

An
Coimisiún
Pleanála

Commission Order ABP-322007-25

Planning and Development Act, 2000 as amended

Planning Authority: Louth County Council

Application by Peter Sweetman, care of Harrington and Co. Solicitors, Newtown, Bantry, County Cork, requesting An Coimisiún Pleanála to exercise its powers under article 250(3)(b) of the Planning and Development Regulations, 2001, as amended, whether Louth County Council should be directed to prepare a Natura Impact Statement in respect of the proposed development of 130 residential units, a crèche, landscaping and associated works at Ballymakenny Road, Yellowbatter, Drogheda, County Louth.

Decision

DIRECT the local authority to prepare a Natura Impact Statement in respect of the proposed development, based on the reasons and considerations set out below.

Reasons and Considerations

The Commission had regard to the following:

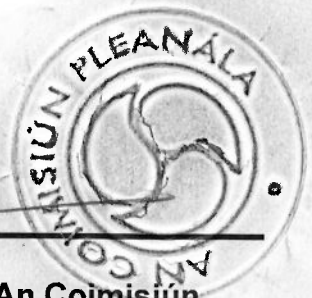
- (a) The contribution of the subject development alone and in combination with other plans and projects to increased influent to the Drogheda Wastewater Treatment Plant.
- (b) The historical and ongoing contribution of the Wastewater Treatment Plant effluent to estuarine pollution as reported by Uisce Éireann resulting in a *deterioration in BOD (Biological Oxygen Demand), TON (Total Organic Nitrogen), Dissolved Oxygen, TSS (Total Suspended Solids) and Ortho-P (orthophosphate) concentrations downstream of the effluent discharge* within the Boyne Estuary.
- (c) Ongoing operation of Drogheda Wastewater Treatment Plant in breach of Emission Limit Values set in discharge license reference: D0041-01 for Drogheda Wastewater Treatment Plant.
- (d) The Screening for Appropriate Assessment carried out on behalf of the local authority by NM Ecology dated the 13th day of September 2024 which states “that the wastewater treatment plant is not currently compliant with the Emission Limit Values in its Wastewater Discharge Licence and it appears to be having a negative effect on water quality at its discharge point in the Boyne Estuary”. On foot of the further information request, and in particular Uisce Éireann’s letter dated the 23rd day of July 2025 which states that works to be completed by Quarter 2/Quarter 3 of 2026 “should restore the wastewater treatment plant to full compliance”, the Commission can only conclude on the basis of the information submitted that the wastewater treatment plant appears to be having a negative effect on water quality and works have not been undertaken to date to fully address this issue. Until such time that works are completed at the wastewater treatment plant to ensure full compliance with emission limit values set out in the Environmental Protection Agency licence, any further organic loadings from the development would give rise to a situation where it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on the River Boyne and River Blackwater Special Area of Conservation (Site

Code: 002299) and Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957) European Sites in view of the Sites' conservation objectives

In accordance with Section 177U of the Planning and Development Act 2000, as amended, on the basis of the information considered in the appropriate assessment screening set of in the Inspector's Report dated the 21st day of May 2025 and the addendum report dated the 24th day of November 2025, it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957) European Sites in view of the Sites' conservation objectives. Objectives include to restore the favourable conservation condition of 1106 Salmon *Salmo salar* and 1099 River Lamprey *Lampetra fluviatilis* and to maintain the favourable conservation condition of the estuary and associated habitats. Appropriate assessment and the submission of a Natura Impact Statement for the proposed development is therefore required.



Paul Caprani
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate the
seal of the Commission.



Dated this 16th day of December 2025