



Planning and Development Acts 2000 to 2019

Planning Authority: Cavan County Council

Planning Register Reference Number: 19/252

APPEAL by Inland Fisheries Ireland of 3044 Lake Drive, Citywest Business Campus, Dublin against the decision made on the 14th day of November, 2019 by Cavan County Council to grant subject to conditions a permission to Mithbro Developments Limited care of Hanley-Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan.

Proposed Development: Construction of eight number new dwellings consisting of four number two-storey detached four bedroom dwellings and four number two-storey semi-detached three bedroom dwellings, connection to public foul sewer, surface water sewer and watermain, together with all associated site works at Yew Park, Virginia, County Cavan. The proposed development was revised by further public notices received by the planning authority on the 21st day of October, 2019.

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 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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.