Inspector's Report
PL-501662-CN-26

Development	Retention of 3 no log chalets, previously approved under reg. ref. no. 04/519. Permission to connect chalets to treatment plant and associated site works
Location	Callaghs, Ballyconnell, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2660190
Applicant(s)	River Valley Log Cabins Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Callis Wood Owners Management CLG
Observer(s)	Bryan and Gloria Toase
Date of Site Inspection	17th September 2026
Inspector	Aisling MacNamara

1.0 Site Location and Description

1.1. The site is located at Ballyconnell Log Cabins development at Callagh, Ballyconnell in County Cavan. This is a development of dormer log cabins and a boat mooring within the rural area and woodland setting along the Woodford River (Shannon Erne Waterway). The subject site is located adjoining the northern boundary of the existing development. The site is bound to the east and west by existing service access roads. The development is accessed from the local tertiary Callagh road which links to the L5060 and L1046 road to Ballyconnell. The site is c 8.5km from Ballyconnell.

2.0 Proposed Development

Permission is sought for the retention of 3 no. dormer log chalets and revised site boundaries previously approved under PRR04/519.

Permission is sought to connect the 3 no. chalets to the existing treatment plant and complete the development of existing access and service roads including new entrance walls and piers in stone.

The submitted cover letter states that the chalets are to be for holiday rental accommodation.

The area of the site is 1.181ha. Existing buildings – 382sqm.

Proposed water supply: existing group water scheme.

Proposed wastewater management / treatment: existing on site treatment system.

Proposed surface water disposal: watercourse.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 9th June 2026, the planning authority decided to grant permission subject to 18 no. conditions.

3.1.2. Condition 2: Chalet no. 2, 3 and 4 only are granted permission to connect to the existing wastewater treatment plant, as illustrated on drawing no. 24-36-2 further information.

3.1.3. Condition 3: The facility shall be used for short term tourist accommodation only which serves the needs of visiting members of the public. No permanent or long term occupancy (periods in excess of 30 days) by visiting member of the public of the facility shall be permitted.

3.1.4. Condition 4: Prior to occupation of the three chalets, the developer shall submit for the written agreement of the planning authority, details of the management company that will be in control of selling / letting the three chalets.

3.1.5. Condition 5: Prior to occupation of the three chalets, the developer shall submit for written agreement of the planning authority a site management plan for on going maintenance of the site.

3.1.6. Condition 9: Playing of music and / or other events which involves amplification equipment shall not be permitted.

3.1.7. Condition 17: Gates as illustrated in drawing no. 24-36-2 submitted 15 April 2026 shall not be permitted.

3.1.8. Condition 18: The proposed entrance and approach shall incorporate the following requirements:

a. No part of the entrance (piers, fencing, walls) shall exceed 1.2m in height.

b. Any alterations to the entrance and roadside boundary as agreed as part of this condition shall require a separate grant of permission.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The case planner's report of 25th May 2026 recommends grant of permission.

3.2.2. Other Technical Reports

- Senior Executive Scientist 14/05/2026:

The discharge from the wastewater treatment facilities serving this facility are licenced in accordance with Section 4 of the Local Government (Water Pollution) Acts 1977 &1990, as amended. Foul effluent will connect to the existing wastewater treatment facilities. Surface water management is demonstrated on site layout map. CEMP submitted to protect environment. Recommend approval subject to 7 conditions relating to protection of water quality, management of surface water, compliance with Inland Fisheries Ireland requirements for works, restriction on playing amplified music, protection of water bodies and pollution control measures.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Third party submissions were received both in support of and against the proposed development.

Issues raised in relation to the capacity of existing wastewater, water and other services to accommodate the development, impact on the environment and biodiversity, impacts of additional traffic, new entrance, noise, anti social behaviour. Procedural, legal and ownership issues raised.

Some state they are full time permanent residents.

Some indicate that the development is holiday home use not residential and that the development is underutilised / partially occupied and there would be no impact on existing services or environment and that the proposal is beneficial.

4.0 Relevant Planning History

- 01/1262 – Tommy Mc Cartin – grant – permission to erect 42 no. 2-bed dormer type chalets, private marina & public mooring, service rds., effluent treatment systems, landscaping, all within existing forestry plantation, improve existing service road & provide lay-bys as required.

