



The submissions on this file and the Inspector's report were considered at a Board meeting held on November 29<sup>th</sup> 2017.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. The site of the proposed development would ultimately be connected to the Virginia Wastewater Treatment Plant, which in turn discharges into Lough Ramor. Having regard to—:

- (a) The existing constraints at the Virginia Wastewater Treatment Plant, which is currently operating beyond its design capacity of 2,000 p.e.,
- (b) the lack of certainty in respect of future capacity improvements to the Wastewater Treatment Plant,
- (c) the existing biological status of Louth Ramor, which has been classed by the Environmental Protection Agency as of bad ecological 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, and
- (e) article 28(2) of the said Regulations, which states that a surface water body whose status is determined to be less than good shall be restored to at least good status not later than the end of 2015,

It is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of sewerage facilities and the period within which this constraint may reasonably be expected to cease and would therefore be prejudicial to public health.

2. The Board is not satisfied, on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement that the proposed development individually, or in combination with other plans or projects would not be likely to have significant effects on European Sites No. 002299 (River Boyne and River Blackwater SAC) and 004232 (River Boyne and River Blackwater SPA) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting planning permission.

**Note:** The Board considered that the proposed development represents a substandard form of development of insufficient density for this residentially zoned and serviced site at the edge of Virginia, designated as a Tier 2 Settlement in the Core Strategy of the Cavan County Development Plan 2014-2020. It is also considered that the proposed design is not in accordance with the design and layout guidelines set out in the Residential Development Guidelines or DMURS with regard to the response to site context and urban form. However having regard to the substantive reasons for refusal and the fact that this was a new issue did not include it as a reason for refusal.

**Board Member**

**Date:** 29.11.17

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Paul Hyde