public health.
- 7.5.13. It is proposed to collect and dispose of surface water via the proposed new surface water network to connect to the existing network. An engineering report is submitted setting out calculations including attenuation tanks designed for 1 in 100 year storm event with 20% allowance for climate change. Final details can be agreed prior to development. The site is not located within a flood zone under the OPW flood zone maps. I am satisfied that surface water can be disposed of in a satisfactory manner and that the development would not pose a flood risk.
- 7.5.14. Having regard to the capacity and design of the existing road network, the nature and scale of the proposed development and the reports of the engineering sections of the planning authority which indicate that the design of the development is

generally acceptable (subject to conditions relating to final designs of footpath and relocation of street furniture within sight triangle), I am satisfied that the development is acceptable in terms of traffic safety.

7.5.15. I am satisfied that subject to conditions relating to hours of construction and for the agreement of a construction and environmental management plan, that construction works can be undertaken in an acceptable manner without compromising residential amenity or environmental quality.

7.5.16. Devaluation of property

7.5.17. The appellants have raised concerns that the proposed development will devalue their property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.5.18. Procedural matters

7.5.19. The appellant has alleged irregularities in the planning authority's procedure for notification of the decision. I note that letters were issued to relevant parties on 01/08/2025 providing information on the Council's decision and details on their right to appeal. The letter states that a copy of the decision and order dated 01/08/2025 is attached. The appellant states that the notification letter did not include all the relevant information on the decision and that this was later provided by the Council. In this regard, I am satisfied that the notification of a decision to relevant parties under Article 31 of the Planning and Development Act 2000 (as amended) is a matter for the planning authority. The Council have provided copies of notification letters dated 01/08/2025. It is clear that parties were notified of the decision and right to appeal. I am satisfied that any concerned party was notified that a decision was made by the Council and that parties were not prevented from making an appeal.

## 8.0 Appropriate Assessment Screening

8.1. I have considered the proposed development in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). This is attached as an appendix to this report. This assessment concluded that it is not possible to

exclude that the proposed development would not give rise to significant effects on River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA in view of the sites conservation objectives and that appropriate assessment is required. This determination is based on potential impacts on water quality and disturbance of species (otters) with potential to result in effects on qualifying interests.

- 8.2. I have carried out a stage 2 appropriate assessment under S177V of the Act. This is attached as an appendix to this report.
- 8.3. Following an examination, analysis and evaluation of the NIS, associated material submitted and taking into account observations on nature conservation, I consider that adverse effect on site integrity of River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:
  - Nature, location and scale of the proposed development.
  - Detailed assessment of construction and operational impacts.
  - Consideration of the conservation objectives of qualifying interest species and habitats.
  - Consideration of the submitted NIS which includes objective and scientific information and is carried out by a competent person.
  - Application of specific mitigation measures designed to avoid adverse effects on site integrity.

## **9.0 Water Framework Directive Screening**

- 9.1. I have considered the proposed development in light of the requirements of the Water Framework Directive (WFD). A screening assessment for WFD is attached as an appendix to this report.
- 9.2. The site is located within the Boyne WFD catchment and the Blackwater [Kells]\_SC\_010 subcatchment.

9.3. The site overlays the Bailieborough groundwater body and is c 40m uphill from Rahardrum Lough /Blackwater (Kells) \_070. Virginia is located at the edge of Lough Ramor. The Bailieborough groundwater body has good status and is not at risk. The BLACKWATER (KELLS)\_070 has moderate status and is at risk. Lough Ramor has moderate status and is at risk.

9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any water bodies either qualitatively or quantitatively.

9.5. The reason for this conclusion is as follows:

- the low risk status of the Bailieborough ground water body,
- the separation distance of the site from the Blackwater (Kells) \_070 surface water body,
- the low risk of potential impacts having regard to the proposed drainage measures and mitigation measures such as the following:
  - standard best construction and construction and environmental management plan (condition),
  - collection of storm water via proposed surface water network including hydrobrake, attenuation tank and petrol interceptor,
  - implementation of measures set out in NIS for protection of water bodies,
  - effluent disposal via Virginia WWTP which is to be upgraded by 2026 within the lifetime of a permission and condition attached to prohibit occupation until upgrade complete and therefore no risk of pollution to Lough Ramor water body.