- 03/263 – Tommy McCartin – grant – permission to alter previously approved site layout plan and 41 no. chalets (planning reg no 01/1262), retain location of 1 no. chalet and associated site works
- 04/519 – Tommy McCartin – grant – permission to erect 24no. dormer chalets, clubhouse/restaurant and recreation area, relocate previously approved private marina, (second phase of holiday home development) and increase in size from 32 to 42 boat capacity, relocate previously approved public mooring and effluent treatment system and increase in size (previous planning ref. no. 01/1262 & 03/263), provide pumping station, service roads and associated site works
- 16/41 -Toase – grant – permission for replacement of log chalet, connection to existing services and associated works
- Section V – Janice McCartin sought a Declaration under Section 5 of the Planning and Development Act 2000, as amended. It was sought to ask whether the connection of 3 No. dormer chalets to the existing effluent treatment system, approved under planning reg. ref. 04/519 and completion of the service road for the 3 no. chalets at Callaghs Ballyconnell Co Cavan is or is not exempted development. On 07 March 2025, it was deemed not exempt.

5.0 Policy Context

5.1. Development Plan

Cavan County Development Plan 2022-2028 (as varied)

County Cavan Landscape Categorisation - Area 1: The Cuilcagh-Anierin Uplands of West Cavan

Appendix 18 High Landscape Areas and Major Lakes - HL4 - Erne Shannon Canal Corridor

Appendix 21 Rural Area Types – site is in Stronger Rural Area

Chapter 1 Core Strategy

2.9.7 Rural Community Nodes and Rural Areas

- RA 03 Implement the development objectives relating to the three specified rural area types of Co. Cavan as outlined in Chapter 12 Rural Strategy.

Chapter 8 Environment, Water and Drainage

Groundwater Development Objectives

- GW 02 Protect ground water resources and abstraction points, and this ensures such sources and their zones of contribution are protected and safeguarded in the interests of common good and public health.
- 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.

Foul Drainage and Wastewater Development Objectives

- 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.

Water Development Objectives

- W 03 Ensure that development would not have an unacceptable impact on water quality and quantity including surface water, ground water, designated source protection areas, river corridors and associated wetlands.

Chapter 9 Tourism

Tourism Development Objectives

- T01 Promote the development and strengthening of the overall value of Cavan as a tourist destination by encouraging the enhancement and development of sustainable and high-quality visitor attractions, activities and

infrastructure, enabling an increase in the overall capacity and long-term development of the county's tourism industry, subject to appropriate siting and design criteria and the protection of environmentally sensitive areas.

- T 05 Utilise the county's natural and heritage resources to foster the development of tourism as a viable sector of the economy in a sustainable manner which complements the scale, quality and unique features of the location and county.

Tourism Infrastructure and Visitor Services Development Objectives

- TV 02 Facilitate the development of high quality tourist accommodation such as hotels, hostels, B&B's / guesthouses, camping and glamping at suitable locations, in both urban and rural settings throughout the county, subject to ensuring a high standard of design, layout, landscape and environmental protection and the provision of adequate infrastructure.
- TV 04 Facilitate the development of visitor infrastructure linked to natural and heritage environments, while ensuring that it does not detract from the status, quality and value of these environments.

Lakes and Waterways Development Objectives

- LW 01 Support the development of the angling tourism sector throughout the County, including the development of an updated angling strategy for County Cavan.

Chapter 10 Natural Heritage

Development Objectives for Landscape Character Areas

- LC 2 Ensure development reflects and reinforces the distinctiveness and sense of place of the landscape character areas. This should include the retention of important features or characteristics which contribute to their distinctiveness such as geology and landform, habitats, settlement patterns, historic and vernacular heritage.

Development Objectives for Areas of High Landscape Value or Special Landscape Interest

- SLPA 1 Maintain the scenic and recreation value of these areas by restricting all adverse uses and negative visual impacts.

Development Objectives for Inland Waterways

- IW 1Protect and enhance the natural heritage and landscape character of the County's Waterways and maintain them free from inappropriate development and provide for public access, where feasible, acknowledging the existence of contiguous Natura 2000 sites.

Chapter 12 Rural

Rural Enterprise and Economy Development Objectives

- REE 01 Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with.
- REE 02 Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable and that the proposal would not be viable at an alternative location.
- REE 03 In assessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application: - Positive contribution that the proposed development will make to the rural economy - Nature and scale of the proposal. - Is the business more suitably accommodated at the proposed location than an urban setting. - Potential impacts on public health, environment and amenity. - Potential traffic impact on the road network in the area.
- REE 04 Support the location of medium to large scale rural enterprises where it is demonstrated to the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and in compliance with development management standards.

