Inspector's Report

ABP-321081-24

Development	Permission for an outdoor sports and recreational development and all ancillary works.
Location	Hill Street/Dublin Road (R132), Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460433
Applicant(s)	Board of Governors, Dundalk Grammar School
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party vs. Refusal
Appellant(s)	Board of Governors, Dundalk Grammar School
Observer(s)	None
Date of Site Inspection	16th June 2025
Inspector	Stephen Ward

Contents

1.0 Site Location and Description

1.1. The site is located to the southwest of Dundalk town centre (c. 1km from Market Square), between Hill Street/Dublin Road (R132) and the Belfast-Dublin railway line. The existing Grammar School campus is located c. 50m to the north off Ardee Road / The Crescent. The site has a stated area of c. 4.6ha. It includes part of Hill Street (c. 0.4ha at the eastern end) and an adjoining private access road off Hill Street. The main body of the site is at the western end and is roughly oval-shaped in a north-south alignment.

1.2. The main body of the site is largely undeveloped and consists of grassland, scrub, and other vegetation. The site levels generally fall gently from north to south and from west to east. The site also includes surface water infrastructure (inlet with 1350mm pipe running northwards) recently installed by Louth County Council which has a wayleave for flood alleviation measures along the eastern site boundary.

1.3. The northern and western site boundary adjoins generally undeveloped land which separates the site from residential properties (northeast), the Grammar School (north), and the rail line and bus depot (west). The southern tip of the site abuts the Ramparts River and the adjoining Balmer's Bog (designated Wetland) to the south. There is an open drainage channel along the eastern boundary (south of the recently installed inlet). Land adjoining the eastern boundary of the main site is also undeveloped, while the public road and the existing access road are adjoined mainly by residential properties and some small-scale commercial properties.

2.0 Proposed Development

2.1. Permission is sought for an outdoor sports and recreational development. The application outlines that it would be used primarily by school pupils, but that it would also be available to other local sports clubs. In summary, the proposed development would consist of:

- all-weather multi-use playing pitch also encompassing an 8-lane running track;
- 1 no. covered spectator stand (maximum capacity 700 persons);
- Stand-Alone Single Storey changing rooms building;

- 3 no. Padel-Tennis Courts;
- 2 no. Multi-Use Games Area (MUGA);
- 1 no. Outdoor Gym;
- An Ecological Park in the southern part of the site, which adjoins but does not form part of Balmer's Bog, incorporating a viewing deck/bird watching observation hide orientated towards Balmer's Bog;
- Car parking, cycle parking and a bus set down area;
- Access via the existing access off Hill Street/Dublin Road (R132);
- Adjust the existing R132 road carriageway lane width to 3.1m along a c. 70 m section of Hill Street to the north of the proposed access and extend the existing cycle lane along the western edge of the R132 Dublin Road /Hill Street as far as the site entrance;
- Alterations to grounds levels within the site, a pumping station, site lighting (including flood lighting surrounding the pitch), landscaping and boundary treatments and all ancillary site development works.

2.2. Surface water proposals implement SUDs drainage systems where possible in order to restrict the surface water run-off rates to the existing public sewer systems. Attenuation tanks have been designed to cater for the storm water run-off from the new proposed structures, roads parking etc. Storm water from the main body of the site will flow by gravity to the attenuation tanks and then discharge via a flow control device to the existing public surface water pipe which has an outlet location at the central eastern boundary. Storm water along the existing access road will connect to the existing combined sewer along Hill Street.

2.3. Foul water from the proposed development will flow via gravity to a pumping station near the western site boundary. A 100mm rising main pipe measuring 225m long will connect from the pumping station to the discharge manhole, from where foul effluent will then be directed via gravity to the existing combined manhole at the Hill Street entrance. Potable water is to be supplied from the existing watermain along Hill Street.

2.4. In addition to the standard plans and particulars, the application is accompanied by documents and reports including:

- Planning Report
- Natura Impact Statement
- Ecological Impact Assessment
- Architect Design Statement
- Landscape Design Statement
- Engineering Services Report
- Site-Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- Road Safety Audit Forms
- Construction & Environmental Management Plan
- Archaeological Assessment
- Fire Safety Opinion
- Letters of support from local sports clubs.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 20th September 2024, the planning authority made a decision to refuse permission for the following reasons:

1. The applicant has failed to demonstrate provision for an appropriate pedestrian/cycling route from the Grammar School to the development proposed or adequate provision for vehicular traffic and other road users from Hill Street/(Dublin Road R132) to the site that would not be prejudicial to the pedestrian, cyclist and vehicular traffic safety. Furthermore, the proposal to provide parking spaces for adjoining residences in proximity to the access

from the R132, in the absence of provision for turning movements would likely result in conflicting traffic movements in the vicinity of this junction which would be prejudicial to the safety of all road users. As such the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority is not satisfied, on the basis of the specifications submitted, that the proposed development would not result in large portions of the southern end of the development, including changing rooms, access road, car parking, bus set down area, footpaths, pitches, courts and the outdoor science teaching area, being flooded or that the development would not result in the potential loss of floodplain and possibly could lead to flooding of other lands in the vicinity. Furthermore the site layout has made no provision for access to the open drainage channel from the inlet screen of the existing surface water infrastructure on site to the Ramparts River for maintenance purposes without which the flood risk on the site and adjoining lands would be exacerbated. As such the proposed development is contrary to the proper planning and development of the area.

3. Policy IU 19 of the Louth County Development Plan 2021 – 2027 (as varied) requires the use of sustainable drainage systems to minimise and limit the extent of hard surfacing and require the use of SuDS measures be incorporated in all new development. The Planning Authority is not satisfied based on the soil filtration testing undertaken on site and proposals for the disposal of surface water submitted, that the development meets with the requirements of this policy objective. As such the development contravenes the requirements of same and would be contrary to the proper planning and sustainable development of the area.

4. On the basis of the information provided with the application, including the NIS, and in light of the assessment carried out above, the Planning Authority is not satisfied that the proposed development individually or in combination

with other plans or projects would not adversely affect the integrity of the European Sites No. 000455 (Dundalk Bay SAC) and other sites in the Natura 2000 network in view of the sites' Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting planning permission.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The main aspects of the assessment outlined in this report can be summarised under the headings below.

Principle of Development

- As per the County Development Plan, the northern part of the site is zoned 'C1 – Mixed Use' and the guidance notes for this zone state that - "Consideration may be given to the use of mixed-use lands for community or recreational facilities in certain circumstances where such a use or facility would have a wider social and/or community benefit".
- The southern portion of the site is zoned 'H1 – Open Space'. The stated development objective for lands within his zoning category is, "To preserve, provide and improve recreational amenity and open space".
- The proposed development would be consistent with the range of permitted land under H1 and C1 zoning policy. As such the proposed accords with the principal permitted land uses.