9.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body either qualitatively or

quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

I recommend that permission be granted subject to the conditions as set out below.

## 11.0 Reasons and Considerations

Having regard to the location of the subject site on lands zoned as 'Proposed Low Density Residential' and the policies and objectives of the Cavan County Development Plan 2022-2028, the nature, scale and design of the proposed development and the pattern of development in the area, Section 28 Ministerial Guidelines including guidelines on Sustainable Residential Development and Compact Settlements (2024), it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not have an adverse effect on the integrity of any European site in view of the conservation objectives and would not result in the deterioration of any water body. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22 <sup>nd</sup> May 2025, 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 and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>A suitably qualified ecologist shall be appointed by the developer to monitor the implementation of the mitigation measures of the NIS. Prior to commencement of development, the name and contact details of the said person shall be submitted to the planning authority and upon completion of works a report shall be submitted confirming that the mitigation measures were carried out.</p> <p><b>Reason:</b> To protect the integrity of European Sites.</p>
3	<p>The first floor ensuite and bathroom windows on all units shall have obscure glazing.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
4	<p>(a) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>(b) The development shall not be occupied until the Virginia Waste Water Treatment Plant upgrade is complete, to the written satisfaction of the planning authority.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
5	<p>(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs</p>

	<p>shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>(b) Footpaths shall be located and designed in accordance with the requirements of the planning authority. These details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
6	<p>Unless otherwise agreed in writing with the planning authority, the developer shall carry out works at their own expense to provide the tie in of roads and footpaths with the existing Rahardrum Lane including relocation of street furniture for sightlines. Final drawings and details of these works shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of orderly development and traffic safety.</p>
7	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
8	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
9	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing</p>

with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
  - (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

10 The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

	<p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
11	<p>Prior to commencement of development, the developer shall submit the planning authority for written agreement, details (plans, sections and elevations at an appropriate scale) of proposed boundary treatments including retaining walls to include height, form and finish. All blockwork walls shall be suitably capped and rendered.</p> <p>All retaining walls shall be designed, supervised and certified by a chartered civil or structural engineer.</p> <p><b>Reason:</b> In the interest of orderly development, residential and visual amenity.</p>
12	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development..</p>
13	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
14	<p>All of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to allow for the provision of future electric vehicle charging points.</p> <p><b>Reason:</b> in the interest of sustainable transportation.</p>
15	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works</p>

	<p>for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
16	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
17	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7)</p>

	<p>applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
18	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>

	<p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
19	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p>Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</p>
20	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
21	<p>The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or</p>

	<p>construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable - geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment.</p> <p>The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works.</p> <p>Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
22	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such

	<p>other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p><b>Reason:</b> In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
23	<p>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.</p> <p><b>Reason:</b> 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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Aisling Mac Namara  
Planning Inspector

03 November 2025

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323523
<b>Proposed Development Summary</b>	Construct 12 no. dwellings and all site works
<b>Development Address</b>	Rahardrum, Virginia, County Cavan
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Schedule 5, Part 2,  Class 10b(i) Construction of more than 500 dwelling units.  Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323523
<b>Proposed Development Summary</b>	Construct 12 no. dwellings and all site works.
<b>Development Address</b>	Rahardrum, Virginia, Co.Cavan
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<ul style="list-style-type: none"> <li>- Proposed residential use is compatible with other uses in area,</li> <li>- Modest size and intensity of development</li> <li>- Localised impact on natural resources</li> <li>- Modest production of waste</li> <li>- No significant risk of pollution or nuisance</li> <li>- No significant risk of accidents / disasters to human health</li> </ul>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<ul style="list-style-type: none"> <li>- Greenfield site at edge of built up urban area (site is within settlement boundary)</li> <li>- Local ecology only on site (in grass, natural hedgerows and tress along boundaries)</li> <li>- No built heritage on site. National monument Ringfort CV039-074 is 0.23km from boundary to east.</li> <li>- No surface water features on site. Site is 37m from Rahardrum Lough and River Blackwater.</li> <li>- No designated natural heritage sites on or adjoining the site.</li> <li>- Localised impacts landscape.</li> <li>- Stage 2 AA carried out and conclusion found no adverse effect on Blackwater River Boyne and River Blackwater SAC and SPA.</li> </ul>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Having regard to the following:</p> <ul style="list-style-type: none"> <li>- nature and scale of the development,</li> <li>- lack of significant environmental sensitivities on the site,</li> <li>- absence of significant effects and in combination effects,</li> </ul> <p>there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.  X	EIA is not required.