- REE 15 The development and expansion of appropriate new businesses in rural areas will normally be encouraged where: - The scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity. - The development will enhance the strength and diversification of the rural economy. - The development involves the use of redundant or underused buildings that are of value to the rural area.
- REE 16 Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and renewable energy so as to sustain employment opportunities in rural areas.

Stronger Rural Areas Development Objectives

- SRA 01 Facilitate rural generated, social or economic housing needs subject to good planning practice in matters of location, siting, design and the protection of environmentally sensitive areas and areas of high landscape value, whilst directing urban generated housing need to areas identified for housing in the adjoining towns and villages.

5.2. **Natural Heritage Designations**

There are no areas designated for natural heritage at the site or in the immediate proximity of the site.

Clonty Lough pNHA is located 2.3km from the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A third party appeal is received from Callis Wood Owners Management CLG. The grounds of appeal are summarised as follows:

- Severe overloading of private wastewater infrastructure and environmental risk - The proposed development seeks to connect to private wastewater treatment plant. The private system and license to discharge to the local river is owned, managed and maintained by Callis Wood Owners Management Company Ltd to serve the existing 42 house multi unit development.

  The existing plant is in operation since 2006. It has had difficulties coping with the existing 42 houses. It has occasionally failed Council discharge tests. It does not possess the secondary or hydraulic capacity to absorb additional domestic influent. Will result in chronic system overloading. Risk of untreated effluent failure, surface ponding, microbial contamination of local water table, direct contravention of EPA Code of Practice for Domestic Wastewater Treatment Systems and EU Water Framework Directive. Failure to submit engineering data or site suitability assessments to show can accommodate additional load without breaching environmental discharge parameters.

- Absence of legal title, easements and consent to connect – The applicant does not have legal title, wayleaves, easements or written consent required to connect. Granting permission in case where consent is explicitly withheld runs risk of ‘stranded’ houses with no viable method of foul disposal, detrimental to public health and environmental safety.

- Traffic safety, substandard road infrastructure, road noise and privacy – Proposed access relies on narrow earth road running directly to rear of no.1-5. Will result in vehicular and pedestrian traffic, cause loss of privacy, direct overlooking of private rear spaces, cause noise disturbance, vibration, light pollution from headlights, damage residential amenities, overdevelopment of restricted access route.

- Disruption to local ecosystems and biodiversity – Traffic and disruption to animal paths to river and food sources – impact on pine martens, hares, red squirrels, birds, animals – nature track disturbed during construction, road use at night will impact protected animals. Risk of overloaded sewerage system poses threat of toxic nutrient loading into local watercourses and nearby protected habitats in conflict with Councils biodiversity and environmental protection objectives.
- Protection of existing residential amenities – The operational and financial burden of maintaining the private infrastructure falls on the existing 42 homeowners through mandatory service charges. Forcing a private resident funded micro utility to absorb the commercial discharge of an external, speculative development without any structural upgrades or legal frameworks undermines the long term sustainability of the existing development. It threatens the enjoyment of current residents by exposing them to infrastructure failure and remediation costs.
- Conclusion – The planning authority erred in granting permission. Request ACP refuse permission.

7.2. Applicant Response

The applicant has responded to the appeal (includes response from Traynor Environmental Ltd). The response is summarised as follows:

Smith Associate letter:

- The existing wastewater treatment plant as designed and installed with treatment capacity for 66 no. holiday chalets and clubhouse. The current development plus 3 proposed brings the amount of development to 45 - is within the design capacity of the existing treatment infrastructure. The proposal will not result in overload. No upgrades or additional treatment works are required subject to standard operational maintenance. Connection is efficient and sustainable use of existing infrastructure. No adverse impacts for wastewater treatment, public health or existing environment.

- The owner of lands on which the treatment plant is located has given consent to connect to the system. Callis Wood Owners Management CLG manage the operation of the system on behalf of individual chalet owners and it appears from observations submitted in favour of the applicant that the Management Company is ignoring the opinions of a substantial number of chalet owners.
- Access to the three no. chalets is via the same road that provides access to the treatment plant and has been in situ since the chalet development commenced c 2004. The service road has minimal impact.
- The development is designed to respect the woodland character of the site.
- Development has minimal traffic safety impacts.
- Applicant owns one of the 42 no. chalets and is not a party to the appeal made on the owners behalf.
- The financial burden on existing owners will be reduced with addition of 3 no. management charges.