Layout and Design

- No concerns are raised in relation to design, layout, and visual impact.
- The layout does not clearly illustrate the position or extent of LCC's surface water infrastructure along the eastern boundary, or its relationship to the car parking provision and other aspects of the development or any set back to facilitate riparian corridor. Clarity should be sought on this matter.
- Lighting - The report indicates that clarity should be sought on impacts on ecology and wildlife.

- Landscaping - The report highlights that a zone to the south of the site is excluded from development. It is contiguous to Balmer's Bog and where a bird hide and board walk are proposed to facilitate views and appreciation of this area. Without a clear appreciation of the extent of the wetland and comprehensive ecological survey, an assessment of the appropriateness of this amongst other aspects of the development cannot be concluded. The Department's submission has highlighted the use of wildflowers seed is not appropriate given the impact off same on local species. Rather areas indicated as such should be left to naturalise.

Residential Amenity

- Access adjoins residential properties, and the development will create significant activity in this area in terms of traffic, noise, illumination and general activity. As such it will have an impact on the amenities currently enjoyed by residents.
- The restricted access will lead to congestion and impact on local properties.
- At pre-planning stage, the applicant was advised to engage with Iarnród Eireann in relation to direct access from the school site. This would reduce pedestrian and vehicular traffic in this area, as well as the impact on residences.

Traffic and Transportation

- As above, concerns are raised about the single carriageway restricted access point, pedestrian paths/crossings, and road/footpath widths.
- The provision of 2 residential spaces at the Hill Street junction could result in conflicting traffic movements.
- There is no provision for cyclists from Dublin Street to the actual facilities.
- The Planning Authority is not assured that access provision proposed meets with the required standards or that the proposal will not give rise to a conflict in pedestrian and vehicular movements. It is not satisfied that:
    - Radii and junction treatment options at the R132 comply with DMURS Advice Note 6 - Priority Junction Tightening Measures.
    - Proposed cycle lane extension is in compliance with the Cycle Design Manual - geometry, dimensions, key features, road markings and signage.

- Priority to vehicles entering the development at the narrowed section of carriageway may be achieved in the absence of drawings showing road markings and signage.
- Permeability for pedestrian access from the Grammar School as per "Permeability – Best Practice Guide" published by the NTA is achievable.
- Full assessment can be undertaken in the absence of RSAs Stages 1 & 2, the exact requirements for which are set out in the Department of Transport circular "NGS Circular 3 of 2022".
- That the minimum carriageway width of the access and the minimum footpath width proposed are adequate and that sufficient, safe provision is provided for cyclists between the R132 and the facilities themselves.

- Car parking provision is based on enticing a modal shift to sustainable modes of transport. This would require improvements to pedestrians and cyclist access. Furthermore, the proposals are based on school use only, whereas use by the wider community may increase demand for parking and cycling spaces.

<u>Flood Risk</u>

- The LiDAR Derived Digital Terrain Model and Contours illustrate that the ground levels to the northern (*sic*) half of the site are comparable to those within Balmer's Bog to the immediate south and a portion is lower than most of the bog.
- The detailed calculations and specifics of the applicant's Site-Specific Flood Risk Assessment (SSFRA) have been reviewed by the LCC Placemaking Section. It is reported that there is a real potential for flooding large portions of the southern end of the development, and a real potential of loss of flood plain and storage associated with this development. On this basis it has been recommended that planning permission be refused.
- It is noteworthy that the potential blockage of LCC surface water infrastructure within the site has not been identified as a risk.

<u>Water Services</u>

- Uisce Eireann has confirmed that water and wastewater connection is feasible, although competing demands for the WWTP may lead to limited capacity.

- The report highlights Policy IU 19 of the LCDP regarding requirements to use Sustainable Drainage Systems. The Planning Authority is not satisfied that the site can provide for any significant filtration to the soil given reductions in ground levels proposed and the high-water table evident on site. The directing of surface water run-off from the access road to the combined sewer does not represent sustainable development. Such a proposal would use up limited capacity in the wastewater treatment plant. In any case, this requires written consent from Uisce Eireann.

Archaeology

- The report highlights a Recorded Monument located in the north-eastern part of the application site (RMP Ref. No. LH007- 089) and concurs with the submission from Department of Housing, Local Government and Heritage regarding the need for further investigations (test excavation) prior to finalisation of proposals.

Boundary Treatment

- The submission from Iarnród Eireann recommending construction of a 2.4m high block wall is noted. This is not considered necessary given that the existing substantial, historic, iron railing will be retained.

Sections/Fill

- The section drawings do not allow for a detailed assessment of levels changes and how they relate to adjoining land.
- Significant fill would be required to facilitate this development. No details of same, (quantum, what the fill would comprise of, etc) is referenced in this proposal or the NIS to facilitate an assessment of same.

EIA Screening

- Concurs that the that the development is located within the built fabric of Dundalk and that the site area is considerably less than the 10-hectare threshold for mandatory EIA as per Class 10(b)(iv), Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- However, having regard to the characteristics of the site, a significant portion of which is low-lying, wet, marshy and susceptible to flooding, and its position

relative to the Ramparts River and Balmer's Bog which has long been recognised as having a natural storage and a major flood attenuation role, the report is not satisfied having regard to the flood risk assessment, the surface water management specifications and the Ecological Impact Assessment that there is no real likelihood of significant effects arising from this development.

Ecology / Appropriate Assessment / Flood Risk / Drainage

- The report is not satisfied that the habitats outlined in the EcIA reflect those on site, particularly the extent of wetland and the ecological boundary.
- Concerns are also raised about gaps in ecological information including the lack of consideration of frogs, newts and other species, and conflicting information in respect of habitat loss (wetland / marsh).
- The site test holes show extremely limited levels of infiltration, and it is anticipated that ponding may occur in wet weather, particularly around the parking area.
- Much surface water is to be attenuated and then discharged at a controlled rate to the surface water pipe along the eastern boundary, which will ultimately discharge to Dundalk Bay. Further surface water from the access road will discharge to the combined system on Dublin Road, which is contrary to the principles of SuDS.
- The site is susceptible to flooding and the applicant has not demonstrated that the site, in particularly the associated changing facilities, car park, etc., will not flood. Furthermore, the applicant has not demonstrated that building up of lands within the site boundary would not reduce capacity within the low wetland area of this site, a natural attenuation area to store flood water or that it would not displace water to adjoining land.
- Based on the foregoing flooding and drainage concerns, the report is not satisfied, notwithstanding the applicant's conclusion in the NIS submitted and the mitigation measures proposed therein, that the proposed development does not pose a risk of adversely affecting the integrity of Dundalk Bay SAC and other sites in the Natura 2000 network, either alone or in combination with other plans or projects.