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

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

(only where Schedule 7A information or EIAR required)

### Appendix 3: Appropriate Assessment Screening

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>								
<b>Step 1: Description of the project and local site characteristics</b>								
Brief description of project	Construct 12 dwellings and site works							
Brief description of development site characteristics and potential impact mechanisms	Construction of 12 houses, mains water supply, effluent disposal to Virginia WWTP, surface water disposal via public sewer / drain. Undeveloped site in grass with natural boundaries – potentially impacted. No surface water features on site. Site is 37m from Rahardrum Lough and River Blackwater. Potential hydrological pathways.							
Screening report	Yes Contained within Natura Impact Statement (Whitehill Environmental, Dec 2024)							
Natura Impact Statement	Yes Natura Impact Statement of a Proposed Development (Whitehill Environmental, Dec 2024)							
Relevant submissions	At application stage, the following submissions were received: - IFI raises that Lough Ramor is at bad status and has prominent stocks of brown trout, eels and coarse fish. Recommend condition be imposed that no house be occupied before new Virginia WWTP is commissioned. - Third parties – raise concerns that no evidence submitted to show wastewater will not have adverse effect on River Boyne and River Blackwater SAC							
Planning authority	Planning authority – satisfied that based on NIS, condition that no house occupied until wwtp operational and satisfactory attenuation design, that the proposed works would not significantly affect the conservation objectives or qualifying interests of River Boyne and Blackwater SAC/ SPA.							
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>								
The following European sites are potentially within a zone of influence of the proposed development.								
European Site (code)	Qualifying interests Link to conservation objectives (NPWS)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N				

River Boyne and River Blackwater SAC (002299)	<b>Habitats</b> 7230 Alkaline fens 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* <b>Species</b> 1099 River Lamprey ( <i>Lampetra fluviatilis</i> ) 1106 Salmon ( <i>Salmo salar</i> ) 1355 Otter ( <i>Lutra lutra</i> )	5.4km	Indirect via groundwater surface water, Indirect via waste water to Virginia WWTP (discharges to Lough Ramor) and Blackwater rivers.  Disturbance of otters	yes
Killyconny Bog (Cloghbally) SAC (000006)	Habitats  7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration	8.7km	none	no
River Boyne and River Blackwater SPA (004232)	Birds  A229 Kingfisher ( <i>Alcedo atthis</i> )	5.4km	Indirect via groundwater, surface water  Indirect via waste water to Virginia WWTP (discharges to Lough Ramor) and Blackwater rivers.	yes
Lough Sheelin SPA (004065)	Birds  A005 Great Crested Grebe ( <i>Podiceps cristatus</i> ) A059 Pochard ( <i>Aythya ferina</i> ) A061 Tufted Duck ( <i>Aythya fuligula</i> ) A067 Goldeneye ( <i>Bucephala clangula</i> ) Habitats Wetlands	13.2km	None	no
<b>Step 3 Describe the likely effects of the project (if any, alone or in combination ) on European sites.</b>				
<b>AA Screening matrix</b>				

