



Development

To construct 58 dwellings and all other site works.

Location

Mullagh Td, Mullagh, Co. Cavan.

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

2460646

Applicants

Mary Crook & Anne O'Connell.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with Conditions.

Type of Appeal

Third Party.

Appellant

Boyne Catchment Anglers Association.

Observer

Inland Fisheries Ireland.

Date of Site Inspection

10 December 2025.

Inspector

Sinéad O'Connor

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1.0 Site Location and Description

- 1.1. The site of 3.17 hectares (ha) is located in the west of Mullagh, County Cavan. At its closest point, the site is 100 metres from the town centre of Mullagh. The site is circa 55 metres to the east of Saint Killian's Church and its associated graveyard. Saint Killian's National School is located circa 260 metres to the west of the subject site. There is an existing footpath along the R194 from St. Killians School to Mullagh town centre.
- 1.2. The site is undulating throughout and largely falls away to the north and east from the southwest corner. At the time of the site visit the site was under grass, though it was apparent that the site had recently been used for grazing livestock. Parts of the site at the eastern boundary were wet underfoot¹ and had rush-type vegetation, which are indicative of wetter ground conditions. Access to the site is currently from an agricultural gate at the southwest corner.
- 1.3. The western boundary of the site partially adjoins a community hall, and this boundary is formed by a wire fence. To the northwest the subject site continues unbroken into other lands under the applicants' control. To the north the site is bound by agricultural lands and this boundary is formed by a stone wall (in poor condition), trees and hedgerow vegetation. To the northeast of the site are lands that contain scrub vegetation. To the east is the Ardlo residential scheme, which comprises 2-storey houses with front and rear gardens. The eastern boundary comprises a wire and post fence and hedgerow vegetation. There is a ditch between the eastern boundary of the site and the Ardlo development, which contained standing water at the time of the site visit¹. At its southern boundary, the subject site immediately adjoins the public footpath and roadway the R194. This boundary largely comprises well-kept hedging and wire fencing.
- 1.4. Documents associated with the previous application at the site, Reg. Reg. 18247, refer to a Recorded Monument near to the site (Ref. CV040-047 0 Ogham Stone). Tailte Éireann mapping, accessed 5 December 2025, shows its location within the graveyard of Saint Killian's Church.

¹ The site visit took place the day after a storm with heavy rain and wind.

2.0 Proposed Development

- 2.1. The proposed development as submitted comprises 58 no. dwellings (41 no. 3-beds and 17 no. 4-beds). FI requested by the PA generally related to roads, servicing, and AA issues. I intend on assessing the design as presented at FI.
- 1 no. Type A1 Right Side: 3-bed semi-detached dormer bungalow of 120.9sqm.
 - 1 no. Type A1 Left Side: 3-bed semi-detached dormer bungalow of 118.8 sqm.
 - 1 no. Type A2 Right Side: 3-bed semi-detached dormer bungalow of 118.8 sqm.
 - 1 no. Type A2 Left Side: 3-bed semi-detached dormer bungalow of 120.9sqm.
 - 10 no. Type A3: 3-bed semi-detached dormer bungalow of 118.8 sqm.
 - 1 no. Type A4: 3-bed detached single storey house of 120.8sqm.
 - 24 no. Type B: 3-bed semi-detached two storey house of 131.4 sqm.
 - 2 no. Type B2: 3-bed semi-detached two storey house of 131.4 sqm.
 - 16 no. Type C: 4-bed semi-detached two storey house of 162.6 sqm.
 - 1 no. Type D: 4-bed detached two storey house of 155.6 sqm.
- 2.2. As per the Design Statement submitted to the PA, the site has a residential density of 18.3 units per ha, a plot ratio of 0.55 and a site coverage of 27%.
- 2.3. The development is orientated around a 0.7 ha open space that is roughly in the centre of the site and the linear open space adjoining the public road at the southern boundary. 2 no. smaller green areas are provided, adjoining unit no 41 and unit no. 1, respectively. The extent of the linear open space and the 2-no. small green areas is not stated in the application documentation. Each of the 58 no. dwellings has both a front and rear garden. The area of the rear private gardens is not stated in the application documentation and appears to vary across the site.
- 2.4. The separation distances shown between the gable ends of dwellings varies across the site from a minimum of 2.3 metres (between units 26 and 27, between units 28 and 29, between units 46 and 47) to 4.4 metres (between units 1 and 2). I note that not all separation distances are shown in the submitted application documents.

- 2.5. Vehicular and pedestrian access to the R194 is provided near the southwest corner of the site. There is another pedestrian access at the southeast corner of the site. A footpath is proposed along the eastern boundary of the site between units 25 and 40. 2 no. in-curtilage car parking spaces are provided at each dwelling, and it is stated in the Design Statement submitted to the PA that there is space within the private gardens for bicycle storage.
- 2.6. The proposed development will connect to the existing public wastewater system. In this way, foul waters arising from the site will be treated at the Mullagh Waste Water Treatment Plant (WWTP), which itself discharges to Mullagh Lough Stream.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 19 August 2025 Cavan County Council issued a notification of their decision to grant planning permission for the proposed development subject to 25 no. conditions. I consider that the following conditions are notable:
 - Condition 5 requires that a connection agreement is made with Uisce Éireann (UÉ) and that works are completed to UÉ standards. This condition states that connections are subject to constraints of the UÉ Capital Investment Programme.
 - Condition 14 requires the submission of a revised layout providing a 3-metre-wide footpath along R194.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 19 February 2025 assessed the proposed development with reference to the Development Plan, National Guidelines, and the internal reports and submissions from prescribed bodies discussed in Section 3.2.4 and 3.3 of this report. I consider that the following matters raised in the Planners Report dated 19 February 2025 are of relevance:

- The proposed residential use is consistent with the land use zoning of the site, and the principle for residential development was established by the previous planning permission (Reg. Ref. 18247).
- Residential density, building heights, plot ratio and site coverage are comparable to the existing pattern of development in this area. The overall layout is considered acceptable.
- The development will be constructed in 4 no. phases. Phase 1 comprises the Dormer Bungalows at the southern portion of the site. Phases 2-4 at further north in the site and will be accessed via a temporary entrance at the southeast corner of the site.
- The development comprises 71% three-bedroom houses and 29% four-bedroom houses. No 2-bedroom units are proposed under the current scheme.
- 12 no. units will be allocated for Part V housing. This represents 20% of the units proposed.
- Proposed Public Open Spaces exceeds the minimum Development Plan requirements, and all of the proposed units exceed the minimum requirements for private open space under SPPR2.

The PA report 19 February 2025 recommended that Further Information (FI) be sought from the applicant. On the 20 February 2025 the PA issued a request for 15 no. items of Further Information (FI). In summary;

- Item 1: Update Confirmation of Feasibility (CoF) from UÉ. The CoF submitted with the application dates from 30 August 2018 and is, therefore, 6 years out of date.
- Item 2: Update Appropriate Assessment (AA) screening report to reflect updated CoF sought under Item 1.
- Item 3: Provide Stage 1/2 Road Safety Audit and requirement amendments to the development.
- Item 4 and 5. Amend main entrance junction to meet current standards.
- Item 6. Reduce internal road widths in accordance with the Design Manual for Urban Roads and Streets (DMURS).
- Item 7. Widen the public footpath on the R194 to 2.4 metres.

- Item 8. Provide 70-metre sightlines at the site entrance.
- Item 9. Liaise with the District Engineer in respect of surface water.
- Item 10. Amend in-curtilage car parking dimensions to 6 metres x 5 metres.
- Item 11. Provide EV charging points at each dwelling.
- Item 12. Submit a public lighting layout.
- Item 13. Amend Units 25 and 40 to passively surveil the proposed pathway.
- Item 14. Submit a road marking and signage layout.
- Item 15. Confirm that any trees adjacent to footpaths are suitably sized.

3.2.2. The applicant submitted the response to the FI request on 14 July 2025. On the 18 July 2025 the PA issued a notification that the FI submitted warranted readvertisement. The applicant submitted the FI notices on 24 July 2025.

3.2.3. The Planning Report dated 14 August 2025 provides an assessment of the FI submitted and found it to be generally acceptable. I consider that the following matters raised are of relevance.

- The UÉ register indicates that there is potentially spare capacity in the Mullagh WWTP, and this is confirmed in the updated CoF dated 24 March 2025 submitted at FI.
- The conclusions of the updated AA screening report in respect of construction phase impacts are accepted. In respect of operation impacts, the AA refers to the location of the site relative to Natura Sites, rather than the location of the Mullagh WWTP relative to these sites.
- There is a direct hydrological connection from the proposed development to the River Boyne and River Blackwater SAC and SPA via the Mullagh WWTP. The CoF provided by UÉ and the status of the Mullagh WWTP on the UÉ Register illustrate that the WWTP can accommodate additional loading without significant breaches in wastewater discharge regulations. It is unlikely that significant impacts on Natura 2000 sites will arise from the proposed development individually or cumulatively.
- The PA considered that the FI submitted was acceptable and concluded in recommending that planning permission be granted for the proposed development.

