



An
Bord
Pleanála

Inspector's Report PL02.248992.

Development	Permission to complete 21 no. houses previously granted under Reg. Ref. 04/2181 and 05/907; and permission for 58 no. houses, 1 no. crèche and all associated site works.
Location	The Drumlins, Baileborough Road, Virginia, Co. Cavan.
Planning Authority	Cavan County Council.
Planning Authority Reg. Ref.	16/600.
Applicant(s)	Murmod Estimates Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Inland Fisheries Ireland.
Observer(s)	None.
Date of Site Inspection	3 rd October and 25 th October 2017.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1. The site is located on lands on the northern outskirts of the Town of Virginia, in south County Cavan. The site is located to the rear of “The Drumlins” housing development and is accessed from the R178 (Bailieboro Road) through “The Drumlins” housing estate.
- 1.2. The Drumlins housing estate is an unfinished housing development. The appeal site relates to the incomplete sections of the development that are located to the north, east and west of the existing housing. Ground works had commenced on the appeal site on foot of previous permissions. The roads (base course), foul and surface water sewers and water mains are in place, while open space areas are defined and there are 21 no. partially constructed dwellings on the site.
- 1.3. The site is elevated particularly along the western boundary above the level of adjacent housing and rises up to the north western corner. There is a reservation for the proposed Virginia By-Pass to the north west and lands beyond this are in agricultural use.

2.0 Proposed Development

- 2.1. Permission is sought to complete “The Drumlins” housing development (sections approved under Reg. Ref. 04/2182 and 05/907). The development as amended in response to a request for further information comprises of 78 no. dwellings and a crèche as follows:
 - Completion of 21 no. dwellings;
 - Construction of 57 no. dwellings; and
 - Construction of 1 no. single storey crèche.
- 2.1.1. The development includes three, four and five bedroom dwellings, with a combination of dormer and two storey dwellings, with optional attic space. The dwellings are semi-detached, with the exception of 2 no. detached units.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission subject to conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officer's Report reflects the decision to grant permission and includes the following assessment:

- Development is an unfinished housing estate.
- Site is zoned residential under the Cavan County Development Plan 2014-2020 and is considered to be generally compliant with the policies and objectives of the Development Plan.
- Further information submitted to include a Design Statement, Natura Impact Statement, clarification in relation to site levels, haul routes, ownership, and other matters.
- Report concludes that the development complies with the Development Plan, adequately protects existing residential amenities, is acceptable from the view point of traffic safety and is in accordance with the proper planning and sustainable development of the area.

3.2.2. **Other Technical Reports**

Road Design: No objection.

Area Engineer: No objection.

3.3. **Prescribed Bodies**

DAHG: Recommends archaeological testing prior to sub-surface works.

Inland Fisheries Ireland: Lough Ramor is at 'bad status' under Water Framework Directive classification, and should be at least at 'good status' by the end of 2015. Virginia Waste Water Treatment Plan is currently overloaded. Oppose development which may add to the p.e. Do not agree with conclusions of AA Screening Report. There may be significant effects due to the additional loading to already overloaded WWTP.

Irish Water: No objection. The applicant must sign a connection agreement with IW prior to the commencement of development. In the interest of public health and environmental sustainability, Irish Water infrastructure capacity requirements and proposed connections to the water and wastewater infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

3.4. **Third Party Observations**

A total of four submissions were received and considered by the Planning Authority. Issues raised that are relevant to the subject appeal and additional to the grounds of appeal set out below, can be summarised as follows:

- Adequacy of public notices.
- Impact arising from construction phase.
- Overlooking and visual impacts.
- Drainage.
- Road widths.
- Car Parking.
- Part V provision.

4.0 Planning History

Details of the planning history associated with The Drumlins site is summarised below:

Reg. Ref. 05/907: Application for residential development comprising 53 dwellings. Permission granted.

Reg. Ref. 04/2182: Application for residential development comprising 92 dwellings. Permission granted.

