



An
Bord
Pleanála

Board Direction
BD-007330-21
ABP-308029-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/01/2021.

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 is in the River Boyne catchment and the development would 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,
- (b) the lack of certainty in respect of future capacity improvements to the Virginia Wastewater Treatment Plant,
- (c) the extent of other developments granted planning permission, but yet to be constructed and which would be dependent on the Virginia Wastewater Treatment Plant,
- (d) the existing ecological status of Lough Ramor, which has been classed by the Environmental Protection Agency as bad,
- (e) 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

(f) article 28(2) of those 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 wastewater treatment facilities and the period within which this constraint may reasonably be expected to cease, and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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 the European Sites - River Boyne and River Blackwater Special Area of Conservation (Site Code:002299) and River Boyne and River Blackwater Special Protection Area (Site Code:004232) in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting planning permission.

Note:

The Board considered that the works required to deliver a connection to the existing mains wastewater infrastructure are outside of the red line area of the application and it unclear as to how or when the connection would be delivered. Furthermore, the proposed development is contingent on the connection to the mains and as such would be premature pending the availability of a public sewer, and could, therefore, be contrary to the proper planning and sustainable development of the area. However, having regard to the substantive reasons for refusal, the Board decided not to pursue this matter further with the parties to the appeal.

Board Member

Date: 19/01/2021

John Connolly