Site name	Qualifying interests and conservation objectives	Possibility of significant effects (alone) in view of the conservation objectives of the site	
		Impacts	Effects
River Boyne and River Blackwater SAC (002299)	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf</a></p>	<p>Indirect emission impacts:</p> <p>Site is c 40m from Rahardrum Lough. Levels fall from site towards the Lough.</p> <p>Potential for construction related emissions to surface and ground water (e.g. concrete, oil, lubricants, fuel from machinery) and runoff of sediments during construction.</p> <p>Effluent is disposed via Virginia WWTP which discharges to Lough Ramor and Blackwater river. 'EPA Urban Wastewater Treatment in 2024' states that wastewater treatment in Virginia did not meet the mandatory standards in the Urban Wastewater Treatment Directive. Untreated wastewater can result in pollution.</p> <p>Surface water is collected on site and disposed via existing surface water network.</p> <p>Potential for pollution from roads / car parking areas to enter the system and discharge to Lough Ramor and Blackwater river.</p> <p>Potential for disturbance / habitat destruction of otter.</p>	<p>Potential effect on water quality.</p> <p>Potential disturbance of otters.</p>

		Likelihood of significant effects from proposed development (alone): Yes		
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No Any permitted developments within the Blackwater river catchment area will be screened for AA impacts and NIS carried out where potential impacts are identified with mitigation measures as appropriate.		
River Boyne and River Blackwater SPA (004232)	Kingfisher (Alcedo atthis) [A229] <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf</a>	As above	Potential effect on water quality.	
		Likelihood of significant effects from proposed development (alone): Yes		
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No Any permitted developments within the Blackwater river catchment area will be screened for AA impacts and NIS carried out where potential impacts are identified with mitigation measures as appropriate.		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>				
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on <b>River Boyne and River Blackwater SAC</b> and <b>River Boyne and River Blackwater SPA</b> from effects associated with:				
<ul style="list-style-type: none"> <li>- Impact on water quality</li> <li>- Disturbance of species - otters</li> </ul>				
An appropriate assessment is required on the basis of the possible effects of the project 'alone'.				
Proceed to AA.				

#### Screening Determination

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

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that:

It is not possible to exclude 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 SAC** and **River Boyne and River Blackwater SPA** in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on potential:

- Impact on water quality
- Disturbance of species – otters

which has the potential to result in effects on qualifying habitats and species through water quality degradation, disturbance /displacement of species.

## Appendix 4: Appropriate Assessment Determination

Appropriate Assessment			
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>			
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of <b>River Boyne and River Blackwater SAC</b> and <b>River Boyne and River Blackwater SPA</b> based on scientific information provided by the applicant.</p>			
<p>The information provided in the application includes following:</p> <ul style="list-style-type: none"> <li>- Natura Impact Statement, Whitehill Environmental dated Dec 2024. NIS was carried out by Noreen McLoughlin, BA, MSc, NCIEEM.</li> <li>- The submitted documents and drawings showing the proposed development</li> </ul>			
<p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>			
Submissions/observations			
As above			
European sites			
<p><b>River Boyne and River Blackwater SAC (002299)</b></p> <p><b>Summary of Key Issues that could give rise to adverse effects (from screening stage):</b></p> <ul style="list-style-type: none"> <li>- Impact on water quality</li> </ul>			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures
Alkaline fens	<p>To <b>maintain</b> the favourable conservation condition of <b>Alkaline fens</b> in River Boyne and River Blackwater SAC, which is defined by the following list of attributes and targets:</p> <p>Habitat area – stable or increasing</p>	<p>No alkaline fen on site.</p> <p>No adverse effect.</p>	Not required

<p>Habitat distribution – no decline</p> <p>Ecosystem function</p> <p>Soil nutrients - maintain</p> <p>Peat formation – maintain</p> <p>Groundwater levels – maintain or where necessary restore appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat.</p> <p>Surface water flow – maintain or where necessary restore to natural conditions</p> <p>Water quality – Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat</p> <p>Vegetation composition</p> <p>Community diversity – maintain</p> <p>Typical brown mosses – maintain</p> <p>Typical vascular plants – maintain</p> <p>Native negative indicator species – cover at insignificant levels</p> <p>Non native species – less than 1%</p> <p>Native trees and shrubs – cover less than 10%</p>	<p>No alkaline fen on site.</p> <p>No abstraction of groundwater.</p> <p>No drainage of lands.</p> <p>No adverse effect.</p>	<p>Not required</p>
	<p>Potential for pollution of water via Blackwater river from construction related run off, surface water discharge and untreated wastewater from Virginia WWTP.</p>	<p>Proposed</p>