Reg. Ref. 03/605: Application for alterations to house types approved under Reg. Ref. 02/1492 (no change to dwelling numbers). Permission granted.

Reg. Ref. 02/1492: Application for residential development comprising 61 dwellings. Permission granted.

ABP Reference PL02.123967 / Reg. Ref. 00/2104: Application for residential development comprising 237 no. dwellings. Local Authority decision to **grant** permission was subject to a third party appeal. An Bord Pleanála decided to refuse planning permission for reasons relating to the following:

1. Excessive scale of development would be out of character with the existing town of Virginia.
2. Development would promote long distance commuting on a national primary route (N3) which is contrary to the Development Plan and National Policy.

ABP PL02.120849 / Reg. Ref. 00/623: Application for residential development comprising 281 no. dwellings. Local Authority decision to **grant** permission was subject to appeal. An Bord Pleanála decided to refuse planning permission for reasons relating to the following:

1. Excessive scale of development would be out of character with the existing town of Virginia.
2. Development would promote long distance commuting on a national primary route (N3) which is contrary to the Development Plan and National Policy.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Cavan County Development Plan 2014-2020 is the relevant statutory plan. Virginia is designated as a Tier 2 Settlement (Large Town). The Virginia Town Development Plan is provided in Chapter 13 of the County Development Plan.

- The site is predominantly zoned “Proposed Residential” with an objective “*To provide for residential development and to protect and improve residential amenity. New housing and infill developments should be of sensitive design which is complimentary to their surroundings. Residential development shall ensure the provision of high quality new residential environments with good layout design and adequate private and public open space and also provide an appropriate mix of house sizes, types and tenures. No piecemeal development can take place unless it does not conflict with the possible future development of towns.*”
- A small section of the site adjacent to existing housing and the R178 is zoned “Existing Residential” with an objective “*To promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents. The design of new dwellings shall be of high quality with good layout design and adequate private and, where appropriate, public open space and an appropriate mix of house sizes, types and tenures.*”
- There is a proposed town by-pass detailed on the zoning map to the north of the appeal site.
- Infrastructure section (p323) states that “The Waste Water Treatment Plant is currently working over capacity. These are issues which must be addressed before further development can occur in the town.”
- Chapter 10 sets out Development Management Standards and Design Guidance for residential development including the following:

- Design Statement: A Design Statement shall be submitted with all applications for housing developments. Applicants are required to comply with the 'Urban Design Manual' with regard to the design of residential developments.
- Residential Mix: A mix of dwelling types and sizes will ensure that different categories of households are catered for. This mix could include two-storey, single-storey, semi-detached and detached dwellings with different numbers of bedrooms etc.
- Separation between Dwellings: Adequate distance shall be provided between dwelling houses. These should be equally divided between dwellings and allow for a useable side entrance. Sites with difficult gradients will be required to provide a greater distance between dwellings to ensure privacy and adequate private open space provision.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal has been received from Inland Fisheries Ireland. The grounds of appeal can be summarised as follows:

- Wastewater would discharge to Virginia Waste Water Treatment Plant which discharges to Lough Ramor (EPA Waste Water Discharge Licence No. DO255-01). Lough Ramor is at 'bad status' under the Water Framework Directive and should be at least at 'good status' by the end of 2015.
- Design capacity of the Virginia Waste Water Treatment Plant is 2,000 population equivalent (p.e.). Plant is overloaded with a p.e. of 2,748 (i.e. over 37%). Oppose development which may add to the p.e.

- Disagree with conclusions of AA Screening Report. There may be significant effects on Natura 2000 Sites due to the additional loading to an overloaded Waste Water Treatment Plant.
- Issue of overloaded treatment plant should be addressed at pre decision stage.
- Under Article 5 of the 2009 Surface Water Regulations - a public authority, in the 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.
- Court of Justice of the European Union judgement (Case C – 461/13 of 2015) held that member states are required, unless a derogation is granted, to refuse an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the Water Framework Directive.
- Irish Waters Annual Environmental Report for Virginia (February 2017) included as appendix to appeal.