Conclusion and Recommendation

- The report recommends that the application should be refused, and this forms the basis of the LCC decision.

3.2.2. **Other Technical Reports**

Environment: Request clarification on whether any infill material will be taken onto site as part of the proposed alterations to ground levels.

Placemaking and Physical Development: The report recommends refusal based on the following:

- Inadequate pedestrian access from the Grammar School.
- Inadequate vehicular access from the R132 Road.
- No turning provision for proposed car parking spaces.
- 'There exists the real potential for large portions of the southern end of the Development, including changing rooms, access road, car parking, bus parking, footpaths, pitches, courts, outdoor science teaching area flooding'.
- 'No Provision has been made in the Design for the open drainage channel from the Inlet Screen to the Ramparts River'.
- There exists the real potential of loss of floodplain and/or loss of flood storage associated with this development.

Fire Service: Report not on file. LCC Planner's Report refers to a report recommending notification of fire safety requirements.

3.3. **Prescribed Bodies**

Uisce Eireann

Confirmation of Feasibility has been issued advising that water/wastewater connections are feasible at the moment. Also notes the current high demand for connections.

It is requested that any grant of permission includes standard conditions.

Department of Housing, Local Government and Heritage

Archaeology - Notes that the site includes Recorded Monument LH007-089. Given the scale, extent and location of the proposed development it is possible that there will be impacts on subsurface archaeological remains. Recommends Archaeological Impact Assessment (including test excavation) as 'further information' to enable an appropriate archaeological recommendation before a planning decision is taken.

Nature Conservation – In summary, the submission:

- Welcomes the approach of protecting the more ecologically valuable southern sections of the site and the provision of visitor facilities.
- Recommends vegetation removal outside the main bird breeding season.
- Recommends against proposed wildflower seeding.
- Accepts the NIS conclusion that the proposed mitigation measures will prevent the potential for adverse impacts on Dundalk Bay SAC and SPA.

Iarnród Éireann

Recommends boundary treatment and other measures to prioritise railway operational safety at construction and operational stages.

3.4. Third Party Observations

None.

4.0 Planning History

There would not appear to be any relevant recent planning history for the appeal site.

ABP Ref. 322222-25 - Site located on the opposite (east) side of Hill Street / Dublin Road. On 16th July 2025 the Board decided to refuse permission (LCC Refusal) for an LRD consisting of 194 no. apartments, creche, and associated siteworks and services. The reasons for refusal include issues relating to flood risk and open space standards.

5.0 Policy Context

5.1. National Policy/Guidance

5.1.1. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Relevant key elements of the NPF include commitments towards 'sustainable mobility', 'enhanced amenity and heritage', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'access to quality childcare, education and health services'. It contains several relevant policy objectives that articulate the delivery of key elements, including:

- NPO 12 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 36 - Support the objectives of public health policy including the Healthy Ireland Framework and the National Physical Activity Plan, though integrating such policies, where appropriate and at the applicable scale, with planning policy.
- NPO 37 - Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 77 - Enhance water quality and resource management by fully considering River Basin Management Plan objectives and integrating sustainable water management solutions.
- NPO 78 - Promote sustainable development by ensuring flooding and flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management, and taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaptation.

- NPO 79 - Support the management of stormwater, rainwater and surface water flood and pollution risk through the use of nature-based solutions and sustainable drainage systems, including the retrofitting of existing environments to support nature based solutions.

5.1.2. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Board is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

5.1.3. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 8.6 and 10 of this report.

5.1.4. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines*').

5.1.5. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.2. Regional Policy

5.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. It recognises Dundalk's role as a Regional Growth Centre to act as a regional driver of city scale with a target population of 50,000 by 2031. Key to the success of Dundalk as a self-sustaining Regional Growth Centre is targeted compact growth through the renewal and regeneration of underused, vacant and/or derelict town centre lands.

5.2.2. One of the Guiding Principles in planning for recreation and open space is to *'Facilitate a sufficient supply of good quality sports and recreation facilities, including networks for walking, cycling and other activities and shall maximise the multiple use of such facilities by encouraging the co-location of services between sports providers, schools, colleges and other community facilities'* (p. 207).

5.2.3. Section 9.4 also highlights that '*Recreation infrastructure and green spaces which are attractive, rich in biodiversity and well connected are shown to contribute to improved physical and mental health'*, as well as a range of other holistic environmental benefits.

5.2.4. Relevant Regional Policy Objectives (RPOs) can be summarised as follows:

RPO 4.19 - A statutory Urban Area Plan (UAP) for Dundalk shall be prepared.

RPO 4.25 - Support the proposed Dundalk Flood Relief Scheme, subject to the outcome of appropriate environmental assessment and the planning process.

RPO 9.10 - In planning for the creation of healthy and attractive places, there is a need to provide alternatives to the car and prioritise and promote cycling and walking in the design of streets and public spaces. Local Authorities shall have regard to the Guiding Principles for 'Healthy Placemaking' and 'Integration of Land Use and Transport' as set out in the RSES and to national policy as set out in 'Sustainable Residential Development in Urban Areas' and the 'Design Manual for Urban Roads and Streets (DMURS).

RPO 9.14 - Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

RPO 9.15 - Local authorities shall support the vision and objective of the National Sports Policy, including working with local sports partnerships, clubs, communities and partnerships within and beyond sport, to increase sport and physical activity participation levels locally.

RPO 9.16 - Local authorities shall support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan, through integrating such policies, where appropriate and at the applicable scale, with planning policies contained in development plans.

5.3. **Louth County Development Plan 2021-2027 (LCDP)**

Relevant provisions of the LCDP are summarised hereunder.

5.3.1. Zoning & Flood Map

Under the Dundalk Zoning and Flood Zones Map the northern part of the site is zoned as 'C1 Mixed Use', the objective for which is '*To provide for commercial, business and supporting residential uses*'. The southeastern margins of this C1 zone are also indicated as being within the CFRAM Flood Zones A & B.

The southern part of the site is zoned as 'H1 Open Space', the objective for which is '*To preserve, provide and improve recreational amenity and open space'*. This H1 zone is also indicated as being within the CFRAM Flood Zone A.