Traynor Environmental Ltd:

- Background and nature of development – The three chalets formed part of the previously permitted chalet scheme and are not 'additional houses'. Proposal relates to three chalets constructed under 04/519 which were left unserviced and are now proposed to be connected to the existing treatment plant. The effect of the proposal is to complete the servicing of the originally permitted chalet development rather than introduce three wholly separate dwellings into an unrelated residential estate.
- Response to item 1 Wastewater infrastructure and environmental risk

- Scale of additional hydraulic and organic load – The correct comparison is the existing load against the plants verified design capacity with the additional load limited to the occupation of the three existing chalet units.
- Proposed foul drainage arrangement – drainage arrangements designed by engineers. Each chalet will connect to new foul sewer network discharging to pumping station located west of chalet no. 4, effluent will be pumped to the existing treatment plant. Planning drawings provide details. The provision of

purpose designed pumped connection avoids reliance on informal ad hoc drainage.

- Operational controls and public health protection – The Operational Environmental Management Plan contains operational controls for maintenance and treatment in accordance with manufactures specifications, implementation of regular desludging and maintenance by licensed contractor, immediate investigation of any malfunction or alarm activation, prohibition on discharge of untreated effluent, retention for servicing and maintenance records.
- Discharge licence and compliance - The existence of discharge licence does not of itself demonstrate that proposed connection is unacceptable. The plant if properly operated and maintained, has sufficient capacity and can continue to comply with discharge conditions. Applicant can provide current discharge licence, monitoring results and maintenance records if requested.
- Water quality – Woodford River is 95m from site. CEMP includes controls for construction and operational stage. Proposed works do not involve direct discharge to the river. Subject to verified capacity of the existing treatment plant and continued compliance with discharge licence, the proposal will not give rise to significant adverse effects.

• <u>Response to item 2 – Legal title, easements and consent to connect</u> - No connection works will commence until the required written consent or legal entitlement has been confirmed.

• <u>Response to item 3 Traffic safety, road infrastructure, noise and privacy</u>

- The proposal does not introduce any new access road through a previously undisturbed residential area solely to serve the new houses. It completes an internal service road arrangement associated with the existing chalet scheme.
- The site layout plan shows 5.5m gravel service road, a hammer head turning area and a defined new entrance with stone wing walls and piers. The road finish is intended to match existing roads. Provides orderly access and turning.

- Traffic generation is consistent with established tourism and residential character of site. Will not generate HGV activity. Construction 2-3 weeks.
- No evidence that will result in noise impact. Existing woodland provides visual separation. Any external lighting can be cowled. Applicant willing to reinforce boundary planting.

- Response to item 4 – Biodiversity and local ecosystem - No evidence to support biodiversity concerns. Chalets are already constructed. Remaining works comprise underground services, completion of gravel access roads and entrance works. There is no extensive clearance of woodland habitat. CEMP sets out environmental controls.

- Response to item 5 – Existing residential amenities and financial burden

- Proposal should be assessed on land use, engineering, environmental, amenity effects. Any connection charge, maintenance contribution, easement, indemnity or cost sharing arrangement can be dealt with by legal agreements. The planning permission itself does not require existing homeowners to assume an undefined liability.
- Planning authority assessment – Council granted permission.

- Recommended conditions – (1) Prior to connection or occupation, a suitably qualified engineer shall certify that the existing wastewater treatment plant has adequate hydraulic and organic capacity of the additional design load and that the connection is compatible with the applicable discharge licence. (2) Applicant shall submit written confirmation of legal entitlement or consent to connect to and use the private foul drainage and wastewater treatment infrastructure. (3) The wastewater system shall be operated, serviced, desludged in accordance with relevant requirements (4) No untreated effluent to discharge to ground, surface water or drainage network; any alarm or malfunction shall be investigated immediately and remedial action undertaken. (5) CEMP to be implemented. (6) Lighting cowled away from dwellings woodland and river. (7) Existing vegetation to be retained and supplemented.

- Conclusion – ACP should grant permission subject to conditions.

7.3. **Planning Authority Response**

The planning authority has responded to the appeal. The response is summarised as follows:

- Appeal noted. Matters raised were addressed under original planning application and planners report. No further comments. Submit ACP uphold the decision of the planning authority and grant permission.