6.2. Applicant Response

- Application is to complete “The Drumlins”.
- Stage 1 Appropriate Assessment concludes that development will have no impact upon the integrity or the conservation objectives of the Natura 2000 site.
- All connections to foul and surface water sewer networks are subject to a connection agreement by Irish Water. No development can commence without agreement (Condition no. 20 refers).
- 4 no. phases of development proposed and each must be completed before the next phase begins. There will not be 78 units and crèche constructed over an immediate period.

- Phase 1 of 24 units is well advanced and client proposes that this phase would not have a detrimental effect on the existing sewerage treatment plant. The remaining phases can be developed when Irish Water upgrades the capacity of the Waste Water Treatment Plant.
- Development raises no strategic planning objections in relation to location and site suitability, and issues raised by the appellant relate solely to the Waste Water Treatment Plant and are a matter for Irish Water.

6.3. **Planning Authority Response**

- The Virginia Waste Water Treatment Plan is a licenced plant designed for BOD loading (Population Equivalent) of 2000. The current loading is 2748 which leaves it 37% overloaded. Hydraulically, the plant is under design capacity by 573m³/day (39%).
- 2017 sampling results (copy included) indicates that the plant is fully compliant with the conditions and limits set out in its licence.
- This plant (along with four others in County Cavan) is identified under the current Irish Water Capital Investment Programme as requiring upgrade.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. I consider that the main issues in this case are as follows:

- Planning History and Compliance with Planning Policy
- Waste Water
- Density
- Design and Layout
- Traffic Impacts
- Other Issues

- Appropriate Assessment

7.2. Planning History

- 7.2.1. There is a detailed planning history attached to The Drumlins housing development, as set out in Section 4 above. In 2000, An Board Pleanála refused permission for a development of 281 no. dwellings (ABP Ref. PL02.120849 / PA Ref. 00/623) on lands including the appeal site. In 2001, An Board Pleanála refused permission for a development of 237 no. dwellings (ABP Ref. PL02. 123967 / PA Ref. 00/2104) on lands including the appeal site. In 2003, the Local Authority granted permission for 61 no. dwellings on lands adjoining the appeal site to the west (PA Ref. 02/1492). This development is complete. In 2004 and 2005, permission was granted for second and third phases of The Drumlins development comprising 92 no. dwellings and 53 no. dwellings respectively (PA Ref. 04/2181 and PA Ref. 05/907). The second and third phases of development are incomplete and permission is now sought to complete the development.

7.3. Compliance with Planning Policy

- 7.3.1. The Cavan County Development Plan 2014-2020 is the relevant statutory plan. The site is predominantly zoned “Proposed Residential” with an objective *“To provide for residential development and to protect and improve residential amenity. New housing and infill developments should be of sensitive design which is complimentary to their surroundings. Residential development shall ensure the provision of high quality new residential environments with good layout design and adequate private and public open space and also provide an appropriate mix of house sizes, types and tenures. No piecemeal development can take place unless it does not conflict with the possible future development of towns.”* A small section of the site adjacent to existing housing is zoned “Existing Residential” with an objective *“To promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents. The design of new dwellings shall be of high quality*

with good layout design and adequate private and, where appropriate, public open space and an appropriate mix of house sizes, types and tenures.”

7.3.2. Residential development is acceptable in principle in the ‘Proposed Residential’ and ‘Existing Residential’ land use zones. Furthermore, the development relates to the completion of an unfinished housing development. The development is, therefore, acceptable in principle subject to the assessment of the relevant planning issues identified below.

7.4. Wastewater Disposal

7.4.1. Wastewater from the proposed development would connect to the public network, which discharges to the Virginia Waste Water Treatment Plan (WWTP). The appellant (Inland Fisheries Ireland) argues that the treatment plant is currently operating beyond its design capacity and opposes any development that would add to the current loading.