3.2.4. Other Technical Reports

Ballyjamesduff Municipal District Engineer: Report dated 05 Feb 2025: Request FI to remove the green verge at the entrance of the site to continue the footpath, provide 70 metre sightlines from the main entrance, clarification of boundary treatments, and storm water queries.

Ballyjamesduff Municipal District Engineer: Report dated 13 August 2025: Grant with Conditions relating to signage and vegetation at the entrance, and stormwater management.

Senior Executive Scientist: Report dated 27 January 2025: Grant subject to conditions including UÉ connections to public water infrastructure, the submission of a Construction Environmental Management Plan, and the implementation of standard surface water and groundwater management practices.

Environmental Services: Report dated 13 January 2024 however, this is likely a typo and should read 2025. Grant subject to conditions regarding a Resource and Waste Management Plan, avoidance of pollution, and waste disposal.

Road Design Office: Report dated 04 February 2024, however, this is likely a typo and should read 2025. Request FI in respect of road safety audits, road, junction, footpath and car parking design, sightlines, public lighting, road markings and signage, and landscaping.

Road Design Office: Report dated 07 August 2025: Grant subject to conditions including the submission of a Stage 3 safety audit and the replacement of the grass verges at the entrance with an enlarged footpath.

3.3. Prescribed Bodies

UÉ: Report dated 09 January 2025: Request FI regarding an up-to-date CoF, as the CoF originally submitted dated from 2018.

UÉ: Report dated 01 August 2025: Grant subject to standard connection conditions.

3.4. Third Party Observations

1 no. observation was made in respect of the application by the Appellant. I consider that all substantive planning issues raised in the observation are reiterated in the

appeal and subsequent responses submitted by the third-party, which are summarised later in this report.

4.0 Planning History

4.1. The planning history of the site can be summarised as follows:

- PA Reg. Ref. 18247: On 28 January 2019 planning permission was granted for the construction of 50 no. dwellings at the site, subject to 24 no. conditions. Notable conditions include Condition No. 1 that reduced the number of dwellings from 51 no. to 50 no. The layout of this permitted development is largely similar to the subject scheme. I note that several submissions were made on this application, many of which noted ongoing issues with the piped wastewater system. No issues were raised regarding the functionality of the Mullagh WWTP and this matter was not brought up in the Planners Reports dated 31 July 2018 and 20 November 2018. Further Information submitted by the applicant 25 October 2018 included a pre-connection enquiry response from UÉ dated 30 August 2018, which states that a connection to water and wastewater services can be facilitated. This permitted development was not constructed, and the permission has expired.
- PA Reg. Ref. 062673: On 21 December 2006 an application was lodged for the construction of 81 no. dwellings on lands comprising the subject site and adjoining lands to the northwest. This application was withdrawn on 20 February 2007.

4.2. Recent and relevant planning permissions in the vicinity of the site include the following:

- PA Reg. Ref. 1817: Lands to the immediate west of the subject site: On the 13 April 2018 permission was granted subject to 8 conditions for the change of use of the vacant primary school to use as a community facility and the construction of a storage building.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The proposed development in Mullagh is subject to the provisions of the Cavan County Development Plan 2022-2028. Under the Plan, the subject site is zoned ‘Proposed Residential’ to “Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure”. Residential development is ‘permitted in principle’ on lands zoned ‘Proposed Residential’. Section 14.8.2 ‘Vision’ notes that designs shall provide access to adjoining lands to facilitate future development.
- 5.1.2. Development standards relevant to the proposed housing development are largely listed in Chapter 13 ‘Development Management’ of the Plan. Under Section 13.4.2 ‘Building Height’ it is stated that a variety of building heights are supported in towns. POS 02 of Section 13.4.7 ‘Private Open Space’ requires minimum open space of 60 sqm to 75 sqm for 3- and 4-bedroom houses. Objective PCOS 01 requires that public open space is provided in accordance with current national guidance. Objective OO 01 of Section 13.4.9 ‘Overlooking and Overshadowing’ requires a minimum separation distance of 22 metres between directly opposing rear windows above ground floor level, and Objective OO 04 requires that all side facing windows are at least 1-metre from site boundaries. Standards in respect of overall layout for housing development are outlined in Section 13.4.10 ‘Design and Layout’ of the Plan. As per Sections 7.6 and Table 7.4, a maximum of 2 no. car parking spaces per dwelling are sought. Minimum standards for bicycle parking are not prescribed.
- 5.1.3. Section 10.7 ‘Natural Heritage Areas’ states that the council will, normally, only grant permission for development where it is demonstrated that the works will have no significant adverse impact on habitats, species or the ecological integrity of the site. This statement is echoed in objectives NHDS 1, 2, 4 and 13, which broadly require compliance with the Habitats Directive.
- 5.1.4. In respect of wastewater infrastructure, Section 2.10.4 ‘Physical Infrastructure’ states that the existing Mullagh WWTP requires an upgrade. Section 6.14.1 ‘Water and Wastewater Services’ and Section 8.4.3 ‘Wastewater – Capital Investment Plan, Wastewater Treatment Plant Early Contractor Involvement (CIP WWTP ECI)

programme' both list the Mullagh WWTP as a facility on the Irish Water 2020-2024 Capital Investment Plan. I consider that Objective FDW 02 is of particular relevance in this instance as it states that development will only be permitted where there is sufficient capacity for the collection, treatment, and disposal of wastewater in compliance with the Water Framework Directive and River Basin Management Plan.

- 5.1.5. Under Section 8.3 'Water Quality' the subject site forms part of the Moynalty 'Area for Action', which is prioritised for action under the Local Authority Waters Programme (LAWPRO). Section 8.4 'River & Lake Monitoring' describes the significant role of development management in the protection of surface waters. I note that development objective GW 03 states that development proposals shall not have an unacceptable impact on ground or surface water quality. GW 04 requires compliance with the provisions of the EU Water Framework Directive 2000 (2000/60/EC) (WFD), the Groundwater Directive 2006/118/EC, and associated regulations and EU Directives.
- 5.1.6. Under Table 5 'Cavan Settlement Hierarchy' of the Plan, Mullagh is listed as one of 3 no. Medium Towns in the County. Medium Towns are described as playing an important role in the social, economic and cultural life of rural communities. Table 8 'NPF High Scenario' allocates Mullagh a population of 1,549 no. persons in 2022 and 1,751 no. persons in 2028, representing a 4.3% population growth. Table 11 'Core Strategy Table' indicates that 9.44 ha of land is designated for low density and residential development in Mullagh, which together will provide 107 no. residential units. Section 2.10 'Mullagh' provides greater development context for Mullagh. Table 2.10.1 'Fact Table' states that the recommended residential density for future development is between 12-16 units per ha.
- 5.1.7. The subject site does not form part of the Mullagh Architectural Conservation Area (ACA), or any other mapped objective.
- 5.1.8. General Policies and Objectives of the Development Plan that are relevant to the proposed development include the following:
 - CSD 05: In the assessment of development proposals, to take account of transport corridors, environmental carrying capacity, availability and/or capacity to provide waste water and water supply services, potential to conflict with Water Framework Directive objectives, potential to impact on the integrity of European sites

and Annexed Habitats and species, features of biodiversity value including ecological networks, impact on landscape and visual characteristics, education and other socioeconomic objectives. Development proposals may require screening for Appropriate Assessment and there shall be no net loss in Biodiversity from development proposals in the lifetime of the plan

- FDW 01: Collaborate with Irish Water in contributing towards compliance with the relevant provisions of the Urban Wastewater Treatment Regulations 2001 and 2004 and the Waste Water Discharge (Authorisation) Regulations 2007, as amended.
- FDW 02: Ensure that development will only be permitted in instances where there is sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) of wastewater.
- CP 08: Ensure all applications for car parking are accompanied with EV Charging points.
- GW 03: Support the implementation of the relevant recommendations and measures outlined in the relevant River Basin Management Plan 2022-2027, and associated Programme of Measures, or any such plan that may supersede same during the lifetime of the plan. Development proposals shall not have an unacceptable impact on water quality, the water environment, including surface waters, groundwater quality and quantity, river corridors and associated woodlands, species and wetlands, in County Cavan and in any areas that are hydrologically or hydro geologically linked, including areas in Northern Ireland.
- GW 04: Contribute towards, as appropriate, the protection of existing and potential water resources, and their use by humans and wildlife, including rivers, streams, wetlands, groundwater and associated habitat and species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water policy) Regulations 2003 (as amended), the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended), the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (groundwater) Regulations 2010 (as amended) and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same, to have

cognisance of, where relevant, the EU's Common Implementation Strategy Guidance Document No. 20 and No. 36 which provide guidance on exceptions to the environmental objectives of the Water Framework Directive).

- GW 06: Ensure that in assessing applications for development, that consideration is given to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021, and any subsequent local or regional plans.
- PCOS 01: Ensure public open spaces in new residential developments comply with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual (2009) or any updates thereof.
- 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.

5.1.9. Relevant Policies and Objectives specifically relating to Mullagh include the following:

- MI01: Support investment in water and waste water infrastructure facilities serving Mullagh in order to ensure the continued sustainable development of the Town.
- MC02: 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 Mullagh
- MH02 Protect, enhance, create and connect natural heritage, green spaces and high-quality amenity spaces throughout Mullagh for biodiversity and recreation whilst ensuring the design and operation of routes respond to the ecological protection and needs of each site.
- MH07: Protect environmental quality in Mullagh through the implementation of European, National and Regional policy and legislation relating to air quality, green-house gas emissions, climate change, light pollution, noise pollution and waste management.