5.3.2. Social & Community

SC2 - To assist the implementation of the Healthy Ireland for Louth Plan 2018-2022 and any subsequent Plan prepared during the lifetime of the Development Plan.

SC3 - To support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan, through integrating such policies, where appropriate and of an applicable scale.

SC7 - To reserve lands for social and community facilities and encourage the provision of facilities suitable for intergenerational activities accessible to all members of the community in appropriate locations.

SC8 - To support the planning provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities and all ages have access to a range of facilities that meet the needs of the communities they serve, are physically integrated with residential and employment areas and are provided concurrently with new residential development.

SC20 - To support and facilitate the provision, improvement and expansion of sports and recreational facilities, in particular through land use zoning, where appropriate.

SC29 - To promote and support schemes that facilitate shared use of school facilities, particularly at planning stage, such as sports halls, all weather pitches etc. for community use outside of school hours and support the co-location of pre and after school facilities on new primary school developments.

5.3.3. Movement

MOV7 - To support a modal shift away from the private car to more sustainable forms of transport, such as public transport, cycling and walking and the attainment of any national targets relating to modal change published during the life of this Plan.

MOV25 - To support the retrospective provision of walking and cycling infrastructure in existing settlements, where feasible.

MOV28 - To promote walking and cycling as a safe, convenient, healthy, efficient, and environmentally friendly mode of transport for all age groups.

5.3.4. Natural Heritage, Green Infrastructure and Biodiversity

NBG3 - To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.

NBG19 - To ensure that an appropriate level of ecological assessment is carried out for proposals involving drainage, infill or reclamation of wetland habitats.

NBG20 - To protect and enhance wetland sites that have been rated A (International), B (National), C+ (County), C and D importance in the Louth Wetland Surveys and any subsequent versions thereof.

NBG21 - To support the implementation of recommendations included in the Louth Wetland Survey and any subsequent versions thereof.

NBG41 - To support the green infrastructure network of County Louth and ensure its implementation in the assessment of all development proposals to prevent adverse impact on the ecological connectivity of County Louth's Core Areas.

NBG42 - To require the use of and develop the green infrastructure network, and support re-establishing connectivity to ensure the conservation and enhancement of biodiversity and as a supplementary guide for the protection and conservation of the European Sites in County Louth.

NBG48 - All future development proposals shall require within the overall design scheme the integration of environmental assets and existing biodiversity features including those identified in Table 9 of the Green Infrastructure Strategy Appendix 8, Volume 3, to enhance the quality, character and design of the proposal.

NBG49 - To require the integration of green infrastructure and inclusion of native planting schemes in all development proposals in landscaped areas, open spaces and areas of public space.

NBG54 - To ensure the protection, enhancement and maintenance of Green Infrastructure in recognition of its health benefits in addition to the economic, social, environmental and physical value of green spaces, through the integration of Green Infrastructure planning and development in the planning process.

NBG55 - To create an integrated and coherent green infrastructure for County Louth by ensuring compliance with the objectives listed in the Green Infrastructure Strategy outlined in Appendix 8, Volume 3, to improve pedestrian and cycle access routes within this green infrastructure network while ensuring that ecosystem functions and existing amenity uses are not compromised and existing biodiversity and heritage is protected and enhanced.

NBG57 - To ensure that no development, including clearing or storage of materials, takes place within a minimum distance of 10m measured from each bank of any river, stream or watercourse.

5.3.5. Built Heritage and Culture

Chapter 9 includes a range of policy objectives aimed at protecting archaeology. This includes, as summarised:

BHC3 - To protect known and unknown archaeological areas, sites, monuments, structures and objects, having regard to the advice of the National Monuments Services of the Department of Housing, Local Government and Heritage.

BHC7 - To require applicants seeking permission for development within Zones of Archaeological Potential and other sites as listed in the Record of Monuments and Places to include an assessment of the likely archaeological potential as part of the planning application and the Council may require that an on-site archaeological assessment is carried out by trial work, prior to a decision on a planning application being taken.

BHC10 - To require, as part of the development management process, archaeological impact assessments, geophysical surveys, test excavations and monitoring, as appropriate, where development proposals involve ground clearance of more than half a hectare or for linear developments over one kilometre in length or for developments in proximity to areas with a density of known archaeological monuments and history of discovery, as identified by a licensed archaeologist.

5.3.6. Infrastructure & Public Utilities

IU19 - To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments).

All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

IU20 - Require all development proposals meet the design criteria, (adjusted to reflect local conditions), and material designs contained in the Greater Dublin Strategic Drainage Study (GDSDS).

IU26 – To reduce the risk of new development being affected by possible future flooding by:

- Avoiding development in areas at risk of flooding and
- Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk.

IU27 – This Policy Objective outlines requirements to ensure that all proposals for development falling within Flood Zones A or B are consistent with the "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" 2009.

IU33 - Where a portion of a site is at risk of flooding, the lands at risk will be subject to the sequential approach to ensure first and foremost that new development is directed towards lands at low risk of flooding; and to restrict the type of development to that 'appropriate' to each flood zone in accordance with Tables 3.1 and 3.2 of the Flood Risk Management Guidelines.

5.3.7. Development Management Guidelines

Chapter 13 outlines a range of guidelines and standards, including:

S. 13.12.3 - Educational Facilities.

S. 13.16.1 - Pedestrian and Cycling Facilities.

S. 13.16.6 – Car Parking.

S. 13.16.16 – Cycle Parking.

S. 13.16.17 – Entrances and Sightlines.

S. 13.20 outlines guidance on water services, including water supply, wastewater collection, and SuDS.

5.4. **Dundalk Local Area Plan 2025-2031 (DLAP)**

5.4.1. The Dundalk Local Area Plan was adopted by the members at a Special Council Meeting on the 6th March 2025. The Plan came into effect on the 17th April 2025. Other than the policies and objectives already outlined in the LCDP, the main relevant provisions are outlined below.

5.4.2. Alignment with the CDP

Section 1.10 and Policy Objectives DM2 and DM3 outline provisions regarding the interpretation of the DLAP and its alignment with the CDP.

5.4.3. Zoning

The majority of the northern part of the site is zoned as 'C1 Mixed Use', although the southeastern margins of this northern part are zoned 'H1 Open Space' to reflect Flood Zones A and B. Spot Objective 'H' is on the northern part of the site and refers to 'Lands west of Hill Street Bridge'. It states that:

'*Any development within the Flood Zone in this location shall be restricted to the provision of a vehicular and active travel access and service roads and ancillary infrastructure and other 'less Vulnerable development' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines' (2009)*'.

