



An
Bord
Pleanála

Board Order
PL 02.248992

Planning and Development Acts 2000 to 2017

Planning Authority: Cavan County Council

Planning Register Reference Number:16/600

Appeal by Inland Fisheries Ireland of IFI Dublin, 3044 Lake Drive, Citywest Business Campus, Dublin against the decision made on the 17th day of July, 2017 by Cavan County Council to grant subject to conditions a permission to Murmod Estimators Limited care of DMC Architects Limited of 21 Church View, Cavan, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: To complete housing development known as "The Drumlins", Bailieborough Road, Virginia, County Cavan (previous approved planning register reference numbers 04/2182 and 05/907 relate to this site). The works to include the following: (1) retain and complete two number semi-detached dwellings at first floor level, (2) retain and complete and alter four number three bed semi-detached dwellings at first floor level with optional attic accommodation, (3) retain and complete and alter eight number three bed semi-detached dwellings at first floor level with optional attic accommodation, (4) retain and complete and alter six number four bed semi-detached dwellings at first floor level with optional attic accommodation, (5) retain and complete and alter one number four bed detached dwelling with attached domestic garage, (6) erect two number fully serviced four bed detached dwellings with attached domestic garage, (7) erect 12 number three bed semi-detached dwellings with optional attic accommodation, (8) erect 14 number four bed semi-detached dwellings with basements and optional attic accommodation, (9) erect 30 number four bed semi-detached dwellings with optional attic

accommodation, (10) erect single storey crèche, with parking, form entrance off Baillieborough Road and all associated works and (11) complete site services and all associated site works. (As amended by the further public notice received by the planning authority on the 23rd day of June, 2017).

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 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, 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 (or good ecological potential and good surface water chemical status as the case may be) when classified by the Agency in accordance with these Regulations shall be restored to at least good status (or good ecological potential and good surface water chemical status as the case may be) by not later than 22nd December, 2015, unless otherwise provided for by the Regulations,

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.