	<p>Vegetation composition - Algal cover – less than 2%</p> <p>Vegetation structure - height – at least 20% live leaves / shoots more than 5cm or 15cm above ground</p> <p>Physical structure</p> <p>Disturbed bare ground – over more than 10%</p> <p>Tufa formations – disturbed proportion of vegetation cover where tufa present less than 1%</p> <p>Indicators of local distinctiveness – no decline</p> <p>Transitional areas between fen and adjacent habitats – maintain adequate transition areas</p>	<p>Potential for pollution of water via Blackwater river from construction related run off, surface water discharge and untreated wastewater from Virginia WWTP.</p> <p>No fen vegetation on site. No adverse effect</p> <p>No impact on physical structure. No adverse effect.</p> <p>No impact on populations within the SAC. No adverse effect.</p> <p>No fens on site. No adverse effects. No adverse effect.</p>	<p>Proposed</p> <p>Not required</p> <p>Not required</p> <p>Not required</p> <p>Not required</p>
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	<p>To <b>restore</b> the favourable conservation condition of <b>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</b> in River Boyne and River Blackwater SAC, which is defined by the following list of attributes and targets:</p> <p>Habitat area – area stable or increasing</p> <p>Habitat distribution – no decline</p> <p>Woodland size – area stable or increasing</p> <p>Woodland structure</p> <p>Cover and height – percentage, metres, centimetres of cover</p>	<p>No impact on area or distribution. No adverse effect.</p> <p>No impact on woodland size. No adverse effect.</p> <p>No impact on woodland structure. No adverse effect.</p>	<p>Not required</p> <p>Not required</p> <p>Not required</p>

	<p>Community diversity and extent – maintain</p> <p>Natural regeneration – seedlings</p> <p>Hydrological regime</p> <p>Flooding depth / height of water table -appropriate regime necessary</p> <p>Woodland structure</p> <p>Dead wood – number per ha</p> <p>Veteran trees – no decline</p> <p>Indicators of local distinctiveness – no decline</p> <p>Indicators of overgrazing – indicators absent</p> <p>Native tree cover – no decline</p> <p>Vegetation composition</p> <p>Typical species - occurrence</p> <p>Negative indicator of species - occurrence</p> <p>Problematic native species – cover of common nettle</p>	<p>No impact on hydrological regime. No adverse effect.</p> <p>No impact on woodland structure. No adverse effect.</p> <p>No impact on vegetation. No adverse effect.</p>	<p>Not required</p> <p>Not required</p> <p>Not required</p>
River Lamprey	<p>To <b>restore</b> the favourable conservation condition of <b>River Lamprey (<i>Lampetra fluviatilis</i>)</b> in River Boyne and River Blackwater SAC, which is defined by the following list of attributes and targets</p> <p>Distribution – restore access to all water courses down to first order streams</p>	<p>No physical works impacting on river. No adverse effect.</p>	<p>Not required</p>