5.2. **Northern & Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032**

- 5.2.1. Under the Northern & Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032 (RSES), County Cavan forms part of the Cavan-Monaghan sub-region. This sub-region is stated to have a close relationship with the Dublin to Belfast economic corridor and provides the connection between the Greater Dublin area and the remainder of North and Western region.
- 5.2.2. Section 3.5 'Smaller Towns, Villages and Rural Areas' of the RSES recognises the importance of towns in the achieving the ambitions set out in the strategy. It is acknowledged that careful management is required in rural communities to ensure growth and vibrancy. It is stated that a tailored response is needed to reflect varying issues including isolation, an aging population, and urban generated pressures.
- 5.2.3. In respect of housing development, Section 3.5 states that the health of villages can be influenced by the delivery of new housing. Under the National Planning Framework (NPF) at least 40% of new houses to be delivered within the existing built up area of cities, towns and villages on infill and brownfield sites. The approach under the RSES is to provide appropriate housing and serviced sites, to meet demand for lower density housing and to provide an alternative to one-off rural housing.
- 5.2.4. Section 5.2 of the RSES outlines the requirement to protect, conserve and manage the regions natural, built and cultural assets.
- 5.2.5. Section 8.5 'Water Services Infrastructure' notes that existing water service infrastructure might not be sufficient to support the delivery of development outlined in the strategy. The RSES focuses on urban centres in respect of wastewater capacity and there is no specific mention of capacity in smaller towns, such as Mullagh.
- 5.2.6. Relevant Policies and Objectives of the RSES include the following:
 - RPO 3.4: To support the regeneration and renewal of small towns and villages in rural areas.
 - RPO 5.5 Ensure efficient and sustainable use of all our natural resources, including inland waterways, peatlands, and forests in a manner which ensures a

healthy society a clean environment and there is no net contribution to biodiversity loss arising from development supported in this strategy. Conserve and protect designated areas and natural heritage areas. Conserve and protect European sites and their integrity.

- RPO 8.18 Ensure the protection and improvement of all waters – rivers, lakes, groundwater, estuaries (transitional waters), coastal waters and their associated habitats and species throughout the region and implement measures to achieve at least Good Status in all water surface bodies.

5.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.3.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. I note that the PA refers to these Guidelines in their assessment of the proposed development.

Relevant provisions of these Guidelines include the following:

- Table 3.7 ‘Areas and Density Ranges for Rural Towns and Villages’ does not specify a density range for smaller settlements, and states that new development should be tailored to the scale, form and character the settlement and infrastructural capacity.
- SPPR 1 – Separation Distances: A separation distance of at least 16 metres between opposing windows serving above ground habitable rooms at the rear or side of houses, duplex units and apartment units, shall be maintained. Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in.
- SPPR 2 – Minimum Private Open Space Standards for Houses: 3-bed houses require 40 sq.m. and houses with 4 or more beds require 50 sq.m. of private open space. Reductions are facilitated where a proportionate quantity of high quality semi-private open space is provided.
- SPPR 3 - Car Parking: In peripheral locations a maximum car parking provision of 2 no. spaces per dwelling shall apply.

- Policy and Objective 5.1 - Public Open Space: Public open space shall account for not less than 10% of a net site area, and no more than 15% of a net site area. This range is not applicable where the site contains significant heritage, landscape, or recreational features or nature conservation requirements.

5.4. Design Manual for Quality Housing (2023)

The Design Manual for Quality Housing was published by the Department of Housing, Local Government and Heritage and provides guidelines for the internal design of new dwellings. Of particular relevance to the subject proposal are the standards listed in Section 5.2.2 'Floor Area', which include the following:

- The area of a single bedroom should be at least 7.1 sqm
- The area of a double bedroom should be at least 11.4 sqm
- The area of the main bedroom should be at least 13 sqm

5.5. European Communities Environmental Objectives (Surface Waters) Regulations 2009

The Inland Fisheries Ireland (IFI) observation to the appeal refers to the decision-making requirements of the public authority under the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (Surface Water Regulations 2009). For ease of reference, Article 5 of the Surface Water Regulations 2009 states the following:

"A public authority shall not, in the performance of its functions, undertake those functions in a manner that knowingly causes or allows deterioration in the chemical status or ecological status (or ecological potential as the case may be) of a body of surface water".

5.6. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The closest designated or Natura 2000 sites to the subject area are as follows:

- Killyconny Bog (Cloghbally) Special Area of Conservation (SAC) (Site Code 000006) and proposed Natural Heritage Area (pNHA) (Site Code 000006) is located 1.8 km south of the subject site.
- River Boyne and River Blackwater SAC (Site Code 002299) and pNHA (Site Code 000008) is located 6 km to the south of the subject site, at its nearest point.
- River Boyne and River Blackwater Special Protection Area (SPA) (Site Code 004232) is located 6 km to the south of the subject site, as its nearest point.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal against the PA Decision was lodged on 15 September 2025. The substantive planning issues have been summarised below as follows:

- The Mullagh WWTP is not fit for purpose.
- The WWTP has not complied with the water quality conditions of its licence since it was first issued in 2017. Reference is made to Condition 2 of this licence, which describes the Emissions Limits Values for effluent discharged from the facility.
- The UÉ Annual Environmental Report 2024 Mullagh D0252-01 shows that the Mullagh WWTP has not accorded with its licencing conditions, or the requirements of the EU Water Framework Directive and the EU Urban Waste Water Treatment Directive. The Appeal makes reference to the findings of this report, and the 2023 Report, in respect of water quality, hydraulic loading, and the ecological conditions downstream of the facility.
- Storm water outflows from the Mullagh WWTP are not monitored or measured.
- There are discrepancies in the 2024 Annual Environmental Report in respect of hydraulic capacity and actual loading.
- The WWTP should be assessed in respect of the most up to date water quality standards.
- The Appeal refers to the 2023 EPA Urban Wastewater Treatment Report, which highlights Mullagh WWTP for its poor performance and notes UÉ's lack of progress

in addressing the issues raised. The report refers to enforcement action taken by the EPA against UÉ in this regard (compliance investigation CI001230).

- Information provided by UÉ in respect of capacity at the Mullagh WWTP does not match the findings of EPA reports.
- UÉ have not carried out the works necessary to bring Mullagh WWTP into compliance, and no progress appears to have been made to upgrade the WWTP.
- Proposals to relocate the outfall location at the Mullagh WWTP will not address the issues of loading and water quality.
- The Appeal contains excerpts from the Local Authority Waters Programme (LAWPRO) assessment of the Mullagh WWTP, which concludes that the Mullagh WWTP is putting significant pressure on the WFD status of the Moynalty waterbody.
- The PA did not consider their requirements under Article 4 of the Water Framework Directive or Article 5 of the Surface Water Regulations. The PA failed to properly apply Regulation 43 of the Wastewater Discharge Regulations 2007 in its assessment.
- The Appropriate Assessment (AA) screening report submitted with the application and at FI refers to 51 no. units rather than the 58 no. units sought.
- The AA screening report fails to properly assess the environmental impacts of the proposed development in respect of wastewater.

6.2. **Applicants Response**

The Applicants submitted a response to the appeal on the 15 October 2025. I consider that the key points of this submission are as follows:

- UÉ have provided an updated Confirmation of Feasibility (CoF), dated 14 October 2025. This document states that there is existing capacity in the Mullagh WWTP. The CoF outlines that the WWTP was not designed to meet Emission Limit Values (ELV) of the discharge licence but that the standards of the Urban Waste Water Treatment Directive are met. The CoF references future planned upgrade works to the WWTP and recently completed Preliminary Treatment works (screening and grit removal).

- There is confirmed capacity in the WWTP to treat the loading generated by the 58 no. units proposed. If there were not capacity in the WWTP, UÉ would not have issued the CoF provided.
- The WWTP is operating in accordance with the standards in place at the time of its construction.
- UÉ have plans to upgrade the WWTP to meet new standards and serve the community for the next 25 years. It is assumed that recent works to the WWTP, comprising the installation of screening and grit removal systems, have improved the facility's performance.

6.3. **Planning Authority Response**

The PA submitted a response to the Third-Party appeal on the 14 October 2025. This submission states that the appeal raises no new issues, and that all matters raised have been considered in the PA decision. The PA request that their decision be upheld by the Coimisiún.

6.4. **Observations**

On 03 October 2025, Inland Fisheries Ireland submitted an observation on the appeal. I consider that the key points of this submission are as follows:

- The EU Water Framework Directive (2000/60/EC) requires the protection and the prevention of deterioration of waterbodies in respect of chemical and ecological status.
- Article 5 of the 2009 Surface Water Regulations requires a Planning Authority to undertake its functions in a manner that does not knowingly cause or allow the deterioration of a waterbody.
- The Mullagh Lough Stream has a poor WFD status. This stream is a tributary of the Baroa River, which is a game and coarse fishing facility.
- The Mullagh WWTP is overloaded, with reference to the UÉ Annual Environmental Report 2024, and the proposed development will exacerbate this issue.