7.4. **Observations**

Observation received from residents of 10 River Valley, summarised as follows:

- Support the application.
- In the 13 years since have owned properties at the park, have never seen more than 50% occupancy, usual occupancy is 30% or less. Connecting three more houses will have no detrimental effect on existing infrastructure. To date, no houses have been approved for change of use from holiday occupancy to domestic residential occupancy. The appeal is lodged on behalf of 4 out of 42 houses with some in support, some no opinion. Not correct that the appeal is lodged on behalf of the owners. River Valley owners were not consulted and have not given permission for the use of funds of the Calliswood Owners Management Company to be used in this way. The appeal should be disregarded.

7.5. **Further Responses**

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal and inspected the site and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- principle of development

- wastewater management and treatment
- other issues

8.2. **Principle of development**

8.2.1. This is an application to retain three 127sqm three bed log chalets on lands part of an existing log chalet holiday home development within a scenic rural area in Cavan.

8.2.2. Permission was granted for the first phase of the holiday home development under 01/1262 and 03/263 comprising 42 no. three bed chalets, private waste water treatment plant, mooring and marina. Permission was then granted for a second phase under 04/519 for an additional 24 chalets, clubhouse/ restaurant, relocation of the mooring and relocation/alterations to wastewater treatment plant. The first phase chalets were constructed and sold to buyers. The second phase development commenced, however of the permitted development, only three chalets, the treatment system and mooring was constructed. Construction ceased before the 2007 economic downturn. The three chalets have laid unoccupied and idle since then with the site becoming overgrown in the intervening years. The application is to regularise the three chalets and make them 'habitable' with connection to water services and road access.

8.2.3. The applicant indicates the chalets will be used as holiday lets. The Cavan County Development Plan contains objectives to support rural tourism and employment opportunities in rural areas, to foster development of tourism in a sustainable manner and to facilitate high quality tourist accommodation at suitable locations (REE16, T05, TV02). The site is along the Shannon Erne water way and there are objectives to support angling tourism (LW01). The expansion of businesses in rural areas are encouraged where the scale and nature of the business is appropriate in the rural area and are in areas of low environmental sensitivity and the development enhances the rural economy (REE15). Objectives REE01, REE02, REE03 and REE04 set out criteria for proposals.

8.2.4. The existing development of chalets contains a small mooring facility and benefits from an attractive woodland setting, the location near the waterway and access to walks. The existing development is large containing 42 three bed dormer chalets with capacity for a large number of visitors into this remote rural area. Observations received from owners of the existing chalets indicate that some chalets are in use as

permanent residences and refer to low occupancy of the scheme. The second phase clubhouse / restaurant was not constructed. The extent of usage of the mooring is unclear, however a review of google imagery appears to indicate low usage. There is no information regarding how the development supports rural jobs. There is no information to show that there is sufficient demand for visitors to use the existing and proposed chalets.

8.2.5. Whilst the chalets did form part of an originally permitted scheme, this was not completed. It is a number of years since permission was granted with a change in planning policy. The proposal is to be considered under current planning policy and having regard to the existing development context.

8.2.6. The three chalets are not sited within the existing cluster of chalets and whilst I note the mooring, service lanes and treatment plant are located to the north of the existing chalet cluster, the proposed development essentially 'opens up' the northern lands to a new development parcel.

8.2.7. The development is reliant on private wastewater treatment and water supply. The site is in a remote area and is c 8.5m to the closest shops and services at Ballyconnell with transport reliant on usage of private cars. This is a high quality landscape on the Erne Shannon canal corridor within woodland and near the river. The development impacts on the environmental resources of the rural area and results in unsustainable travel.

8.2.8. I am not satisfied that the applicant has demonstrated that there is a need for additional visitor accommodation at this location and that the development would contribute to the rural economy and employment. In the absence of justification, the proposal results in inappropriate and unsustainable development in a rural area and this is contrary to objective T05 of the CDP.

8.3. **Wastewater management and treatment**

8.3.1. It is proposed to connect the three chalets to an existing wastewater treatment plant via a proposed new pumping station and foul sewer. The wastewater treatment plant is located on lands adjoining the northern boundary of the site and is privately owned and operated by Callis Wood Owners Management Clg (the appellant). The plant operates under discharge licence S/W002/13 to the river. The appellant indicates that no permission has been given to connect to the plant and indicates that the plant

has experienced difficulties managing the capacity of the existing 42 chalets and refers to failure of Council discharge tests.