	<p>Distribution of larvae – not less than 50% of sample sites</p> <p>Population structure of larvae – number of age/size classes</p> <p>Larval lamprey density in fine sediment</p> <p>Extent and distribution of spawning nursery habitat – no decline</p>	<p>Degradation of water quality can impact on spawning and larval habitat.</p> <p>Degradation of water quality can impact on spawning and larval habitat.</p> <p>Larvae feed on microorganisms from water and mud. Pollution of water can degrade water quality.</p> <p>Larvae feed on microorganisms from water and mud. Degradation of water quality can impact on larval habitat.</p> <p>Larvae feed on microorganisms from water and mud. Degradation of water quality can impact on larval habitat.</p>	<p>Proposed</p> <p>Proposed</p> <p>Proposed</p> <p>Proposed</p>
Salmon	<p>To <b>restore</b> the favourable conservation condition of <b>Atlantic Salmon (Salmo salar)</b> in River Boyne and River Blackwater SAC, which is defined by the following list of attributes and targets:</p> <p>Distribution - 100% river channels down to second order accessible</p> <p>Adult spawning fish – conservation limit</p> <p>Salmon fry abundance - maintain</p> <p>Out migrating smolt abundance</p> <p>Number and distribution of redds</p> <p>Water quality – at least Q4 at all sites</p>	<p>Degradation of water quality can impact on distribution.</p> <p>Degradation of water quality can impact on spawning fish.</p> <p>Degradation of water quality can impact on salmon fry.</p> <p>Degradation of water quality can impact on smolt abundance.</p> <p>Degradation of water quality can impact on redds.</p> <p>Q value downstream is 4 (2024) at river station 'Just u/s Ramor RHS'</p> <p>Pollution of water can impact on Q value</p>	<p>Proposed</p> <p>Proposed</p> <p>Proposed</p> <p>Proposed</p> <p>Proposed</p> <p>Proposed</p>
Otter	<p>To <b>maintain</b> the favourable conservation condition of <b>Otter (Lutra lutra)</b> in River Boyne and River Blackwater SAC, which is defined by the following list of attributes and targets:</p> <p>Distribution – no significant decline</p> <p>Extent of terrestrial habitat - no significant decline</p>	<p>Records for the species exist from Lough Ramor to River Blackwater and the species is therefore within the zone of influence.</p> <p>Any impact on water quality impacting on fish prey can impact on the distribution of otter.</p> <p>Site is not within the critical habitat area. No adverse effect.</p>	<p>Proposed</p> <p>Not required</p>

Extent of freshwater river habitat – no significant decline	Not within habitat.	
Extent of freshwater lake habitat – no significant decline	Otters forage within 80m of shoreline. The site is c 40m from the lake. The intervening field and hedgerow habitat is not likely to support otter prey. Due to distance, there is not likely to be potential for disturbance from construction noise and lighting. No adverse effect.	Not required
Couching sites and holts – no significant decline	Site is c 40m from lake. Site not likely to support couching site or holts. No adverse effect.	Not required
Fish biomass available – no significant decline	Any impact on water quality can impact on fish.	Proposed
Barriers to connectivity – no significant increase	No impact. No adverse effect.	Not required

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects view of conservation objectives:**

**Water quality degradation of water bodies (surface and ground) via pollution / sedimentation during construction**

Potential adverse effects on the qualifying interests:

Alkaline fens

River lamprey

Salmon

Otter

Potential effect: Maintenance of good water quality is an attribute required to maintain favourable conservation condition.

Mitigation measures / conditions:

- measures should be incorporated into a Construction and Environmental Management Plan
- adherence to IFI requirements and CIRIA C532,
- Statement of adherence for personnel on site.
- Pollution control - A silt fence maintained along the northwestern perimeter of site.
- Management of aggregate / concrete – cut off drains to intercept clean water, works not in heavy rain, best practice in concrete management, control of cement dust by dampening down areas, washwater from wagons and mixers to be washed off site or banded designated areas, raw waste concrete removed from site, stockpile areas for sand and gravel located away from drains and watercourses, registered contractors for waste and excavated soil.
- Management of hydrocarbons – all hydrocarbons in banded areas, all refuelling to take place on sealed and banded surfaces, spillage procedure, spill kits, oil booms and oil soakage pads on site, containers for waste oils, storage areas and machinery located remote from watercourse, plant and machinery maintained and serviced, all chemicals stored as per manufacturers instructions, stockpile of absorbant material, emergency spill containment supplies,
- Site operation– only clean surface water allowed into culvert drain or soakaway via sediment and oil interceptor traps, SUDS measures, retention of vegetation where possible

## Water quality degradation of water bodies via Virginia WWTP

Potential adverse effects on the qualifying interests:

Alkaline fens

River lamprey

Salmon

Otter

Potential effect: Maintenance of good water quality is an attribute required to maintain favourable conservation condition.