- The judgement of the Court of Justice of the European Union dated 01 July 2015, case C-461/13, includes the requirement for member states to refuse authorisation for projects that may cause the deterioration of a waterbody or jeopardise the attainment of a good ecological and/or chemical status.
- ACP is requested to refuse planning permission for the proposed development until capital works to the Mullagh WWTP are completed.

6.5. Further Responses

6.5.1. On the 12 November 2025, the Third-Party submitted a response to the Applicants. The key points of this submission are as follows.

- The Mullagh WWTP was to be upgraded prior to the new ELVs coming into effect, but this upgrade never occurred. Legal action has been taken by the EPA against UÉ regarding this issue.
- The recent works to add screens to the WWTP have not improved water quality as evidenced by the fact that the WWTP failed all water quality tests for the first 7 months of 2025.
- Current EPA licence ELVs are required to achieve a good status by 2027, as per the WFD.
- By confirming that the WWTP does not meet ELV standards, the UÉ CoF submitted illustrates that the WWTP is not fit for purpose.
- No evidence is provided to illustrate the necessary upgrade works to the WWTP will be completed by 2029. The EPA have no timeline for the delivery of upgrade works.
- Recent works referred to by UÉ in the CoF did not prevent Mullagh WWTP from being included as one of 34 priority areas for identified by the EPA. The screening and grit removal provided will not reduce Ammonia levels, and recent results show no improvement in water quality parameters.
- UÉ have previously issued feasibility statements where no capacity existed in the receiving Virgina WWTP. These applications were refused planning permission on appeal.

- 6.5.2. On the 11 November 2025, IFI submitted a response to ACP to confirm that they have nothing additional to add beyond the observation submitted 03 October 2025.

7.0 Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, reviewed the planning history, and having had regard to planning policy as well as the issues raised in the Third-Party appeal and the observations submitted, I consider the critical issues in determining the current application and appeal before the Coimisiún are as follows:

- Principle of Development
- Design, Site Layout, and Open Space
- Impact on Surface Water Quality

7.1. Principle of Development

- 7.1.1. The subject site is zoned for proposed residential development under the Development Plan therefore, I consider that the proposed development aligns with the vision for the site under the Plan. The PA assessment found that the principle of residential development is established at the site through its land use zoning and recent planning permission Reg. Ref. 18247. I agree with the PA assessment in this regard. In this way, I consider that the proposed residential development is an appropriate use for the subject lands.

7.2. Design, Site Layout, and Open Space

- 7.2.1. Residential Density, Housing Mix & Permeability:
- 7.2.2. The Core Strategy for Mullagh seeks to provide 107 no. residential units across 9.44 ha of zoned residential land, which is divided between 3 no. sites in the town. I note that no applications have been lodged for development on the other parcels of land zoned for residential development within the current Development Plan period². In

² Online Planning Register Accessed 18 December 2025. Reg. Ref. 2413 was lodged in February 2024 to extend the duration of Reg. Ref. 17/561 on lands in the east of the town. This application was withdrawn May 2024.

this way, the proposed development will not reach or exceed the core strategy allocation of the town.

- 7.2.3. The proposed development has a stated residential density of 18.3 units per ha, which is higher than the 12-16 units per ha range listed in Table 2.10.1 'Fact Table' of the Development Plan. This issue was not raised in the PA assessment. It is my opinion that the wording of Table 2.10.1 allows for some flexibility on the basis that it refers to the density range as 'Recommended' as opposed to 'Required'. I note that the site is well located in close proximity to the town centre, recreational amenities and educational facilities. I do not consider that the proposed development, by virtue of its higher residential density, will impact negatively on adjoining residential amenities. On this basis, I consider that the residential density provided is acceptable in this instance.
- 7.2.4. The proposed development of 58 no. houses comprises 41 no. 3-beds and 17 no. 4-beds and incorporates 5 no. general house types. The Planner's Reports note that the proposal does not include any 2-bedroom units however, the issue of housing mix is not discussed further. The Development Plan seeks a mix of dwelling types within new residential development under several objectives, of particular relevance is objective MC02 that relates specifically to new schemes in Mullagh. I note that the Development Plan does not give a quantitative standard on housing mix, which allows some flexibility in the application of these objectives. While I consider that it would be preferable to provide some 2-bedroom units to meet the needs of smaller family units, it is my opinion that the 5 no. different house types proposed are sufficient to meet the needs of a broad section of society. In this way, I consider that the proposed housing mix is acceptable.
- 7.2.5. The proposed development includes a pedestrian walkway along the eastern boundary of the site, which provides a direct route from the dwellings in the north of the site to the public footpath. It is my opinion that this route makes a positive contribution to permeability across the site and enhances walkability and pedestrian safety by providing a route separate from the vehicular roadway. I have some concerns in respect of the level of passive surveillance along this route given its location to the side and rear of proposed dwellings.

7.2.6. The PA report dated 19 February 2025 states that the front garden walls of units 25 and 40 should be lowered to passively surveil the stretch of pathway between those units. Further to the above, Item 13 of the FI request seeks the redesign of units 25 and 40 to increase passive surveillance of the pathway. The PA report dated 14 August 2025 notes that the amended dwellings both have external entrances facing the pathway and include amended boundary treatments. This redesign is considered acceptable to the PA. In Drawing 'Site Layout' Sheet no. 301 Revision R2 submitted to the PA 17 July 2025, there is a circa 74 metre length of 2-metre high wall along the proposed pedestrian route that encloses the private rear gardens of units 25 and 40. It is my opinion that passive surveillance along this part of the route may be limited. I consider that the changes made to units 25 and 40 at FI, to provide active frontages along the proposed footpath, will facilitate passive surveillance across much of the route. I note that the rear elevation of unit 25 is orientated towards the path and that the rear garden of unit 25 is relatively short, which facilitates additional passive surveillance of the pathway along the walled section. Passive surveillance of this section will also be provided from the first-floor rear windows of unit 40. Therefore, on balance, I consider that the proposed walkway is acceptable.

7.2.7. Public & Private Open Space:

7.2.8. In respect of public open space, the PA assessment states that the central public open space of 0.7 ha exceeds the minimum standards of the Development Plan. The PA consider this to be appropriate.

7.2.9. I note that neither the application documentation nor the PA assessments refer to the 2 no. green areas at Units 1 and 41 and the linear open space at the southern boundary of the site as public open spaces. The submitted documentation does not state the areas of these open spaces, and there is no justification given as to why these areas are excluded from the public open space calculations. No sections across the small green areas are provided however, given the topography of the site I do not consider that the gradient across these spaces would negate their amenity value. Section B-B in Drawing 'Site Sections' submitted to the PA 12 December 2024 indicates that the linear open space is 24 metres wide at that location and has a minimal fall of 0.5 metres across that width. From my review of the application documentation, I consider that the 2 no. small areas of open space at Unit 1 and Unit 41 are sufficiently large to function as pocket parks, and the linear open space is

sufficiently wide and flat to accommodate both passive and active amenities. In this way, I consider that the small green areas and the linear open space should be considered as part of the public open space offering at the site. The inclusion of these areas increases the quantum of public open space at the site above the 22% of the site area stated in the application documentation.

- 7.2.10. Objective PCOS 01 of the Development Plan states that public open space should be provided in accordance with up-to-date national guidance. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 (the Compact Settlements Guidelines) came into effect after the Development Plan and provides current guidance in respect of public open space provision. Under Policy and Objective 5.1 of the Guidelines, public open space should only comprise more than 15% of a net site area where there is significant heritage, landscape, recreational or conservation constraints. Having visited the site and reviewed the Development Plan mapping, I do not consider that there are any significant development constraints on the site that would require the quantity of public open space provided. The PA assessment does not raise any issues in respect of over-provision of public open space, and state only that the minimum of 15% public open space is exceeded in the scheme.
- 7.2.11. The Development Plan does not itself prescribe a maximum public open space standard. This makes the standards unclear, in my opinion. As is discussed above in Section 7.2.4 of this report, the proposed development has a higher residential density than generally recommended for the site. I consider it appropriate that the development comprises a higher level of public open space to balance the higher densities provided, thereby ensuring high levels of residential amenities for future occupants. Drawing from the above, I do not consider that the exceedance of 15% public open space at the site and the subsequent contravention of Objective PCOS 01 of the Plan has a material impact on the vision for Mullagh under the Plan. It is my opinion that the provision of public open space at the site is acceptable.
- 7.2.12. The private open space standards listed in the Development are substantially higher than those stated in the Sustainable Residential Development and Compact Settlements Guidelines (2024). Objective POS 02 of the Development Plan requires between 60 and 75 sqm of Private Open Space per 3-and 4- bedroom house. In comparison, SPPR 2 of the Guidelines requires 40 sqm for 3-bedroom houses and

50 sqm for 4+ bedroom houses. I note that Section 13.4.7 of the Plan does not expressly refer to the 2024 Guidelines in respect of private open space provision. In this way, it is my opinion that the Development Plan remains the primary reference for private open space standards.