The southern part of the site is zoned as 'H1 Open Space' and is also indicated as being within the CFRAM Flood Zone A.

5.4.4. Sustainable Neighbourhoods & Communities

Section 5.17 highlights that the provision of high quality social and community infrastructure is essential for the health and wellbeing of the population as well as the continued economic success of the town. Table 5.3 outlines a breakdown of typical infrastructure, including 'Education and Training' and 'Sports/ Recreation/ Open Space'.

Policy Objective SC23 is '*To support the development of new education facilities and the improvement/expansion of existing facilities for all including those with special education needs. Where feasible multi– educational campuses will be encouraged'*.

Policy Objective SC32 - Louth County Council will continue to work alongside government departments, the Health Service Executive, state agencies, education

bodies and sports clubs to support and facilitate the provision, improvement and expansion of sports and recreational facilities.

5.4.5. Movement

Chapter 8 outlines a range of measures based on the Local Transport Plan (LTP).

Table 8.2 'Proposed Active Travel Infrastructure Measures' includes No. 55 'Hill Street Active Travel, which is '*From Stapleton Place to Rampart Road via Stapleton Drive. Improvements to footpaths, cycle lanes, crossings and junctions'*.

Map 8.1 records the existing 'cycle lanes', while Map 8.2 illustrates 'Proposed Active Travel Infrastructure Measures' in the vicinity of the site which are supported by Policy Objective MOV 7.

Policy Objective MOV 16 is '*To support the Green School Travel and Safe Routes to School Programmes and any other sustainable transport initiative developed by schools*'.

Map 8.3 shows a range of 'proposed bus routes' along Dublin Rd/Hill Street and in the vicinity of the school.

Table 8.6 'Proposed Link Roads/Transport Corridors in Dundalk' includes 'Hill Street' - Removal of Hill Street Bridge and new junction layout with Millenium Road (Option 65 in Local Transport Plan).

5.4.6. Infrastructure

Section 9.6.1 outlines that work was ongoing with regard to the preliminary design of the Dundalk and Blackrock Flood Relief Scheme. The progression and delivery of the scheme is supported by Objectives INF17 and INF18. INF 19 requires site-specific flood risk assessments to be based on the most up to date information available, while INF 20 outlines that *inter alia* '*Local Area Plan SFRA datasets and the most up to date CFRAM Programme climate scenario mapping*' should be consulted.

INF 32 – To ensure that all external lighting whether free standing or attached to a building shall be designed and constructed so as not to cause excessive light spillage, glare, or dazzle motorists, and thereby limiting light pollution into the surrounding environment and protecting the amenities of nearby properties, traffic and wildlife.

5.4.7. Culture & Heritage

Table 10.4 Wetland Sites includes Balmer's Bog (importance rating of 'D' – Local conservation value). Policy Objective CH10 is 'To ensure that any development proposals protect and enhance the wetland sites in Dundalk'.

CH18 - To protect and enhance Dundalk's Green Infrastructure in accordance with the details and recommendations included in Table 10.8 'Dundalk's Green Infrastructure Features and Potential for Enhancement'.

5.5. Natural Heritage Designations

5.5.1. The nearest Natura 2000 sites are the Dundalk Bay SPA and Dundalk Bay SAC (both distanced c. 1.7km to the northeast). Dundalk Bay is also a proposed Natural Heritage Area.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The LCC decision to refuse permission has been appealed by the applicant. At the outset, the appeal expresses extreme frustration and disappointment at the decision given the level of pre-planning consultation carried out; the inadequate assessment by the planning authority; and the lack of opportunity to address any outstanding concerns by way of a further information request and/or conditions.

The relevant aspects of the grounds for appeal can be summarised under the following headings:

Access, Traffic & Movement

- The applicant is committed to promoting sustainable transport and car access has been discouraged.
- A survey of the footpath network is included in the appeal which demonstrates that there is safe, continuous and adequate pedestrian connectivity between the school and the application site. This would not be an unusual arrangement and would encourage active travel in accordance with DoE and HSE programmes.
- The existing access road will be subject to improvement works, including resurfacing and installation of a footpath and lighting.
- It is surprising and unclear how the LCC Planner's Report raised concerns about non-compliance with design standards and guidelines given that the LCC Engineer's report did not raise such concerns.
- The LCDP does not prescribe parking standards for this specific type of development, but the applicant remains firmly of the view that appropriate parking has been provided given the location of the site, the quantity and quality of proposed cycle parking, and the need to encourage other more sustainable forms of transport. This would be consistent with the LCC assessment of a permitted GAA stadium on the Inner Relief Road (P.A. Reg. Ref. 19/730).
- The application includes significant information on operation and use patterns, and the facility would be strictly managed by the school.
- Given the location of the site within the built-up area where the 50km speed limit applies, the development would not give rise to road safety issues.
- The LCC Place Making and Physical Infrastructure report does not adequately assess traffic and transport issues.

Flooding & Drainage

- Although the applicant facilitated LCC in the installation of surface water infrastructure along the eastern boundary and future access to same, at no point was the question of access to the open drainage channel south of the inlet

raised. The applicant would have been happy to cooperate with any such requirement and would have no objection to such a condition to amend the layout and facilitate future access.

- The LCC Planner's concerns about infiltration testing and non-compliance with SuDS principles were not raised by the Infrastructure section. The Project Engineers contend that the Planner's Report completely misinterprets the soil infiltration information, which could have been easily clarified.
- The development is fully in compliance with LCDP Policy IU 19. It incorporates a variety of SuDS features as outlined in the Engineering Report submitted with the application and the Technical Note submitted with the appeal (Appendix 4).
- The development will result in an improvement to the current situation in terms of discharge of surface water to the public system.
- The LCC Place Making and Physical Infrastructure report does not adequately assess flooding and drainage issues. Having regard to the zoning objectives for the site; the development's classification as 'water-compatible development' as per the Flood Risk Guidelines; and the findings of the SSFRA; it is unclear how the development is not considered acceptable.
- It is noteworthy that the GAA stadium (P.A. Reg. Ref. 19/730) was permitted in Flood Zone A and was significantly larger in scale.
- A Technical Note by IE Consulting (Appendix 3 of the appeal) stands over the SSFRA submitted with the application.
- The refusal makes no reference to non-compliance with the Flood Risk Guidelines or material contravention of the LCDP (i.e. IU 26 and IU 27).
- No flood-related objections were received; any queries could have been addressed by a further information request; and there is no evidence to support the LCC conclusions.
- In accordance with the Flood Risk Guidelines, this 'water-compatible development' would be 'appropriate' in Flood Zone A, without the need for a Justification Test.

