



Uimhir Thagarta Uathúil: MH-C52-283

Údar: Kells Anglers

Stádas: Submitted

Aighneacht:

Kells Ammendments MCC CDP 2021-26 Waste Water & European Sites

Comhairliúchán:

Material Amendments to Draft Meath County Development Plan 2021-2027

Tuairimí:

Kells

Caibidil: Volume 2: Settlements »
Kells

Proposed Amendment Number: Proposed Kells Amendment No.
1

In relation to the proposed amendments to the Meath County Council Development Plan 2021-26, Kells Anglers submit the following observations, and also request that they be considered in the preparation of the new County Development Plan and the next Kells Development Plan in light of the protected stats of the Blackwater River SA/SAC.

Submission RE: Proposed Material Amendments for Kells, Numbers One to Nine Inclusive

Waste Water

In terms of any changes in zoning and future development within the Kells area, we wish to highlight the current “failed” status of Kells and Virginia Waste Water Treatment Plants. Both of these WWTPs are operating beyond capacity, have substantial ongoing operating problems and are in multiple breach of their licences and relevant EU water and environmental Directives according to EPA reports.

Kells WWTP was reportedly due an upgrade planned to be delivered in 2013/14. To date, no upgrade has taken place. The EPA have regularly reported non-compliance issues at the plant in the years since, resulting in increased environmental pressures on the Blackwater River which is a Special Protection Area and Special Area of Conservation; with staff from Meath County Council, the primary authority responsible for the river, in attendance at every EPA site visit to the Kells WWTP.

According to the 2016 Census, Kells then had a population of 6,135, with Meath County Council assessing a total population rise of just 1,000 between 2016 and 2027 to a total of 7,135 in gthe new Development Plan. While the EPA has listed Annual Environmental Reports from Kells WWTP as unreliable and lacking in required data, the most recent AER recorded a P.E. ratio of 7,800, which does not include the significant rise in waste water generated by the new Cavan Road motorway services station with rest services and six dining outlets able to cater for hundreds of guests at any one time. The overall population dependent on the Kells WWTP is already significantly higher than

the amended projected figure of 7,135 for 2027 used by Meath County Council. Confusing population data and the WWTP's ongoing fail status underline the urgency of the problem, and a full up to date review of Kells population figures is required before any future zoning or development plans are considered.

Local authority failings mean that, until these problems are rectified and the WWTPs upgraded to ensure environmental protection and accommodate future population and economic growth, no development can take place at Kells, and no planning permissions can be granted, thus stifling much need socio-economic improvements for the town.

We suggest you review planning permission appeals to An Bord Pleanala in recent years, where An Bord Pleanala has repeatedly refused new planning applications at Virginia due to the WWTP's over capacity and the fact its outlet waterway Lough Ramor directly feeds the Blackwater River SPA and SAC.

The Cavan County Development Plan 2014-2020 underwent Screening for Appropriate Assessment, with no likely significant effects on Natura 2000 sites predicted as a result of the implementation of the Cavan CDP, however, An Bord Pleanala has decided differently on repeated occasions. In regard to proposed developments at Virginia, the Bord has been at pains to remind the planning applicants and the decision making authority of Cavan County Council Planning Department that they continue to ignore relevant environmental regulations, including the requirement for full EIA and NIS, in the planning and decision process (Bord Pleanala PL02.248992).

We do not wish for the same disaster to befall Kells due to local authority failings in this regard and point you to the following from the last Meath Development Plan 2012-19:

Section 2.3.4 Guidelines for the Review of Local Area Plans/Development Plans - "In the case of all towns and villages in the County, the release and development of residential lands shall take account of the following criteria: "the provision of necessary physical infrastructure, primarily the availability of capacity in water and wastewater infrastructure".

We refer you to Proposed Amendment MH-C5-816 to the new Meath Development Plan from the *Office of the Planning Regulator*: "Amend the following objective in Section 3.7 - 'The Settlement Hierarchy and Future Population Growth in Meath': SH OBJ 4 To operate an Order of Priority for the release and development of residential lands with any lands identified as being 'Post 2026' **not being available for residential development during the lifetime of the subject development plan and no permission for dwellings will be granted on these lands by Meath County Council.**"

This determination will mean in effect, without an upgrade to the WWTP and full adherence to the relevant environmental and water protection legislation, no real plans can be made and no new applications can be approved, which will mean no new development in Kells for the duration of the new Meath Development Plan; an extraordinary situation, easily foreseeable and still rectifiable.

In relation to the urgent WWTP upgrade, the Urban Waste Water Directive makes clear under Annex I.B that WWTPs located on the Blackwater and Boyne Special Area of Conservation and Special Protected Area must be subject to even stricter emission conditions than those they are currently failing.

Natural Environment & Newrath Stream

Further to this point, An Bord Pleanala make it very clear in case PL02.248992 that Lough Ramor itself is the primary source of the Blackwater River SPA/SAC and so it must be managed to the same rigorous water and environmental standards required on the SPA and SAC itself under the EU Habitats Directive. We wish to note, the

Newrath Stream in Kells requires the same level of care and protection as a feeder tributary of the Blackwater SPA/SAC. This is a fact local authorities have failed to recognise and must correct.