- 7.2.13. The documents submitted in support of the application do not state the areas of the Private Open spaces serving each of the dwellings. From my own measurements, I consider that the majority of the proposed private open spaces meet and exceed the Development Plan standards. Unit 25 has a triangular shaped garden that, from my own measurements, has a total area of 58 sqm. I consider that the northern and eastern points of the garden will be too narrow to be of sufficient residential amenity value. In this way, the useable private open space area at Unit 25 is markedly lower than the 60 sqm private open space requirement under Objective POS02. I note that this unit has a large front garden however, this area is not sufficiently private owing to the low garden wall provided to facilitate overlooking of the adjoining pathway.
- 7.2.14. The PA have not raised any concerns in respect of the private open space provided at the scheme, and the matter of material contravention of the Plan did not arise. Having reviewed the text of the Development Plan, I consider that Objective POS 02 does not provide any flexibility in the application of the minimum requirements. It is my opinion therefore, that the granting of planning permission for the proposed development in its current form could represent a contravention of Objective POS 02 of the Plan. Given the excess of public open space provided at the site, it is my opinion that a larger rear garden at Unit 25 could be provided without significantly altering the layout of the scheme. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a condition be attached to amend Unit 25 to provide a useable private open space of at least 60 sqm.
- 7.2.15. Objective OO 01 requires a minimum separation distance of 22 metres between directly opposing first floor rear windows. Only units 26 to 40 and 12 to 25 of the proposed development are aligned back-to-back, and the remainder of the units back onto the site boundaries. Units 12 to 25 have rooflights set into the angle of their roofs at first floor level therefore, the situation of directly opposing rear windows does not strictly arise, in my opinion. In the interest of completeness, I note that the required 22-metre separation distance is only not achieved at 3 no. units. As per the Site Layout Plan submitted, Units 27 and 28 are both circa 20-metres from the rear

façade of Unit 13. The PA assessment raised no concerns in respect of minimum separation distances or the potential for material contravention of Objective OO 01. It is my opinion that the use of the word “generally” in Objective OO 01 facilitates some flexibility in its application. In this way, I note that Units 13, 27 and 28 meet the minimum standard for private open space under the Development Plan and exceed the minimum separation distance of 16 metres outlined in SPPR 1 of the Compact Settlements Guidelines (2024). Drawing from the above, I consider that the Units 13, 27 and 28 will have sufficient levels of privacy and residential amenity. In this way, the separation distances achieved are acceptable in this instance.

7.2.16. Access and Parking:

- 7.2.17. Each of the proposed dwellings has 2 no. in-curtilage car parking spaces. This aligns with the maximum standard of Table 7.4 of the Development Plan and was considered acceptable to the PA in their assessment. Given the low frequency of public transportation in the town and the rural character of the surrounding area, I consider that application of the maximum development standard is acceptable in this instance.
- 7.2.18. In the response to the FI request, the applicant amended the vehicular entrance and internal roads to align with DMURS requirements. In their report dated 07 August 2025, the Road Design Office of the PA found the proposal acceptable, subject to relatively standard conditions including the submission of a Stage 3 road safety audit. I agree with the findings of the Road Design Office, and I recommend that their conditions be attached to any grant of planning permission, as seen fit by the Coimisiún.
- 7.2.19. In their report dated 13 August 2025, the area engineer raises concerns in respect of works required on the adjoining lands to achieve the desired 70-metre sightlines, including the removal of vegetation on the adjoining site. The report does not state where this requirement for 70-metre sightlines arises. I note that Section 4.4.4 of the Design Manual for Urban Roads & Streets sets out a requirement for 45-metre sightlines on roads with a 50 km/h design speed. From the documentation provided, I consider that 45-metre sightlines can be provided from the proposed site entrance onto the R194 without works to the adjoining sites. The existing vegetation and sign at the entrance to the community facility is behind the public footpath and therefore,

will not impede 45-metre sightlines from the site, in my opinion. In this way, I do not consider it necessary to include a condition requiring the removal of the existing sign or vegetation on the adjoining site.

7.2.20. Building Height, Sunlight and Daylight, Internal Layout:

- 7.2.21. The proposed development comprises predominantly 2-storey houses. These dwellings are commensurate height to adjoining and nearby residential developments. I consider that the heights of the buildings proposed is acceptable. I consider that the overall design of the proposed dwellings is similar to dwellings in the vicinity, particularly those in the Sonas development to the west of the site. Owing to its height and design, I do not consider that the development will be visually obtrusive at this location. In this way, I consider that the height and appearance of the scheme is acceptable.
- 7.2.22. The submitted application and FI documentation does not include a sunlight and daylighting assessment. The only information provided in respect of lighting is in Section (e) 'Efficiency' of the design statement, which states that the houses are designed and orientated to maximise solar gains. The PA reports do not make any assessment of sunlight or daylight at the site. Owing to the 2-storey heights of the proposed dwellings and the separation distances provided by the rear gardens, I consider that the proposed dwellings and private open spaces will have sufficient daylight and sunlight.
- 7.2.23. The PA assessment did not raise any concerns in respect of the design or internal dimensions of the proposed dwellings. From my own assessment, I found that the dwellings largely accord with the provisions of the Design Manual for Quality Housing (2023). In my opinion, the only areas of concern are the bedrooms of the proposed dormer bungalows (Types A1, A2 and A3). The submitted application drawings do not illustrate the floor to ceiling heights achieved on the first floor of the proposed dormer bungalows however, I have measured these to be in excess of 2.4 metres across a width of over 2.8 metres. This parameter is shown in the drawings as a dotted line. By my calculation, the area of single bedroom in the proposed dormer bungalows (Bedroom 3) that is over 2.4 metres in height exceeds the minimum area standards of 7.1 sqm. The area of the double bedrooms at first floor level (Bedroom 2) that is over 2.4 metres high appears to fall circa 2 sqm below the

11.4 sqm standard. I note that these rooms are, in total, 4.8 metres wide and have storage built into the sloped ceiling. I consider that much of the floor area below 2.4 metres is useable for storage or seating. Drawing from the above, I consider that these rooms will be of sufficient residential amenity value to future occupiers. The ground floor double bedrooms in the proposed dormer bungalows (Bedroom 1) have a useable floor area of 10.73 sqm, which falls below the minimum standard of 11.4 sqm and the 13 sqm standard for main bedrooms set out in the guidelines. From the drawings submitted, I note that these bedrooms are regular in shape and I consider that there is sufficient space to provide storage and furniture. The bathroom immediately adjacent to Bedroom 1 is designed as an accessible wet room and is shown to be sufficiently wide for wheelchair access. I consider that the provision of an accessible wet room in these dwellings has caused the narrowing of the adjoining Bedroom 1. This is an acceptable compromise in my opinion. Drawing from the above, I consider that the bedrooms proposed at Unit Types A 1, 2 and 3 are acceptable.

- 7.2.24. Overall, it is my opinion that the proposed development generally meets the development requirements of the Development Plan and National Guidelines and provides a satisfactory level of residential amenity for future residents. I consider that the development is acceptable at this location.

7.3. Impact on Water Quality

- 7.3.1. The issue of surface water quality is central to the Third-Party Appeal. The Appellant states that the Mullagh WWTP is not operating within its as-constructed volumetric capacity or in accordance with the water quality parameters of its licence. It is stated that the WWTP is having a negative impact on water quality at Mullagh Lough Stream and waterbodies downstream. It is stated that the proposed development will feed additional wastewater to the Mullagh WWTP and will, therefore, contribute to the deterioration of Mullagh Lough Stream.
- 7.3.2. The Applicant's responses to the Third Party rely on the Confirmations of Feasibility (CoF) issued by UÉ on 24 March 2025 and 14 October 2025. The Applicant states that UÉ would not have issued the CoF if there was not sufficient capacity to treat wastewater arising from the site.

- 7.3.3. In the CoF dated 14 October 2025, UÉ state that the Mullagh WWTP has a design capacity for 3000 PE and that there is existing headroom for additional load at the facility. This CoF does not state the volume of remaining capacity at the plant or the volume of wastewater expected to arise from the proposed development. In respect of water quality, the CoF states that the Mullagh WWTP was constructed prior to the issue of its discharge licence and is not designed to meet updated ELV requirements. The CoF states that works to install screening and grit removal mechanisms have recently been completed at the facility. It is further stated that works to the WWTP are planned, which will bring the design capacity of the facility to 3,400 PE with a 25-year design horizon.
- 7.3.4. The PA report dated 14 August 2025 refers to the UÉ CoF and the Wastewater Treatment Capacity Register published by UÉ in stating that there is sufficient capacity in the WWTP to serve the proposed development.
- 7.3.5. The most recent Annual Environmental Report for Mullagh WWTP is from 2024 and was issued in September 2025. Section 2.1.4.2 of this report states that the WWTP has a peak hydraulic capacity (As Constructed) of 675 m³/day, an average hydraulic loading of 557 m³/day, and a maximum loading of 1735 m³/day. The PE 'as constructed' is 3,000 and the PE 'as collected load' is 1980, which gives a stated remaining PE of 1020. It is reasonable to assume that this information formed the basis of CoF issued by UÉ.
- 7.3.6. No information is provided in the submitted documentation or in Annual Environmental Reports in respect of stormwater discharge from the Mullagh WWTP. The reports provide no information on how much wastewater is discharged directly to Mullagh Lough Stream when the hydraulic loading exceeds the 'as constructed' capacity of the plant, or how often these stormwater discharges occur.
- 7.3.7. It is my understanding that the release of stormwater is standard practice in the operation of wastewater facilities. However, it is my opinion that the lack of information in respect of stormwater discharge at the WWTP is of concern in this instance because the annual maximum hydraulic loading is stated to be 1,735 m³ per day, which is substantially higher than the as-constructed peak hydraulic capacity of 675 m³ per day. I also note that the submitted documentation does not clearly state the volume of wastewater arising from the proposed development in

either m³ per day or PE, which prevents a direct assessment of impacts on the operating capacity at the WWTP. In the absence of this information, I do not consider that it is possible to rule out that there is not sufficient capacity in the Mullagh WWTP to accept wastewater arising from the proposed development.