- The SSFRA contains detailed modelling to show that there is no loss of floodplain or floodplain storage due to the proposed development.

Ecology & Biodiversity

- Having regard to the submission from the DHLGH, the applicant does not object to omission of the proposed wildflower meadow in the northern part of the site.
- The project Ecologist (Appendix 5 of the appeal) stands over the original habitat classification for the southern part of the site as 'SW1 scrub', which corresponds to a transitional woodland. The presence of Willow and Alder trees can be clarified by including the term 'mosaic'.
- It is a matter of grave concern how the LCC Planner's Report concluded that the ecological surveys were inadequate without apparent input from the LCC Biodiversity Officer and given that the DHLGH submission was supportive.
- The project Ecologist confirms that there will be no loss of marsh, swamp, or mosaic habitat and no direct or indirect effects on the Ramparts Stream or Balmer's Bog.
- The Project Ecologist and the DHLGH would have had access to all drainage information and SuDs measures in coming to findings of 'no significant effects' on Dundalk Bay.
- The refusal does not indicate that the development would not comply with the Appropriate Assessment Guidelines for Planning Authorities or that it would material contravene the LCDP (NBG 3-6), and it is unclear why further information could not have been requested.
- The design was heavily informed by the qualified Project Ecologist and was supported by the DHLGH submission.
- There is no evidenced-based explanation for the LCC conclusions on ecology and appropriate assessment.
- The appeal includes a Technical Note (Appendix 5) from the Project Ecologist standing over the conclusions reached in the EcIA and NIS, and clarifying some minor details raised in the LCC Planner's Report.

- The application is accompanied by a proposed lighting scheme and any flood lighting would be turned off immediately following activity. On the advice of the Project Ecologist, no lighting is proposed in the southern part of the site or along the looped boardwalk / bird-hide.

Residential Amenity

- No objections were received from local residents and any additional activity will not be significant.
- The proposed development is generally well separated from existing properties.
- The existing access/parking is already used by various parties and the proposed development will rationalise and improve the existing arrangements.
- The access will only be used periodically, at low intensity, and has been adequately designed to facilitate demands.

Local, Regional, and National Policy/Guidance

- The appeal includes a section which outlines how the proposed development is consistent with the relevant provisions of the LCDP, the RSES, and the NPF.

7.2. Planning Authority Response

The LCC response to the appeal outlines that pre-planning consultation established that the proposal was consistent with zoning objectives, but that key issues of concern related to flood risk, access and roads, and ecology. The details submitted failed to address these fundamental matters satisfactorily and, as such, refusal was warranted.

The response contends that the appeal has not raised any substantive matters that would lead the Planning Authority to reconsider their decision. Additional comments on the appeal (including an accompanying report from the Place Making & Physical Infrastructure section) can be summarised under the following headings.

Ecology

- The site inspection found that:
    - the southern half of the site ‘is a bog’ with uneven surface, lower ground levels, and waterlogging.

    - Drainage channel/ditches along the eastern boundary (not illustrated by drawings) were noted.
    - Vegetation was dominated by dense stands of Phragmites reed swamp interspersed by some trees that can tolerate such wet conditions.

- These details correlate with the LiDAR Derived Digital Terrain Model and Contours which illustrate that the ground levels in the southern half of the site are comparable to those within Balmer's Bog. So too is the vegetation cover and it would follow, the habitats supported therein.
- While it is commendable that a section of this habitat abutting the Rampart Stream is proposed to be retained for educational purposes, similar habitats would be lost, the extent of which not clear.

Flooding

- Having regard to the contours on site it is clear that the southern portion, together with other low-lying lands in the vicinity, including Balmer's Bog immediately to the south, provide for a significant natural storage and attenuation system for the wider urban area. The ongoing flood relief studies and emerging flood prevention proposals are cognisant of the current and ongoing role of these lands.
- The building up of these lands would substantially reduce this capacity and would risk the displacement of waters to lower lying lands.
- The applicant has not alleviated the Planning Authority's concerns that the displaced water would not lead to flooding on site or in the vicinity of the site.
- The draft Dundalk LAP Chief Executive report also provides details of the extent of flood risk which is representative of the most recent hydrological modelling for the area and there is a real and significant concern that the proposal would prejudice flood mitigation measures for the area.
- Flood storage in this general area is currently being examined, and any exacerbation of flood risk will have a significant impact on mitigation.
- The Cut and Fill Analysis Details submitted with the appeal outline that to the southeast of the site, where car parking, changing facilities, 3 no. Padel-Tennis Courts, 2 no. Multi-Use Games Area (MUGA) and 1 no. Outdoor Gym are

proposed, existing ground level profile is to be maintained with proposed levels designed to mimic existing ground levels. Having regard to the contours it is difficult to envisage how this is achievable. Clear sections through the site showing existing and proposed levels have not been provided.

- The Applicant has not provided an adequate assessment of the effects of any potential loss of floodplain and/or loss of flood storage or detailed any compensatory works. The basic requirements for compensatory flood plain storage are:
    - A volume of flood plain equal to that lost should be created.
    - The equal volume should apply at all levels between the lowest point on the site and the design flood level. Normally this is calculated by comparing volumes taken by the development and the volume offered by the compensatory storage for a number of horizontal slices through the range defined above.
    - The thickness of a slice should be typically 0.1 metres. In the case of large flat sites or very steep sites this may be varied to 0.2 or even 0.05 metres in order to have about 10 slices to compare; and
    - Compensatory storage should be provided equal to or exceeding that lost as a result of development for each of these slices.

<u>Access</u>

- Adequate alternatives to car dependency are not provided due to the absence of direct access from the school and inadequate pedestrian/cyclist access along the access road from Hill Street.
- The applicant's contention that the facility is to be used predominantly by the Grammar School, with the largest anticipated event being the school sports day, is at odds with the letters of support from other clubs.
- Access must be capable of providing safe access not just for events associated with the school. In addition, emergency egress points is also a consideration.

SuDS

- The Planning Authority notes confirmation that the soil infiltration tests do take into consideration reductions in levels proposed.
- Nevertheless, soil infiltration rates are limited and would be further reduced in periods of prolonged and /or heavy rainfall. As such there is potential for additional ponding. The site characteristics already display wet marshy areas.

Appropriate Assessment

- The Planning Authority recognises that An Bord Pleanála is the competent authority in this regard.