Mitigation measures / conditions:

The 'EPA Urban Wastewater Treatment in 2024' states that in Virginia wastewater treatment did not meet the mandatory standards in the Urban Wastewater Treatment Directive. Wastewater from the Virginia wastewater treatment plant discharges to Lough Ramor which links to the River Blackwater. Uisce Eireann is currently progressing with works to modernise and upgrade the sewerage network and works to upgrade the Virginia WWTP. When complete the project will improve the capacity of the sewer network and will ensure the treatment of wastewater is fully compliance with EU Urban Wastewater Treatment Directives and Wastewater Discharge Licence Emission Limit Values. The project is expected to be concluded in 2026.

I am satisfied that the upgrade works will be carried out within the lifetime of a permission.

A condition is required so that occupation does not occur until the completion of the upgrade works.

I am satisfied that this would ensure that wastewater would not result in pollution of Blackwater River and there would be no adverse effect on the European site.

I am satisfied that the measures can be implemented and will be effective. I consider that a condition should be attached for monitoring of the implementation of the mitigation measures for site works. I am satisfied that the measures will interrupt pathways that threaten the QIs so that these are avoided or reduced to non significant levels and adverse effects can be prevented.

## In-combination effects

I am satisfied that in combination effect have been assessed adequately in the NIS.

Any permitted developments within the Blackwater river catchment area will be screened for AA impacts and NIS carried out where potential impacts are identified with mitigation measures as appropriate.

The applicant has demonstrated that no significant residual effects will remain post the application of the mitigation measures that could act in combination with other plans and projects to generate significant effects on this European site in view of the conservation objectives.

It is considered that there is no potential for significant in-combination effects.

## Findings and conclusions

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site. No direct or indirect effects are predicted.

## Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### Site Integrity

The proposed development will not affect the attainment of the conservation objectives of the **River Boyne and River Blackwater SAC**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### River Boyne and River Blackwater SPA

#### Summary of Key Issues that could give rise to adverse effects (from screening stage):

- Impact on water quality

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Consideration of potential adverse effects	Mitigation measures
Kingfisher	<p>To <b>maintain</b> the Favourable conservation condition of <b>Kingfisher</b> in River Boyne and River Blackwater SPA, which is defined by the following list of attributes and targets:</p> <p>Population size – no significant decline in long term</p> <p>Productivity rate - sufficient</p> <p>Spatial distribution of territories – no significant loss of distribution</p> <p>Extent and quality of nesting banks and other suitable nesting features - sufficient</p> <p>Forage spatial distribution – sufficient</p> <p>Water quality - both biotic and abiotic indices reflect overall good-high quality status</p> <p>Barriers to connectivity – no significant increase</p> <p>Disturbance to breeding sites – no significant impact</p>	<p>Potential impact on water quality could impact on population.</p> <p>Potential impact on water quality could impact on breeding populations.</p> <p>Potential impacts on water quality could impact food source and distribution.</p> <p>No physical impacts on nesting banks and features. No adverse effect.</p> <p>Potential impacts on water quality could deplete food source.</p> <p>Potential impacts on water quality.</p> <p>The development would not cause a barrier to connectivity. No adverse effect.</p> <p>The development is not likely to cause disturbance. No adverse effect.</p>	<p>Proposed</p> <p>Proposed</p> <p>Proposed</p> <p>Not required</p> <p>Proposed</p> <p>Proposed</p> <p>Not required</p> <p>Not required</p>

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

## **Assessment of issues that could give rise to adverse effects**

### **Water quality degradation of water bodies (surface and ground) via pollution / sedimentation during construction**

Potential indirect effects on the qualifying interests:

Kingfisher

Potential effect: Maintenance of good water quality is an attribute required to maintain favourable conservation condition.

Mitigation measures / conditions:

As above

### **Water quality degradation of water bodies via Virginia WWTP**

Potential indirect effects on the qualifying interests:

Kingfisher

Potential effect: Maintenance of good water quality is an attribute required to maintain favourable conservation condition.

Mitigation measures / conditions:

As above

I am satisfied that the measures can be implemented and will be effective. I consider that a condition should be attached for monitoring of the implementation of the mitigation measures for site works. I am satisfied that the measures will interrupt pathways that threaten the QIs so that these are avoided or reduced to non significant levels and adverse effects can be prevented.