8.3.2. The plant was permitted under 04/519 with design capacity to accommodate the phase 1 and phase 2 development of the permitted 66 chalets. The plant was constructed in 2006. The applicant, in this subject application has submitted copies of the 2004 quote and design specification for the permitted scheme. The application contains no technical information or data to show that the plant was constructed in accordance with the permission and to the required design specifications. There is no information to show it is operating in accordance with the conditions and emission limits of the discharge licence. There is no information to show that the plant has been maintained and serviced and no information on monitoring carried out. The Council's Senior Executive Scientist has submitted a report recommending approval of permission subject to conditions. Whilst the report refers to the discharge licence, there is no technical information provided regarding the plant and no confirmation that it is operating within its licence.

8.3.3. The applicant has submitted a report from Traynor Environmental Ltd stating that any grant of permission can be subject to condition to require certification to show that the existing treatment plant has capacity for the additional load and connection is compatible with the discharge licence including conditions for maintenance and monitoring.

8.3.4. In the absence of information to show that the plant is of an acceptable standard to accommodate the load from the additional three chalets, I have concerns that the plant is not capable of accommodating the proposed development and that the development would be prejudicial to public health and presents a risk of pollution of water bodies.

8.3.5. From the information submitted, the waste water treatment plant is owned and operated by the Callis Wood management company. A letter is submitted from the owner of the land (the Director of River Valley Log Cabins Ltd / the applicant) on which the plant is located giving consent to connect to the treatment system situated on the land. However, the management company have not given permission to connect to the plant. In the absence of the consent from the owners and operators of the plant, it is not clear that the applicant can execute any grant of permission and

the proposal therefore represents a haphazard unsustainable form of development. I do not consider that this issue can be addressed by condition.

8.4. **Other issues**

8.4.1. Traffic considerations

8.4.2. It is proposed to access the chalets via existing service roads. The service road to the front of the chalets is to be upgraded with new hammerhead and new gravel surfacing. New stone walls/piers are to be constructed for entrance gateway from the existing service road. I am satisfied that the chalets will be provided with access of acceptable standard for traffic safety.

8.4.3. The development is accessed via the existing public road network. Having regard to the small scale of development proposed, there will be minimal increase in traffic movements. I am satisfied that the existing road network is of acceptable standard to allow for the increase in traffic movements associated with the proposed development.

8.4.4. I do not consider that the proposed development would result in traffic hazard or obstruction of road users.

8.4.5. Biodiversity

8.4.6. The appellant raises concerns that the proposed access road will bring traffic and disruption to existing animal paths to the river and food sources and refers to animals including pine martens, hares, squirrels, bird and other animals.

8.4.7. There are no sites designated for ecological heritage at the site. That said, this is a woodland setting in proximity to a waterway and I acknowledge this is suitable habitat for species.

8.4.8. The chalets are connected to the existing development via existing roads and are separated from the woodland by the existing roads directly abutting the eastern and western boundaries of the chalets. The existing chalets and service roads were constructed many years ago under a grant of permission. Any loss of vegetation associated with clearance is historical. The proposed works involve minor works for service connections and upgrade of roads and entrance and will be carried out over short 2-3 week period. The proposed new foul main is to be located within the existing service road. There would be minimal new impacts on vegetation. A CEMP

is submitted containing measures for the protection of the environment at construction stage. Should permission be granted, a condition can be attached to require the CEMP to incorporate appropriate noise / lighting mitigation measures for protection of species during construction.

8.4.9. Regarding the operational phase, this is a pre existing development. There are minimal new impacts on the existing natural woodland around the site. There are no new structures that would present any significant barriers to species. The site is close to an existing chalet development. Bringing the chalets into domestic habitable use with associated domestic lighting, noise, traffic etc is unlikely to result in significant disturbance or displacement of breeding or resting species.

8.4.10. Residential amenity

8.4.11. The appellant has raised concerns that the proposed development would adversely impact on the residential amenity of existing residents by reason of disturbance, light pollution (headlights), noise, overlooking from road etc.

8.4.12. Having regard to the small scale of development proposed including the domestic nature of the use and existing planting bounding each of the existing chalets and separation distance between the existing and proposed chalets, I do not consider that the amenity of existing residents will be adversely impacted by reason of disturbance, light or noise pollution or by overlooking.

8.4.13. Water supply

8.4.14. It is proposed to connect to the existing Kildallan Group Water Scheme supply. This is a private group water scheme. A letter is provided from Kildallan Group Water Scheme chairman confirming that all three properties have a water connection to the group water supply. Water suppliers from private group schemes are legally responsible for ensuring their water is safe and meets the Drinking Water Regulations 2023 as amended. There is no information to show that water can be supplied in accordance with the standards of the Regulations. Should permission be granted, a condition can be attached to require confirmation that potable water can be supplied in accordance with Drinking Water Regulations 2023 prior to occupation.