7.4.2. The Planning Authority in response to the grounds of appeal state that the plant is operating beyond its organic (BOD) design capacity of 2000 p.e. with a current loading of 2748 p.e. and that hydraulically the plant is operating below its design capacity by 573m³/day (39%). The response states that sampling results in 2017 indicate that the plant is compliant with the ‘conditions and limits’ set out in the current EPA Discharge Licence.

7.4.3. The submission from Irish Water at application stage, states that the applicant must sign a connection agreement with Irish Water prior to the commencement of development and that in the interest of public health and environmental sustainability connections will be subject to the constraints of the Capital Investment Programme.

7.4.4. The applicant argues that all connections to the foul sewer are subject to a connection agreement by Irish Water and that the development cannot commence without such an agreement. The applicant states that the initial phase of 24 no. units would not have a detrimental effect on the existing sewerage treatment plant and that later phases can be developed following the upgrade of the plant.

7.4.5. The WWTP discharges to Lough Ramor and is subject to an EPA Discharge Licence (Ref. No. DO255-01). The receiving waters in Lough Ramor and downstream

receiving waters in the River Blackwater are currently assigned 'Poor' water quality status under the Water Framework Directive. The EPA have classified Lough Ramor as having bad ecological status, and classified the downstream receiving waters of the Blackwater as having poor ecological status. The downstream section of the Blackwater is also in the designated areas of the River Boyne and River Blackwater SAC and SPA. The appellant highlights the obligation on public authorities under Article 5 of the Surface Water Regulations, not to undertake its functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water. The appellant also cites a judgement by the Court of Justice of the European Union (2015) which held that member states are required, unless a derogation is granted, to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or jeopardise the attainment of good surface water status under the Water Framework Directive.

7.4.6. The 2016 Annual Environmental Report prepared by Irish Water for Virginia as a requirement of the Discharge Licence (dated February 2017) includes (inter alia) the following conclusions:

- The annual mean hydraulic loading on the treatment plant is less than peak Treatment Plant Capacity, while the annual maximum hydraulic loading is greater than peak capacity.
- The annual mean organic loading and annual maximum organic loading on the treatment plant are greater than the plant's capacity.
- pH exceeded the discharge licence limit in 2016.
- The discharge does not have an observable negative impact on water quality or on Water Framework Directive status.
- The capacity of the plant will be exceeded over the next three years and an upgrade or expansion is required. The report indicates that consultants are being engaged to review the plant.

7.4.7. It is clearly evident that the plant is operating beyond its design capacity. The Annual Environmental Report concludes that the discharge does not have an observable negative impact on water quality. However, I would note that no assessment has been submitted with the application or the appeal in relation to the

likely impact of the increased loading associated with the proposed development on discharges from the treatment plant and on water quality.

- 7.4.8. On the basis of the foregoing, I conclude that there is inadequate capacity in the Virginia Waste Water Treatment Plan to adequately treat wastewater loading from the proposed development in addition to the existing load on the plant. The proposed development is dependent on the delivery of an upgrade to the plant. The nature and extent of the necessary upgrade works is unclear, the necessary consents are not in place and there no defined timeline for the works. On this basis, I consider that the proposed development would be premature by reference to the existing deficiency in the provision of sewerage facilities servicing the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease. The proposed development, therefore, has the potential to be prejudicial to public health, to impact negatively on the ecological and chemical status of the receiving waters and would be contrary to the proper planning and sustainable development of the area.

7.5. Density – New Issue

- 7.5.1. Permission is sought for the construction of 78 no. dwellings at a net density of 14 units per hectare. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities 2009, set out density standards for residential development across a range of settlement types and areas. Virginia falls within the Small Town¹ definition contained in the Guidelines. The proposed development is below the density standards recommended for edge of town / village sites in Small Towns, which envisage densities in the region of 20-35 dwellings per hectare. While a reduction to 15-20 dwellings per hectare can be considered '*in limited circumstances*', the appeal site is not identified as a site for reduced densities in the Development Plan. Given the nature of the area and the status of Virginia as a Tier 2 Settlement in the Development Plan, I would consider that a density in the 20-35 units per hectare range is appropriate, both in terms of national policy and the site context. I would note that this is a new issue that was not raised in the grounds of appeal.