Table 1. ELV of the Mullagh WWTP Discharge Licence (D0252) in comparison to Concentration Parameters from Table 1 of Part C of the Urban Waste Water Directive.

Water Quality Parameter	Mullagh WWTP Discharge Licence ELV	Urban Waste Water Directive
COD-Cr mg/l	125	125
Suspended Solids mg/l	25	35 (this requirement is optional)
pH (pH units)	9	No standard given
BOD, 5 days with Inhibition (Carbonaceous BOD) mg/l	5	25
Ammonia-Total (as N) mg/l	0.3	No standard given
ortho-Phosphate (as P) - unspecified mg/l	0.1	No standard given
Total Organic Carbon	No Standard Given	35 (member states shall measure either Total Organic Carbon or Chemical Oxygen Demand)

- 7.3.8. In respect of water quality, the UÉ CoF states that the Mullagh WWTP is operating in compliance with the Urban Waste Water Directive. Directive (EU) 2024/3019 of 27 November 2024 concerning urban wastewater treatment came into effect on the 01 January 2025. Table 1 above sets out the discharge requirements as per Table 1 of Part C of this Directive and the ELV of the Mullagh WWTP Discharge Licence (D0252). I note that the WWTP discharge licence sets out more stringent emissions requirements than the Urban Waste Water Directive. As per the 'combined approach'

described in the Waste Water Discharge (Authorisation) Regulations 2007, the control of emissions is established on the basis of the stricter limits. In this way, it is the emissions limits in the Discharge Licence that are the most relevant in the assessment of the Mullagh WWTP.

- 7.3.9. Section 2.1.2 of the Annual Environmental Report 2024 lists the effluent monitoring results of the WWTP with reference to the Emission Limit Values (ELV) stated in Condition 2 of the WWTP's discharge licence. This section indicates that the WWTP fails to comply with the conditions of its licence in respect of Suspended Solids, Carbonaceous BOD, Total Ammonia (as N), and ortho-Phosphate (as P). Section 2.1.3 of the Report provides a breakdown of the upstream and downstream water quality parameters relative to the Environmental Quality Standards (EQS) outlined in the Surface Water Regulations 2009. This section illustrates that the water upstream of the WWTP has a 'moderate' WFD status. The water downstream of the WWTP has a 'poor' WFD status on the basis that the EQS for ortho-Phosphate (as P) is exceeded. Drawing from this information, it is reasonable to assume that the Mullagh WWTP is contributing to the deterioration of the Mullagh Lough Stream.
- 7.3.10. The EPA issued a Site Visit Report dated 13 June 2019 stating that the Mullagh WWTP is required to comply with updated ELV from 31 December 2019. This report states that there is a licence requirement for the specified improvement works to be undertaken at the plant by the time those updated emissions values come into force. The CoF dated 14 October 2025 states that works have recently been undertaken at the WWTP to install screening and grit removal systems. Given the nature of these works, which are preliminary in nature and remove larger debris from incoming wastewater, it is my opinion that resulting improvements in wastewater quality in respect of Suspended Solids, Carbonaceous BOD, Total Ammonia (as N), and ortho-Phosphate (as P) will be limited. From the documentation submitted, I note that significant capital works to improve wastewater quality in respect of these key water quality parameters have not occurred in the 6-yrs following the EPA Site Visit Report 2019. On the basis that UÉ were given warning of their requirements under Discharge Licence D0252 in 2019 and then annually through the Annual Environmental Reports, I do not accept their argument or reasoning for non-compliance with the ELV of the WWTP's discharge licence.

7.3.11. I consider it relevant that the finding of non-compliance in the 2024 Annual Environmental Report for Mullagh WWTP is not an isolated incident. The Annual Environmental Reports for 2018 to 2024 state that the facility has consistently failed to meet the water quality standards prescribed in its discharge licence. Each of the reports from 2019 to date state that there is a deterioration in water quality downstream of the WWTP. The reports outline that it is not known if this deterioration is caused by the WWTP. I consider it likely that this uncertainty arises due to the circa 2.2 km distance between the WWTP and the downstream monitoring location. Notwithstanding the above, the reports from 2019, 2023, and 2024 each state that the discharge from the Mullagh WWTP has an observable negative impact on the Water Framework Directive status of surface waters.

7.3.12. EPA data from the catchments.ie website (accessed 16 December 2025) states that the Mullagh Lough Stream_010 (code IE_EA_07M060400) has a 'poor' WFD status and is at risk of not achieving a 'good' status. This waterbody had a 'moderate' status between 2007 and 2012, which then deteriorated to 'poor' during the SW 2010-2015 reporting period. The EPA 'Update on pressures impacting on water quality' published in 2024 states that the significant pressures on the Mullagh Lough Stream are Urban Wastewater, Hydromorphology, and Agriculture. The Areas for Action (2022-2027) section of the Catchments.ie website (accessed 18 December 2025) includes the 'Moynalty Priority Area for Action: Desk Study Summary' prepared by the Local Authority Waters Programme (LAWPRO). Section 4 'Sources of Pollution' states that the Mullagh WWTP is having a serious negative impact on water quality, particularly in respect of BOD and phosphate. This report also states that "*Urban wastewater (Mullagh WWTP)*" is a significant pressure on the Mullagh Lough Stream.

7.3.13. From the information available, it is my opinion that there is a strong correlation between the Mullagh WWTP not complying with its discharge licence and the 'poor' WFD status of Mullagh Lough Stream. On the basis that the Mullagh WWTP is not operating in accordance with its discharge licence, and no alternative wastewater treatment options are available, I consider that wastewater arising from the subject site will not be sufficiently treated prior to discharge to Mullagh Lough Stream. I consider that the proposed development will, therefore, contribute to the

deterioration of the Mullagh Lough Stream and hinder its attainment of a ‘good’ WFD status. On this basis, I recommend that planning permission is refused.

- 7.3.14. The Development Plan establishes the connection between surface water quality and development management in Section 8.4 ‘River & Lake Monitoring’. Development Objective GW03, quoted in Section 5.1.9 of this report, is definitive in stating that proposed development shall not have an unacceptable impact on water quality, including surface waters. Further to this, Objective FDW 02 of the Plan states that development will only be permitted where there is sufficient capacity for the collection, treatment and disposal of wastewater in accordance with the Water Framework Directive and River Basin Management Plan. As is discussed above, monitoring and environmental reporting in respect of the Mullagh WWTP show that effluence arising from the facility is having a negative impact on the water quality of Mullagh Lough Stream and is hindering its attainment of a ‘good’ WFD status. On the basis that the proposed development will add further loading to the Mullagh WWTP, I consider that the proposed development contravenes the provisions of Objectives GW 03 and FDW 02 of the Development Plan. I recommend refusal of planning permission on this basis.
- 7.3.15. I have considered the possibility of adding a condition limiting the occupation of the proposed dwellings until such time as the Mullagh WWTP is upgraded however, there is no timeline available for these works. I note that each of the AERs for Mullagh WWTP from 2018 to 2024 describe works required to bring the WWTP into compliance with its discharge licence. The 2019 and 2020 reports give no date for the completion of works and state that works are “Not Started”. The 2021 report gives no date for the completion of works and states that works are “At Planning Stage”. The 2022, 2023 and 2024 reports state that the works will be completed in 2027 and that these works are “At Planning Stage”. Appendix D ‘Pressures on Surface Waters’ of the EPA’s Urban Wastewater Treatment report 2024 states the following in respect of works to Mullagh WWTP *“Uisce Éireann plans to start infrastructural upgrades in 2029 or 2030 or has no clear timeline to deliver the corrective actions to prevent pollution”*. Conversely, the CoF dated 14 October 2025 states that planned upgrade works to the Mullagh WWTP will be completed in 2029. I reviewed the National Planning Application Database on 16 December 2025 and I found that no application has been made by UÉ to Cavan County Council for works

to Mullagh WWTP. Drawing from the above, I do not consider that there is sufficient surety that the necessary works will be started or completed within the 5-year lifetime of a standard planning permission.

8.0 EIA Screening

- 8.1.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings.
- 8.1.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). The proposed development has been subject to preliminary examination for environmental impact assessment on the basis that it comprises sub-threshold development.
- 8.1.3. 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.

9.0 AA Screening

- 9.1.1. Refer to Appendix 3 'Appropriate Assessment Screening Determination'. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Boyne and River Blackwater SAC and SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.1.2. This determination is based on:
 - The functional distance between the Mullagh WWTP and the Natura 2000 sites.
 - The significant dilution of waters from the Mullagh Lough Stream provided by the Moynalty River and other tributaries to the Natura 2000 Sites.