## **In-combination effects**

In-combination effects have been assessed in the NIS.

Any permitted developments within the Blackwater river catchment area will be screened for AA impacts and NIS carried out where potential impacts are identified with mitigation measures as appropriate.

It is considered that there is no potential for significant in-combination effects.

## **Findings and conclusions**

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site. No direct or indirect effects are predicted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site integrity**

The proposed development will not affect the attainment of the conservation objectives of the **River Boyne and River Blackwater SPA**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment it was determined that the proposed development could result in significant effects on the **River Boyne and River Blackwater SAC** and **River Boyne and River Blackwater SPA** in view of the conservation objectives of those sites and that Appropriate Assessment was required.

Following an examination, analysis and evaluation of the NIS, associated material submitted and taking into account observations on nature conservation, I consider that adverse effect on site integrity of **River Boyne and River Blackwater SAC** and **River Boyne and River Blackwater SPA** can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:

- Nature, location and scale of the proposed development.
- Detailed assessment of construction and operational impacts.
- Consideration of the conservation objectives of qualifying interest species and habitats.
- Consideration of the submitted NIS which includes objective and scientific information and is carried out by a competent person.
- Application of specific mitigation measures designed to avoid adverse effects on site integrity.

## Appendix 5: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING									
<b>Step 1: Nature of the Project, the Site and Locality</b>									
<b>An Bord Pleanála ref. no.</b>		323523	<b>Townland, address</b>	Rahardrum, Virginia, Co.Cavan					
<b>Description of project</b>			Construct 12 dwellings and site works						
<b>Brief site description, relevant to WFD Screening,</b>			Undeveloped natural grassland and hedgerows. No water features on site. Site is uphill from Rahardrum Lough / River Blackwater.						
<b>Proposed surface water details</b>			Discharge into the surface water network in the existing housing estate to southwest of site via hydrobrake, attenuation tank and petrol interceptor.						
<b>Proposed water supply source &amp; available capacity</b>			Public mains  Uisce Eireann letter dated 8 April 2025 states water connection feasible without infrastructure upgrade by UE.						
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>			Public sewer  Uisce Eireann letter dated 8 April 2025 states wastewater connection feasible subject to upgrades. Virginia WWTP is currently in the process of being upgraded and the development can connect upon completion of the upgrade works. Information of <a href="http://www.water.ie">www.water.ie</a> states that works are to be concluded late 2026.						
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>									
Identified water body	Water body name(s) (code)	Distance to (m)	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 )			

Groundwater	Bailieborough	underground	Good (2019-2024)	Not at risk		Surface water drainage to ground
River	BLACKWATER (KELLS)_070	C 40m	Moderate (2019-2024)	At risk	Anthropogenic Hydromorphology	Surface water drainage to river via public storm sewer or potential runoff from site
Lake	Lough Ramor	downstream	Moderate (2019-2024)	At risk	Agriculture Invasive species Urban waste water	Discharge via Virginia WWTP

**Step 3: 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	Waterbody 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.)
	Drainage to ground	Bailieborough	underground	pollution	Standard best construction, construction and environmental management plan (condition), NIS measures	no	Screened out

	Surface water to Rahardrum Lough	BLACKWATER (KELLS)_070	Uncollected runoff	Pollution and sedimentation	Standard best construction, construction and environmental management plan (condition), NIS measures	no	Screened out
<b>OPERATIONAL PHASE</b>							
	Storm water	Bailieborough BLACKWATER (KELLS)_070	Storm water runoff	Pollution	Collecting to proposed surface water network including hydrobrake, attenuation tank and petrol interceptor, NIS measures	no	Screened out
	Effluent disposal to river via Virginia WWTP	Lough Ramor BLACKWATER (KELLS)_070	Discharge of effluent	Pollution	WWTP upgrade to be complete by 2026. Development not to be occupied until upgrade complete (condition)	no	Screened out
<b>DECOMMISSIONING PHASE</b>							
	N/A						