¹ Population range of 400 – 5,000 persons.

7.6. Design and Layout – New Issue

- 7.6.1. I consider that the layout of the scheme is a standard suburban layout that is typical of the later 20th Century, with limited regard to the site context and the design challenges of the area. As I have noted above, the density is below that required by national Guidelines. While I would accept that the layout and ground levels have to a certain extent been influenced by previous phases of development and works undertaken on the appeal site under the expired permissions, I do not consider that this precludes a higher quality design response that responds to the guidance set out in current national guidance, such as the Sustainable Residential Development in Urban Areas Guidelines 2009 and DMURS 2013. I consider that the design response takes little account of site topography and that residential blocks fail to adequately address roads and open spaces.
- 7.6.2. Ground levels along the western edge of the development are set above the level of existing dwellings (Phase 1) to the west. Revised details received by the Planning Authority at further information stage include a line of dormer dwellings along the western site boundary that are set back from the existing dwellings by c. 22 metres. The finished floor levels are up to c. 4 metres above the dwellings to the west and the garden levels are c. 3 – 4 metres above the adjoining garden level. I consider that the proposed dwellings would be overbearing when viewed from the west due to their elevated nature and that the development would have a detrimental impact on the amenities of the existing dwellings due to direct overlooking. On the northern edge of the development dwellings side onto the reservation for a proposed town bypass and a retaining wall has been provided under the previous permissions (now expired). It is considered that the design response to boundary conditions along the proposed road reservation is at odds with guidance set out in the Sustainable Residential Development in Urban Areas Guidelines and the Design Manual for Urban Roads and Street which recommend against frontage-free streets such as distributor roads.
- 7.6.3. I do not consider that the design can be significantly improved by condition and conclude, notwithstanding the extent of completed works, that the development would require a redesign in order to be consistent with statutory national guidance on residential and street design. I consider that an improved design solution is

achievable, largely within the existing road and services layout. I would note that this is a new issue that was not raised in the grounds of appeal.

7.7. Traffic Impacts

- 7.7.1. In terms of the impact of the proposal on the internal estate road network and the wider network, the width of internal roads within the estate is six metres and the development would be accessed from the R178 Regional Road. The scale of the proposal is not such that it would impact negatively on the existing road network in the area. While I acknowledge that impacts from construction traffic may create some negative impacts, the provision of a haul road will mitigate the impact and the impact of other traffic will be temporary.

7.8. Other Issues

Childcare Facility

- 7.8.1. The development incorporates a childcare facility of 187 square metres with direct vehicular access from the Bailieborough Road and pedestrian access from The Drumlins. I consider that the proposed childcare facility is adequate to meet the requirements for childcare provision in accordance with recommendations set out in the '*Childcare Facilities Guidelines for Planning Authorities*' DoEHLG (2001). The proposed phasing of the facility to Phase 4 (3 units and a crèche) is considered inappropriate. Having regard to the number of completed and occupied dwellings in The Drumlins (c. 122 dwellings), I recommend, should the Board be minded to grant permission that a condition is attached requiring the provision of the childcare facility within the initial phase of the development.

7.8.2. Archaeology

- 7.8.3. The report of the Department of Arts, Heritage and the Gaeltacht states that given the scale, extent and location of the development archaeological remains could be encountered and the report recommends that an archaeological assessment is carried out prior to any sub-surface works. Significant subsurface works have already been undertaken on the site with most of the ground works completed on foot of previous permissions. On this basis, I would recommend that in the event of a

grant of permission a general condition is applied requiring the developer to facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site.