Newrath Stream flows through the Frontlands and Backlands key sites proposed for future development in Kells and is currently “dead” in terms of environmental standards. It has been a long-running issue for local residents with sewage overflow regularly recorded in the stream, a matter as yet not resolved by the local authorities despite much discussion. The stream itself was part of a EU Habitats Directive protected Alkeline Fens system which was home to wintering birds and which slowly released much of the town’s surface rainwater into the Blackwater River. However, the Alkeline Fens have been removed in favour of new and proposed developments which has led to further deterioration in the water system. It is considered Zone A - High Probability of Flooding under the Strategic Flood Risk Assessment and if not afforded the correct status and legal protection Newrath Stream poses a threat to existing residents with significant future environmental risks for its parent river the Blackwater SPA/SAC, as outlined in An Bord Pleanála’s Inspector’s Report ABP-304799-19.

Local Authority Data and Decision Making Process

Further to this matter, we draw your attention to the Blackwater and Boyne River Systems and their status as Special Protection Area and Special Area of Conservation; and Meath County Council’s dereliction of duty as a responsible public body under the EU Water Framework Directive, Habitats Directive, Urban Wastewater Directive, Groundwater Directive, Drinking Water Directive, Flooding Directive, and relevant planning and development regulations.

Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations 2011 provides that all public authorities have a responsibility to avoid the deterioration of natural habitats and species protected under the Birds and Habitats Directives, and to exercise their functions and statutory powers in compliance with the Directives’ requirements.

We note, despite its designation as an SPA and SAC more than a decade ago, the Blackwater and Boyne System still have no management plan in place, and, in fact, Meath County Council seem to be operating in contradiction to their legal obligations: 2013

In contradiction of its legislated responsibilities under Article 4 of the Water Framework Directive, further clarified under S.I. 350 of 2014, in the 2013-19 Meath Development Plan, the council absolved both itself and Irish Water of key responsibilities for the protection of the Blackwater and Boyne SPA/SAC with the following change in objective and policy:

Manager’s Recommendation 7.3 Strategic Objective WS SO 8 Amend WS SO 8 as follows:

*“To ensure... that wastewater treatment plants discharging into the Boyne catchment or to coastal Natura 2000 sites are operated in compliance with their wastewater discharge licenses/certificates of authorisation, in order to protect water quality. (new addition) ...in so far as is reasonably practicable, waste water treatment plants are operated in compliance with their Waste Water Discharge Licenses / Certificates of Authorisation, in order to protect water quality.”*The Council agreed to accept the Manager’s recommendation.

In the Draft Meath County Development Plan 2020-2026 - Draft Natura Impact Report, the assessment of the Blackwater and Boyne SAC/SPA habitats and wildlife numbers is based on the same information from 2012 or earlier used repeatedly up to 2021 in each annual Natura Standard Data Report; a full decade out of date at this point, and older than the initial proposed upgrade of the Kells WWTP in 2013. The document does not make any

reference to EPA reports over the years since which continuously highlight failings at Kells and Virginia WWTP, but states, "This Draft Natura Impact Report has informed the AA process for the Draft Meath County Development Plan 2020-2026."

Similarly, the Preliminary Draft Meath County Development Plan (Draft CDP) 2020-2026 Strategic Environmental Assessment (SEA) Environmental Report uses data on the biological quality of watercourses based on monitoring only up to 2017, and the out of date information from the Natura 2000 reports. Without any reference to the outstanding WWTP issues, the SEA confidently states, "Any potential for impact on European Sites will be fully addressed in the NIR that will accompany the Draft Meath CDP and this SEA Environment Report on public display".

The SEA report does make reference to the extremely high pollution risk to groundwater sources in the Kells area, just 300mm below surface in some places and connected to the Blackwater SAC/SPA, which is also a drinking water source. In light of this risk, and the problems already underlined here, we wish to make it clear Meath County Council's INF POL 13 "To consider the potential for the provision of temporary wastewater treatment facilities for new developments..", would, under no circumstances be suitable for the Kells area as part of any proposed amendments to the development plan, and that the Kells WWTP must be prioritised for immediate upgrade to the high standard required on a SPA/SAC under Habitat's Directive Schedule I.B.

(SHORT SUMMARY – ADD REFERENCE ARTICLE 5 RESPONSIBILITIES FIND IT!)

SUBMISSIONS

On foot of the above information, we submit to you the following:

- **No. 1 - Kells and Virginia WWTPs require immediate upgrade to ensure Kells is not forced to delay any and all proposed amendments and future developments until a delayed upgrade is completed, thus dramatically hindering economic and social development for the town.**
- **No. 2 - As part of the Blackwater SPA/SAC, the Newrath Stream must be afforded the high level of protection legislated for under the Habitats Directive and Water Framework Directive; with a full up to date study and report to be undertaken in order to properly inform the development plan and the future Kells Development Plan.**
- **No. 3 - A full up to date investigation must also be carried out on the real status of the Blackwater River and its SPA and SAC and flora and fauna, to ensure that all future Appropriate Assessments, Environmental Impact Assessments and Natural Impact Assessments are informed and properly guided by up to date information for the preparation and delivery of the Meath Development Plan and Kells Development Plan.**

Documents Attached: Níl

Teorainneacha Gafa ar an léarscáil: Níl