



An
Bord
Pleanála

Board Direction
BD-002973-19
ABP-303509-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/05/2019.

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 3,800 p.e,
- (b) the lack of certainty in respect of future capacity improvements to the Wastewater Treatment Plant, and the extended timescale with which any such improvements may be carried out
- (f) the existing biological status of Louth Ramor, which has been classed by the Environmental Protection Agency as of bad ecological status,
- (g) 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

(h) 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 be prejudicial to public health.

2. The proposed development discharges to the Virginia Waste Water Treatment Plant, with a primary discharge to Lough Ramor, which links directly to the River Boyne and River Blackwater SAC (Site No. 002299) and River Boyne and River Blackwater SPA (site code 004232). A Natura Impact Statement (NIS) accompanied the proposed development which:

- a) identified a potential impact as additional loading on the treatment plant and concluded that the proposed development would not lead to any impact on Lough Ramor once the treatment plant is upgraded, and;
- b) included mitigation measures linking compliance with Emission Limitation Values (ELVs) in line with the Discharge Licence.

In the absence of any upgrade of the treatment plant above its existing capacity the NIS could not definitively conclude that the proposed development would not have a significant negative impact on the Conservation Objectives of the European Site.

Accordingly, the Board cannot be satisfied, beyond reasonable scientific doubt on the basis of the information contained in the NIS made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development on the ecological status of the receiving waters in the River Boyne and River Blackwater Site No. 002299) and River Boyne and River Blackwater SPA (site code 004232)..

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area

Board Member

Date: 08/05/2019

Paul Hyde