7.3. Further Responses

The applicant has responded to the Planning Authority's appeal submission. The response largely reiterates points previously submitted. Any additional points raised can be summarised as follows:

- Notwithstanding the adoption of the Dundalk Local Area Plan, there has been no significant change to the land use zoning affecting the site.
- The recreational nature of the development is a 'less vulnerable development' as per the Flood Risk Guidelines, which is entirely consistent with Spot Objective H1 as per the LAP.
- Site section drawings were submitted with the application.

7.4. Observations

None.

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority and prescribed bodies, and I have inspected the site and had regard to the relevant local/regional/national policies and guidance.

8.1.2. Issues relating to the Water Framework Directive and Appropriate Assessment are addressed separately in sections 9 and 10 of this report. Otherwise, I consider that the substantive issues to be considered in this appeal are as follows:

- The Principle of Development & Alignment of Plans
- Flood Risk
- Surface Water Drainage
- Access, Traffic, & Parking
- Ecology
- Residential Amenity
- Archaeology.

8.2. The Principle of Development & Alignment of Plans

8.2.1. I note that the Planning Authority was supportive of the principle of the development in accordance with the LCDP zoning objectives for the site. However, subsequent to the LCC decision the Dundalk Local Area Plan 2025-2031 (DLAP) has been adopted, and it is therefore necessary to review the implications of same.

8.2.2. In the first instance, I would highlight that the LCDP still contains the Dundalk Zoning and Flood Zones Map, and I have outlined the provisions of same in section 5.3 of this report. In section 5.4, I have outlined the zoning and flood mapping provisions of the recently adopted DLAP, noting that the main difference would be the replacement of the southeastern margins of the C1 Zone with a H1 zoning to reflect the extent of Flood Zones A and B. However, it should be noted that there is no significant difference between the extent of Flood Zones A and B in the LCDP and the DLAP. I also note that Spot Objective H would be added in the DLAP relating to ‘Lands west of Hill Street Bridge’ (the spatial extent of which is unclear).

8.2.3. In addition to the above, I note that the DLAP outlines a range of provisions relating to zoning and flooding, including text, policy objectives, maps, and appendices. Importantly however, it also includes specific and over-riding provisions relating to the interpretation of the LAP and its alignment with the LCDP, including the following Policy Objectives:

DM 2 - To ensure the Dundalk Local Area Plan is consistent with the County Development Plan. A Variation to the County Development Plan will be required to take account of any amendments made to text, policy objectives, zoning and flood zones map / composite map and appendices relating to Dundalk during the preparation of this Plan.

DM 3 - To publish and adopt a Variation to the County Development Plan following the adoption of the Dundalk Local Area Plan to ensure the alignment of the Dundalk Local Area Plan with the County Development Plan.

A footnote to DM 3 states: 'Note that until this Variation has been adopted any text, policy objectives or maps relating to Dundalk in the Louth County Development Plan 2021-2027 shall take precedence over the text, policy objectives, maps, and appendices in this Local Area Plan'.

8.2.4. Consistent with above provisions of the DLAP, I consider that the zoning and flood maps contained in the LCDP take precedence over those in the DLAP. At the time of writing, I can also confirm that there is no evidence of the commencement of any variation to the LCDP to take account of the DLAP.

8.2.5. Therefore, the policy context for the principle of the development has not changed and I consider that the Planning Authority's conclusion is still valid, i.e., that the proposed uses are acceptable in accordance with the LCDP zoning objectives. Furthermore, in section 5 of this report I have outlined comprehensive support at national, regional, and local level for the provision of sports and recreation facilities, particularly those which facilitate shared use with the wider community.

8.2.6. I acknowledge that the adoption of the DLAP could be considered a '*new issue'* and that the Board may wish to seek the views of the parties. However, given that the DLAP provisions specifically retain the existing LCDP zoning and flooding provisions until otherwise varied, I do not consider that *new issues* arise regarding the principle of the development.

8.2.7. Notwithstanding the above, I also acknowledge that the LCDP flood mapping still applies to much of the site. In this context, the suitability of the proposed development will be considered in the following section of this report (Flood Risk). In doing so, consistent with my foregoing conclusions regarding the alignment of the DLAP and LCDP, I intend to consider the flood mapping and associated provisions of the LCDP, as well as the provisions of the other relevant national guidelines. I do not consider that the Board should have regard to any conflicting zoning/flood-related provisions in the DLAP.

8.3. **Flood Risk**

Information Submitted

8.3.1. The application is accompanied by a Site-Specific Flood Risk Assessment (SSFRA) prepared by IE Consulting, and this has been supported by a Technical Note submitted with the appeal (Appendix 3). The SSFRA refers to the 'Ramparts Stream/River' along the southern site boundary as the 'Fairhill River', and also names connecting streams from further south as the 'Killally' and 'Priorland'. In the interests of consistency and clarity, I will also use these names in the assessment of flood risk.

Initial FRA, Screening, & Scoping

8.3.2. The initial FRA considers that tidal/coastal flooding mechanisms are possible, but that the primary potential risk can be attributed to an extreme fluvial flood event in the Fairhill River and/or the Killally Stream and Priorland Stream.

8.3.3. In summary, the main information/data collated as part of the flood risk screening assessment was interpreted as follows:

- OPW Flood Info Past Flood Events – This includes 3 events along the Fairhill River (2 upstream (2014), 1 downstream (2014)), as well as recurring events adjacent to the southern extent of the appeal site at Balmer's Bog.
- The historic 6-inch and 25-inch mapping does not indicate any historical or anecdotal instances of flooding within or immediately adjacent to the boundary.
- GSI Mapping does not indicate Alluvial deposits, which can be an indicator of areas that have been subject to flooding in the recent geological past.

- GSI Mapping does not include areas of predictive groundwater or surface water flooding, but it does indicate an area of historical surface water flooding during the winter of 2015/2016 in the southern part of the site.
- The OPW CFRAM predictive fluvial maps indicate that the site falls partially within a predictive present-day scenario 10% AEP (1 in 10 year), 1% AEP (1 in 100 year) and 0.1% AEP (1 in 1000 year) fluvial flood zone. The predicted flood levels (maximum 4.78m (1% AEP) and 5.14 (0.1% AEP)) and depths on the site are also noted.
- OPW National Coastal Flood Hazard Mapping (NCFHM) 2023 - The site does not fall within a predictive present-day scenario 10% AEP (1 in 10 Year), 0.5% AEP (1 in 200 Year), or 0.1% AEP (1 in 1000 Year) coastal flood extents. However, part of the site falls within a predictive mid-range future climate change scenario 0.5% AEP + CC (1 in 200 year + climate change) coastal/tidal flood zone (0-0.5m depth).
- It is noted that ongoing modelling/mapping associated with the Dundalk & Ardee Flood Relief Scheme was not available to the authors of the report.