10.0 Water Framework Directive

- 10.1.1. Refer to Appendix 4 'WFD Assessment'.
- 10.1.2. I conclude, on the basis of the information both in the file and available from the EPA website, that it is not possible to rule out that the proposed development will not result in the deterioration of or compromise the attainment of Good status of Mullagh Lough Stream (IE_EA_07M060400) and Moynalty 07 (IE_EA_07M030700). These water bodies are consequently screened in for further assessment. A Water Status Impact Assessment (WSIA) is required.
- 10.1.3. On this basis, I recommend that planning permission be refused for this proposed development. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that Further Information is sought in the form of a WSIA.

11.0 Recommendation

- 11.1. It is recommended that the Board refuse planning permission for the proposed development for the following reasons and considerations.

12.0 Reasons and Considerations

1. The proposed development would ultimately be connected to the Mullagh Wastewater Treatment Plant, which in turn discharges into the Mullagh Lough Stream.

Having regard to-

- (a) the existing constraints at the Mullagh Wastewater Treatment Plant, which is non-compliant with the Emissions Limit Values of its Discharge Licence (D0252),
- (b) the lack of certainty in respect of works to improve the performance of the Wastewater Treatment Plant,
- (c) the existing biological status of the Mullagh Lough Stream, which has been classed by the Environmental Protection Agency as being of 'poor' status,

- (d) Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, which requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water,
- (e) Article 4, Section 1 and 4 of the Water Framework Directive, which requires that a surface water body whose status is determined to be less than good shall be restored to at least 'good' status by 2015, or by 2027 at the latest, and
- (f) Objectives of the Cavan County Development Plan 2022-2028 that seek to protect surface water quality in accordance with the Water Framework Directive, specifically Objectives FDW 02 and GW03.

it is considered that the proposed development would be premature by reference to the existing deficiencies in the Mullagh Waste Water Treatment Plant and the period within which this constraint may reasonably be expected to cease. The proposed development would therefore, pose an unacceptable risk of environmental pollution and be contrary to the proper planning and sustainable development of the area.

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

Sinéad O'Connor
Planning Inspector

07 January 2026

Appendix 1 – Form EIA Pre-Screening

Case Reference	ACP-323660-25
Proposed Development Summary	<p>Third Party Appeal</p> <p>To construct 58 no. dwellings and all other site works on a site of 3.17 ha. The proposed development will connect to existing public water and wastewater infrastructure.</p> <p>See Section 2.0 of the Inspector's Report.</p>
Development Address	Mullagh Td, Mullagh, Co. Cavan
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	<p>Class 10 (b) (i) "Construction of more than 500 dwelling units".</p> <p>The proposed development of 58 no. dwellings falls substantially below the threshold of 500 units under Class 10 (b)(i) of Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended).</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: 07 January 2026

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	ACP-323660-25
Proposed Development Summary	<p>Third Party Appeal</p> <p>To construct 58 no. dwellings and all other site works on a site of 3.17 ha. The proposed development will connect to existing public water and wastewater infrastructure.</p> <p>See Section 2.0 of the Inspector's Report.</p>
Development Address	Mullagh Td, Mullagh, Co. Cavan
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	<p>The proposed development comprises the construction of 58 no. houses on a site of 3.17 ha. The proposed development site is small to medium in scale with reference to the size of Mullagh.</p> <p>The development is of a scale and nature commensurate to nearby development in Mullagh. The scheme is comparable to the residential development previously permitted at the site under Reg. Reg. 18247.</p> <p>No demolition works are proposed or required to facilitate the scheme.</p> <p>The site is undulating throughout. There will likely be cut and fill required at the site, but it is my opinion that cut material will likely be utilised within the site. Given the scale and topography of the site, it is my opinion that waste material at the site will be minimal.</p> <p>During the operational phase, typical levels of domestic waste will be produced by the site. I note that space is provided in the scheme for segregated domestic waste disposal.</p> <p>Wastewater arising from the site will be brought, via the public system, to the Mullagh WWTP. From the IFI observation, it is estimated that the proposed development will discharge 23 m³ of wastewater per day to the Mullagh WWTP. The hydraulic load of the WWTP (as constructed) is stated to be 675 m³ per day.</p> <p>The proposed development will use materials typical of residential development (stone, gravel, concrete etc.).</p>

	<p>No quarrying or extraction works are directly proposed as part of the scheme. Potable water would be provided by the public system, and no extraction of surface or groundwater is proposed.</p> <p>During the construction phase, typical risks associated with construction sites will arise. These would be mitigated by standard site safety procedures. During the operational phase, the site would operate as a typical domestic scheme.</p>
Location of development	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is currently in agricultural use (grazing livestock). At the time of the site visit, the site was under grass. The site does not contain any surface water features or visible rocky outcrops.</p> <p>The site is located within the designated urban boundary of Mullagh under the Cavan County Development Plan 2022-2028. The site is zoned for new residential development and previously held planning permission for 51 no. units.</p> <p>The site is surrounded by existing urban development on three sites and immediately adjoins the main road serving Mullagh. The site is circa 100 metres from Mullagh town centre.</p> <p>The site does not contain or immediately adjoin any sites designated for their geographical, ecological, historical, or cultural importance (with reference to the Development Plan and EPA mapping).</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The proposed development will discharge to the Mullagh WWTP, which is currently not meeting the environmental conditions of its discharge licence. Given the limited scale of the proposed development with reference to the capacity of the Mullagh WWTP and the volume of water in the Mullagh Lough Stream and Moynalty Rivers, I do not consider that the proposed development will have a significant indirect or cumulative impact on the environment.</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: 07 January 2026

Appendix 3 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Third Party Appeal</p> <p>To construct 58 no. dwellings and all other site works on a site of 3.17 ha. The proposed development will connect to existing public water and wastewater infrastructure.</p> <p>See Section 2.0 of the Inspector's Report.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>It is proposed to construct 58 no. houses on a site of 3.17 ha that is currently under grass and in agricultural use. The site is undulating throughout. There are no surface water features or visible rock outcrops at the site.</p> <p>At the time of the site visit there was standing water in the ditch beside the eastern boundary of the site however, this visit took place the day after a storm with heavy rain.</p> <p>The site is located within the defined boundary of Mullagh, within 100 metres of the town centre.</p> <p>A detailed description of the proposed development is in Section 2 of the Inspectors Report and Section 3.1 of the AA screening document submitted to the PA 14 July 2025.</p> <p>The proposed surface water infrastructure includes permeable paving, gullies, downpipes, attenuation tanks, and a piped system. Discharge will be limited to below 5 litres per second, and the system is designed for a 1 in100 storm event with a 20% allowance for climate change.</p> <p>Foul drainage comprises a standard piped system that will connect to the public sewer at the R194, which runs to the Mullagh WWTP for treatment. This WWTP discharges to the Mullagh Lough Stream.</p>
Screening report	Y
Natura Impact Statement	N
Relevant submissions	Inland Fisheries Ireland (IFI) submitted an observation to the Third Party appeal.

The IFI submission requests that the proposed development is refused planning permission on the basis that the Mullagh WWTP is overloaded, and the additional wastewater arising from the proposed development will risk the attainment of a 'good' status at the Mullagh Stream.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Section 3.3 of the AA screening report lists 3 no. Natura 2000 sites that are within 15 km of the subject site. These sites have been described below using information from the AA screening report and the National Parks and Wildlife Service (NPWS).

I note that the AA screening report screened out the River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) as there are no watercourses on the subject site. I do not wholly agree with this assessment. It is my opinion that there is potentially an indirect connection between the subject site and these Natura 2000 through the Mullagh WWTP. Using an abundance of caution, I have screened in these Natura 2000 sites for further assessment (see Step. 3 below)

European Site (code)	Qualifying interests ¹ Link to conservation objectives (www.npws.ie accessed 15 December 2025)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Killyconny Bog (Cloghbally) Special Area of Conservation (SAC). Site Code 000006	Active raised bogs. Degraded raised bogs still capable of natural regeneration.	1.7 km South	There is no hydrological connection between the subject site and this SAC as the Mullagh Lough Streams runs in a easterly direction, away from the SAC.	N
River Boyne and River Blackwater SAC. Site Code 002299	Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) <i>Lampetra fluviatilis</i> (River Lamprey)	6km to the south of the site (directly overland). Functionally, circa 18 km downstream of the subject site.	There is no direct hydrological connection between the subject site and the SAC. There is potentially an indirect connection. Wastewater from the subject site will be treated in the Mullagh WWTP. The WWTP	Y

	Salmo salar (Salmon) Lutra lutra (Otter)		discharges to the Mullagh Lough Stream, which is a tributary of the River Blackwater..	
River Boyne and River Blackwater Special Protection Area (SPA) Site Code 004232	Kingfisher (Alcedo atthis)	6km to the south of the site (directly overland). Functionally, circa 18 km downstream of the subject site.	There is no direct hydrological connection between the subject site and the SPA. There is potentially an indirect connection. Wastewater from the subject site will be treated in the Mullagh WWTP. The WWTP discharges to the Mullagh Lough Stream, which is a tributary of the River Blackwater.	Y

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

There are no water features on the subject site. The closest waterbody to the subject site is the Mullagh Lough Stream, which is circa 75 metres to the south. The site is separated from Mullagh Lough Stream by the R194 road and residential development.