7.9. Appropriate Assessment

- 7.9.1. The grounds of appeal state that the appellant does not agree with the Appropriate Assessment Screening conclusion as there may be significant effects on European Sites due to the addition of wastewater to an already overloaded wastewater treatment plant.
- 7.9.2. There are a number of Natura 2000 sites within 10kms of the site. They are as follows:
- The River Boyne and River Blackwater SAC (Site Code: 002299)
 - The River Boyne and River Blackwater SPA (Site Code:004232)
 - Killyconny Bog SAC (Site Code:000006)
- 7.9.3. The application is accompanied by a screening report for Appropriate Assessment (AA) dated December 2016 and revised in June 2017.
- 7.9.4. Permission is sought to complete The Drumlins housing development. The site comprises disturbed ground. Habitats surrounding the site include buildings and artificial surfaces and amenity areas, improved agricultural grassland, wet grassland, hedgerows and treelines. The closest water body to the site is the River Blackwater c. 322 metres west of the site. The River Blackwater flows into Lough Ramor c. 1.1 km's south of the site and flows out of Lough Ramor further downstream. The section of the River Blackwater downstream of Lough Ramor is part of the designated area of the River Boyne and Blackwater SAC and the River Boyne and Blackwater SPA is located further south.
- 7.9.5. While there are limited relevant pathways between the development and the majority of the aforementioned European Sites, there is potential for hydrological links to the River Boyne and Blackwater SAC and SPA. Surface water in the area drains to the watercourse to the west which forms part of the Blackwater Sub-Catchment and Wastewater from the development would be directed to the Virginia Waste Water

Treatment Plant, which discharges to Louth Ramor upstream of the River Boyne and Blackwater SAC and SPA.

I would suggest that in terms of potential impacts surface water and wastewater impacts during the construction and operational phases of the development are most relevant. The site itself is disturbed ground so there would be no loss of significant habitat. I am satisfied that construction management methodology is adequate to ensure that no significant effect would arise during the construction phase. I consider that significant attenuation is proposed within the site during the operational phase and therefore the potential for impact on the water quality within the designated sites due to surface water runoff from the proposed development is remote. As discussed in Section 7.3 above the Waste Water Treatment Plant to which the development would discharge is operating beyond its design capacity. While I would note the comments in the submitted AA Screening Report in relation to the developer liaising with Irish Water, I would not agree with the screening conclusion contained in the report. I do not consider that significant impacts on water quality in the River Blackwater can be ruled out, as the proposed development would add to the current overloading of the treatment plant. I would note that the impact of increased loading has not been addressed in the application or in the appeal submissions. Having regard to the current deficiencies in the treatment plant I consider that the proposed development would pose a risk to water quality in Louth Ramor and in the River Blackwater and that potential impacts on the River Boyne and River Blackwater SAC and SPA cannot be ruled out. In relation to a possible future upgrade of the plant, I would note that the nature and extent of the necessary upgrade works is unclear, the necessary consents are not in place and there no defined timeline for the upgrade.

- 7.9.6. On the basis of the foregoing, I am not satisfied that sufficient information exists to reach a conclusion that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code:004232), in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

8.0 Conclusions and Recommendation

- 8.1.1. I recommend that planning permission for the proposed residential development be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the recommended density and design criteria set out in the 'Sustainable Residential Development in Urban Areas Guidelines 2009' and the design criteria set out in the Design Manual for Urban Roads and Streets (DMURS), it is considered that the proposed development represents a substandard form of development of insufficient density for this residentially zoned and serviced site at the edge of Virginia, designated as a Tier 2 Settlement in the Core Strategy of the Cavan County Development Plan 2014-2020. It is also considered that the proposed design is not in accordance with the design and layout guidelines set out in the Residential Development Guidelines or DMURS with regard to the response to site context and urban form. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. 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,
 - (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.

3. 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 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 European Site No. 002299 (River Boyne and River Blackwater SAC) and 004232 (River Boyne and River Blackwater SPA) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Karen Kenny
Senior Planning Inspector

9th November 2017