



Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 19/514

APPEAL by Inland Fisheries Ireland (IFI) of 3044 Lake Drive, Citywest Business Campus, Dublin against the decision made on the 19th day of June, 2020 by Cavan County Council to grant subject to conditions a permission to Kevin McWeeney care of Wynne Gormley Gilsenan of 21 Church View, Cavan, County Cavan.

Proposed Development: Erection of four number three bed semi-detached two-storey dwellings with optional sunrooms to the rear, connection to foul and surface water sewer, watermain and all ancillary works at plots 73 to 76 Rampart View, Rahardrum Lane, Virginia, County Cavan. (Previous approved planning register reference number 04/1525 relates to this site).

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. On the basis of the information provided with the application and appeal, and in the absence of an Appropriate Assessment Screening Report or a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant adverse effect on the following European Sites, River Boyne and River Blackwater Special Area of Conservation (Site Number: 002299) and River Boyne and River Blackwater Special Protection Area (Site Number: 004232) in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

2. The proposed 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, which is currently operating beyond its design capacity,

 - (b) the lack of planning certainty in respect of future capacity improvements to the Virginia Wastewater Treatment Plant,

- (c) the existing biological status of Lough 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 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 sewerage 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.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.