9.0 **AA Screening**

9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

9.2. The site is located c 5.4km and c 6.4km from Lough Oughter and Associated Loughs SAC (located to the northeast and southeast) and c 7.6km from Lough Oughter SPA (southeast). The qualifying interests of the Lough Oughter and Associated Loughs SAC are 'natural eutrophic lakes with magnopotamion or hydrocharition - type vegetation', 'bog woodland' and 'otter'. The qualifying interests of the Lough Oughter Complex SPA are 'grebe', 'swan', 'wigeon' and 'wetland and waterbirds'.

9.3. The development proposal relates to the retention of the constructed chalets and works for connection to services and upgrades to roads access, to bring the chalets into habitable use.

9.4. Due to the distance between the site and the Natura 2000 site network, I do not consider that there is an ecological pathway between the project and these Natura 2000 sites.

9.5. The site has weak hydrological connection (storm water discharge / waste water discharge to waterway) via the Shannon Erne waterway to the Natura 2000 sites. The closest lake part of the SAC network that is located downstream of the development is Lough Corraback which is c 18km downstream of the site. Having regard to the small domestic scale of the development proposed and to the significant distance between the development site/ emission points and the SAC via the river and to dilution effects, I do not consider that there is a significant pathway between the development and the SAC and the development is not likely to have a significant effect on QIs of the SAC.

9.6. In conclusion, having regard to the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the proposed development,
- The distance to the European site network,

- The lack of significant pathways between the development and the European site network.

9.7. I conclude on the basis of objective information that the development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment under S177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

10.1. The proposed development involves permission to connect the existing chalets to services including the existing Callis Wood private water treatment plant and a group water supply.

10.2. An assessment of the proposed development has been undertaken in accordance with Article 4 of EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Water Action Plan 2024: A River Basin Management Plan for Ireland.

10.3. The receiving water environment has been identified and assessed, see Table 1 attached.

10.4. The development project has pathways to ground and river water bodies. The Newtown-Ballyconnell ground water body has Good WFD status. The Woodford (Cavan)_010 river body has Good WFD status and is ‘under review’. Information on the EPA map system indicate that the latest river Q value at the Woodford (Cavan) station downstream of the site was a Q value score of 4 ‘good’ in 1989.

10.5. Measures to mitigate adverse construction impacts on Newtown-Ballyconnell ground water are acceptable.

10.6. It is proposed to discharge storm water to the river system. I am satisfied that mitigation measures can be incorporated to ensure that there is no adverse impact on water quality.

10.7. It is proposed to discharge foul waste to the existing Callis Wood private water treatment plant which discharges to the local river. There is insufficient technical

information to show that the plant is operating within the emission limits of the license and there is a lack of up to date information to show that there is no adverse impacts on the water quality of the river.

10.8. It is proposed to supply the development with water from the Kaldallan group water supply scheme. Whilst there is a lack of technical data to show that there is capacity to supply the chalets and to show that there would be no significant adverse impact on quantity of the ground water supply body, the application does include a letter from Kildallan Group Water Scheme chairman confirming that the three chalets have a water connection to the scheme and I consider that this suggests capacity to accommodate the units. The EPA public map service shows the source protection area for the Kildallan group water supply and this area is shown predominantly over lands with GSI groundwater vulnerability status of 'low vulnerability'.

10.9. There is insufficient information to rule out adverse impacts on the Woodford (Cavan)_010 river body. In the absence of this, there is a risk of deterioration of the ecological and / or chemical status of the water body. This is contrary to Article 4 of the EU Water Framework Directive, as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

10.10. I consider that this conclusion is not prejudicial to the AA screening. The WFD assessment is a consideration of the localised impact of emissions at point of contact with the river water body, which is a significant distance from the Natura 2000 site downstream of the site. The consideration of mitigation for the purpose of WFD compliance is not prejudicial to the AA screening determination.

11.0 Recommendation

11.1. I recommend that permission be refused.

12.0 Reasons and Considerations

1. The proposed holiday home development is located within a rural area and landscape of high value in the Cavan County Development Plan 2022-2028.