Mullagh Lough Stream has a hydrological connection to River Blackwater, via the Moynalty River. Mullagh Lough Stream converges with the Moynalty River circa 2.5 km from the subject site. The Moynalty River converges with the River Blackwater circa 18 km downstream from the subject site.

Owing to the distance between the subject site and stream, and the lack of direct hydrological connections, I do not consider that construction phase impacts will arise.

During the operational phase of development, wastewater from the subject site will be piped to the existing Mullagh WWTP. At present, the Mullagh WWTP discharges to Mullagh Lough Stream. In this way, there is an indirect hydrological connection between the subject site and the River Boyne and River Blackwater SAC and SPA.

Information submitted by the IFI and available from the EPA states that Mullagh WWTP is operating over capacity and is not meeting the environmental objectives of its discharge license. It is stated that the WWTP is contribution to the deterioration of Mullagh Lough Stream.

I consider that there is potential for indirect on the Natura 2000 sites during the operational phase of the development. By adding additional wastewater to the Mullagh WWTP the proposed development,

alone and in combination with every other development that discharges wastewater to the WWTP, may further deteriorate the quality of the Mullagh Lough Stream. Potential degradation of water quality at the Mullagh WWTP may impact upon the Natura 2000 sites downstream.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Boyne and River Blackwater SAC. (002299) Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) <i>Lampetra fluviatilis</i> (River Lamprey) <i>Salmo salar</i> (Salmon) <i>Lutra lutra</i> (Otter)	Direct: None Indirect: Operational phase: further deterioration of the Mullagh Lough Stream by adding additional loading to the Mullagh WWTP.	Potential for negative impact on water quality, which could have a negative impact on sensitive species/habitats and prey availability. The site synopsis from the NPWS (accessed 15 December 2025) indicates that the protected habitats and species occur predominantly on the River Boyne including Alkaline Fens, Alluvial Forests, River Lamprey and Salmon. It appears that only <i>Lutra lutra</i> (Otter) are present throughout the SAC. The subject site is circa 33km from the confluence of the River Blackwater and the River Boyne. From the EPA mapping, there appears to be no surface water connection between the upper reaches and tributaries of the River Boyne and the Mullagh Lough Stream. In this way, the Alkaline Fen habitat will not be affected by the proposed development. NPWS data indicates that the Alluvial Forest habitat occurs at the River Boyne near Drogheda, in excess of 56 km downstream of the subject site. The River Boyne and River Blackwater SAC drains a vast area, and there are several tributaries to the River Blackwater before its

		<p>convergence with the River Boyne at Navan. In this way, water from the Mullagh Lough Stream will be significantly diluted before it reaches most Qualifying Interests of the SAC. Because of this dilution factor, I do not consider that the proposed development will have significant deleterious impacts on water quality in the SAC, which would have potentially impacted sensitive habitats and reduced prey species.</p> <p>It is my opinion that the development will not have significant effects on the conservation objectives of the SAC.</p>
	<p>Likelihood of significant effects from proposed development (alone): N</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site N</p>	
Impacts	Effects	
River Boyne and River Blackwater SPA. (004232)	<p>Direct: None</p> <p>Indirect: Operational phase: further deterioration of the Mullagh Lough Stream by adding additional loading to the Mullagh WWTP.</p>	<p>Potential for negative impact on water quality, which could have a negative impact on prey availability.</p> <p>The subject site is 18km upstream of the SPA and c.33km from the confluence of the River Blackwater and the River Boyne.</p>
Kingfisher (<i>Alcedo atthis</i>)		<p>The River Boyne and River Blackwater SPA drains a vast area, and there are several tributaries to the River Blackwater before its convergence with the River Boyne at Navan. In this way, water from the Mullagh Lough Stream will be significantly diluted before it reaches the SPA. Because of this dilution factor, I do not consider that the proposed development will have significant deleterious impacts on water quality in the SPA, which</p>

		would have reduced prey species available to Kingfisher. It is my opinion that the development will not have significant effects on the conservation objectives of the SPA.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the River Boyne and River Blackwater SAC or SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

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

This determination is based on:

- The functional distance between the Mullagh WWTP and the Natura 2000 sites.
- The significant dilution of waters from the Mullagh Lough Stream provided by the Moynalty River and other tributaries to the Natura 2000 Sites.

Appendix 4 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-323660-25	Townland, address	Mullagh Td. Mullagh, Co. Cavan
Description of project		58-unit residential development with connections to Uisce Éireann Wastewater and Drinking water infrastructure.	
Brief site description, relevant to WFD Screening,		<p>The site is located within the urban boundary of Mullagh under the County Cavan Development Plan 2022-2028. The site is currently under grass and is used for grazing livestock. There are no surface water features at the site. At the time of the site visit, parts of the site near the eastern boundary were waterlogged and there was standing water in the ditch behind the eastern boundary. The site visit took place the day after a heavy rain event. Patches of rush like vegetation near the eastern boundary of the site indicate that this area may be poorly drained.</p> <p>The closest waterbody to the subject site is the Mullagh Lough Stream, which is circa 75 metres to the south. The site is separated from Mullagh Lough Stream by the R194 road and residential development.</p>	

Proposed surface water details	SUDs system proposed with attenuation tanks and petrol interceptors.
Proposed water supply source & available capacity	Uisce Éireann mains water connection
Proposed wastewater treatment system & available capacity, other issues	<p>Uisce Éireann wastewater connection to the Mullagh Waste Water Treatment Plant. The Mullagh WWTP discharges to Mullagh Lough Stream. There are water monitoring locations upstream and downstream of the WWTP, Codes RS07M060340 and RS07M030500, respectively.</p> <p>The Annual Environmental Report 2024 for the Mullagh WWTP (D0252-01) states that the plant is non-compliant with this discharge licence in respect of Ammonia-Total (as N), BOD (Carbonaceous BOD), ortho-Phosphate (as P), and Suspended Solids.</p> <p>As per Section 2.1.3 of the Annual Environment Report 2024, the WFD Ecological Status upstream of the WWTP discharge point is 'moderate' and the status of the water downstream of the discharge point is 'poor'. This report states that "<i>The discharge from the wastewater treatment plant does have an observable negative impact on the Water Framework Directive status</i>".</p> <p>Section 2.1.4.2 of the Annual Environment Report 2024 states that the Mullagh WWTP has a Peak Hydraulic Capacity (As Constructed) of 675 m³/day. The Current Hydraulic Loading - annual max was 1735 m³/day and the Average Hydraulic loading to the Treatment Plant was 557 m³/day. The Organic Capacity (PE) - As Constructed is 3000</p>

						and the Organic Capacity (PE) - Collected Load (peak week) is 1980, giving an Organic Capacity (PE) – Remaining of 1020.
Others?	Section 4.1.1 of the Annual Environment Report 2024 states that there is no information available on the number of times the storm water overflow was activated in 2024.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	75m	Mullagh Lough Stream_010 (IE_EA_07M0 60400)	Poor	At Risk	Urban Wastewater, Hydromorphology, Agriculture.	Yes – Wastewater from the proposed development will be piped to the Mullagh WWTP, which discharges to the Mullagh Lough Stream_010.
Groundwater Waterbody		Bailieborough	Good	Not at risk	No pressures	Yes – Through soil. The western part of the site has

		Underlying site	IE_EA_G_006				well-draining soils. The central part of the site has poor draining soils. The eastern part of the site comprises Alluvium soils.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	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.
1.	Surface	Mullagh Lough Stream_010	None	None	None	No	Screened out – Distance to Mullagh Lough Stream from the site coupled with lack of surface water features on-site.

2.	Ground	Bailieborough IE_EA_G_006	Pathway exists but mixed drainage characteristics on-site	spillages	Standard construction practice CEMP	No	Uncertain
OPERATIONAL PHASE							
3.	Surface	Mullagh Lough Stream_010	Wastewater from the site to the Mullagh Lough Stream via the Mullagh WWTP	Water Quality Impacts from Urban Wastewater Treatment	None	Yes – Wastewater arising during the operational phase of the development will be treated in the Mullagh WWTP.	Screened In
4.	Ground	Bailieborough IE_EA_G_006	Pathway exists but mixed drainage characteristics on-site	Spillages	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							

Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Wastewater	It is not possible to mitigate the impacts of additional wastewater entering the Mullagh WWTP (and therefore the Mullagh Lough Stream)	It is not possible to mitigate the impacts of additional wastewater entering the Mullagh WWTP (and therefore the Mullagh Lough Stream)	N/A	N/A	NO
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					

Development/Activity e.g. abstraction, outfall, etc.	<p>Objective 1: Groundwater Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater</p>	<p>Objective 2 : Groundwater Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*</p>	<p>Objective 3:Groundwater Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity</p>	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
Construction works	Site specific construction mitigation methods. Will form part of the CEMP (see Condition 24 of the PA notification of decision)	Site specific construction mitigation methods. Will form part of the CEMP (see Condition 24 of the PA notification of decision)	N/A	Yes