Objective T05 of the county development plan is to foster tourism development as a viable sector in a sustainable manner which complements the scale, quality and features of the county. Having regard to the:

i. scale of accommodation already provided in the existing 42 unit holiday home development at the site and the lack of information to show that there is a demand for additional visitor accommodation at the site,

ii. lack of information to show that the holiday units directly support rural employment in this rural area,

iii. location of the development outside of the existing settlement in a scenic and unserviced rural landscape and to the reliance of users on private cars and private water and drainage services,

iv. configuration of the site and location of the chalets to be retained outside of the existing chalet cluster,

it is considered that based on the information submitted, that the applicant has not sufficiently demonstrated that the proposed development is a suitable and viable development in this rural area and has not demonstrated that it is a sustainable form of development in compliance with objective TO5 of the county development plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is proposed to connect the three chalets to an existing private waste water treatment plant. Having regard to:

i. the nature, scale and location of the proposed development,

ii. the lack of information to show that the existing private wastewater treatment plant is constructed and operating to an acceptable standard to accommodate the additional load of the proposed development in addition to the existing development on the site,

there is insufficient information to show that the proposed development can be accommodated and in the absence of this the proposed development would result in environmental pollution including contamination of surface water and would be prejudicial to public health.

In addition, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration on the ecological and / or chemical status of water bodies designated under the Water Framework Directive (including the Woodford (Cavan)_010 which is of 'good' status). The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024.

Furthermore, there is a lack of information to show that the applicant has legal consent to connect the three chalets to the existing plant and can carry out the development and without this the Commission is precluded from giving consideration to the granting of permission for the subject development.

The proposed development would therefore 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.

Aisling Mac Namara
Planning Inspector

19th October 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	501662
Proposed Development **Summary**	Retention of 3 no log chalets, previously approved under reg. ref. no. 04/519. Permission to connect chalets to treatment plant and associated site works
Development Address	Callaghs, Ballyconnell, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested.**	State the Class here
☒ 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?	
☐ 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.**	

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Schedule 5, Part 2, 12(c) holiday villages which would consists of more than 100 holiday homes outside built up areas 13(a) any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in part1) which would (i) result in the development being of a class listed in part 1 or paragraphs 1 to 12 of part 2 of this schedule, and (ii) result in an increase in size greater than -25 per cent, or -an amount equal to 50 percent of the appropriate threshold, whichever is greater.

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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	501662
Proposed Development Summary	Retention of 3 no log chalets, previously approved under reg. ref. no. 04/519. Permission to connect chalets to treatment plant and associated site works
Development Address	Callaghs, Ballyconnell, 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 (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	- Proposed use is compatible with other uses in area. - Small size and intensity of development. - No demolition works. - Modest production of waste. - Does not require use of substantial natural resources. - No significant risk of pollution or nuisance. - No significant risk of accidents / disasters to human health or vulnerability to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	- Rural area. - Designated High Landscape Area in CDP. - The development is separated from designated sensitive natural habitats and designated sites. - Located in proximity to Woodford river and mooring facility. - Local ecology (trees) on site - Localised impacts on landscape.
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).	Having regard to the size and nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment. x	EIA is not required.

Inspector: _____Date: _____

DP/ADP: _____Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
ACP ref. no.	501662	**Townland, address**	Callaghs, Ballyconnell, Co.Cavan
Description of project		Retention of 3 no log chalets, previously approved under reg. ref. no. 04/519. Permission to connect chalets to treatment plant and associated site works	
Brief site description, relevant to WFD Screening		66m to existing mooring. 145m to Woodford River (Ballinamore Canal)	
Proposed surface water details		To existing watercourse (Existing mooring)	
Proposed water supply source & available capacity		Existing group water scheme	
Proposed wastewater treatment system & available capacity		Proposed pumping station and foul main to existing private waste water treatment plant.	
Other issues			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	**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)** **Consider all phases**	**Mitigation measures proposed**	**Is mitigation sufficient? Will there be any residual impacts**

Ground	Newtown-Ballyconnell	Good	Review	-	Construction direct to ground	CEMP / silt fence (proposed)	yes
River	WOODFORD (CAVAN)_010	Good	Review	-	Storm water connection	Petrol interceptor (proposed) silt trap (condition)	Yes
					Foul discharge to WWTP	Traynor Environmental (applicant) recommended conditions: -Certify WWTP has capacity and can comply with discharge licence. -standard operational maintenance.	Mitigation is not acceptable. Technical information required as part of the assessmen at application stage.
Ground	Newtown-Ballyconnell Protected – Article 7 Abstraction for drinking water	Good	Review	-	Kildallan Group Water Scheme supply	n/a	