8.3.4. Based on the above, the 'scoping' section of the SFRA outlines that while coastal flood maps indicate that the site may be inundated during a 0.5% AEP (1 in 200 year) and a 0.1% AEP (1 in 1000 year) event, the fluvial flood event is the dominant source of flooding based on higher predicted flood levels. It concludes that sufficient quantitative information to complete an appropriate flood risk assessment cannot be derived from the information collated in the screening exercise alone, and that a more detailed and robust analysis of the potential fluvial flood risk is required.

Flood Risk & Modelling

8.3.5. The SFRA presents an analysis and assessment of the estimated 1% AEP (1 in 100 year) and 0.1% AEP (1 in 1000 year) potential fluvial flood events in the Fairhill River, the Killally Stream, and the Priorland Stream, as well as the 'intervening area' between railway line (west of site) and Hill Street (east of site). The Peak Fluvial Flood Flows for the Fairhill River were estimated using the OPW Flood Studies Update (FSU) portal software, taking into consideration the QMED (or index flood value) based on catchment characteristics; CFRAMS adjustment factors; the effects of urbanisation; estimated growth factors for flood return periods; and the effects of

climate change. The smaller Killally, Priorland, and 'intervening area' catchments were considered too small for the FSU portal software and were calculated based on multiple parameter regression equations; growth factors; and climate change.

8.3.6. A detailed hydraulic model was developed for the watercourses/areas identified above in order to estimate flood water levels at specific locations along the modelled reach (cross sections) representing the existing river channel and hydraulic structures (culverts and bridges) on the watercourse. The Flood Modeller Pro software package was used and was informed by OPW topographical survey data for the Fairhill River; a detailed topographical survey; LiDAR data supplied by the OPW; and river channel & flood plain roughness coefficients. A total watercourse channel of c. 1200m was hydraulically modelled and cross sections were incorporated with existing structures.

8.3.7. The SFRA acknowledges that the flood waters in the Fairhill River overtop both the right and left overbank of the channel adjacent to the proposed development site during the 1% AEP (1 in 100 year), 1% AEP + CC (1 in 100 year + climate change) and the 0.1% AEP (1 in 1000 year) fluvial flood events, and flood zones for the 'baseline scenario' are mapped accordingly showing that fluvial flooding is predicted to occur over the southern and eastern portion of the site. The largest depths are along the southern and eastern boundary of the site, with the depths becoming shallower further northwest into the site.

8.3.8. Secondary flood risk was also considered in the event of a potential surcharge due to a blockage of the culvert located on the Fairhill River approximately 300m downstream of the site. The model was modified to incorporate a 50% blockage applied on the upstream extent of the existing culvert opening. The results show an increase in water levels of up to 0.05m adjacent to the proposed development site, which would be lower than the peak 0.1% AEP (1 in 1000 year) flood levels. Therefore, blockage of the culvert does not pose an additional flood risk.

8.3.9. With regard to the 'Flood Risk Guidelines' the SFRA outlines that the assessment and hydraulic analysis undertaken indicates that a portion of the southern and eastern parts of the proposed development site fall within a predictive 1% AEP (1 in 100 year) fluvial Flood Zone 'A' and a 0.1% AEP (1 in 1000 year) fluvial Flood Zone 'B'. It considers that the Guidelines would classify the development as 'amenity open

space, outdoor sports and recreation and essential facilities such as changing rooms', resulting in it having a vulnerability class of 'water compatible development'. I would concur with this classification and that the proposed development would be considered 'appropriate' in accordance with Table 3.2 of the Guidelines. I note that the pumping station would not be classified as 'water compatible', but that it is to be located outside Flood Zones A & B and is, therefore, 'appropriate' in accordance with the Guidelines. Accordingly, there is no requirement to meet the Justification Test in the Guidelines.

Hydrological Impact

8.3.10. To ensure a sustainable development and that flood risk to the proposed development site is mitigated to an acceptable level, it is proposed to raise the footprint area of the proposed running track and astroturf pitch to a level above the predictive 0.1% AEP (1 in 1000 year) flood level. The pitch and track shall be constructed to a minimum level of 5.60m OD, which provides a 0.21m freeboard above the predictive baseline scenario 1% AEP (1 in 100 year) flood level (5.39mOD). The rest of the surrounding area within the site will be left at or close to existing ground levels.

8.3.11. The potential impact of the proposal on the existing hydrological regime of the area was assessed by undertaking additional hydraulic modelling incorporating the proposed finished floor levels and the footprint area of the proposed development. Table 22 of the SFRA then illustrates the difference in predictive flood water levels between the existing undeveloped baseline scenario and the proposed development scenario in consideration of the 1% AEP (1 in 100 year), 1% AEP + CC (1 in 100 year + climate change) and the 0.1% AEP (1 in 1000 year) fluvial flood events. It shows that there is a maximum negligible increase (<0.01m) in water levels when comparing the baseline versus the proposed scenario, and that resultant flood extents will be identical in both scenarios. There would be no increased flood risk along Hill Street/Dublin Road and the proposed pumping station will be located outside the predicted flood extents. Therefore, the SFRA concludes that the development is not predicted to result in an adverse impact to the existing hydrological regime of the area or increase flood risk elsewhere.

8.3.12. To ensure that the volume of water that may be displaced as a result of the development does not result in an increase in flood risk elsewhere, the baseline scenario flood depths were compared to the proposed scenario flood depths for the 0.1% AEP (1 in 1000 year) fluvial flood event. The SFRA illustrates that there is no change in water depths outside the proposed development site. It concludes that the volume of flooding that occupies the existing site that may be displaced would have an imperceptible impact on the hydrological regime of the area.

Assessment and Conclusion

8.3.13. Having considered the information submitted by the applicant, I am satisfied that a detailed and comprehensive site-specific flood risk assessment has been carried out for both the impacts on the proposed development and on surrounding lands.

8.3.14. I have considered the concerns of the planning authority, but I do not consider that they have been supported by a detailed or evidence-based assessment. Much of the concerns appear to be based on the characteristics of the site and perceived similarities with those of Balmer's Bog further south. In this regard I acknowledge that the visual appearance and vegetation cover includes some wetland characteristics. However, I walked much of the southern portion of the site and ground conditions were dry on the day of inspection, although I acknowledge that seasonal conditions would obviously vary and a much wider assessment of flood risk is required (as has been outlined in the SSFRA).

8.3.15. The planning authority has also highlighted the similar levels of the southern portion of the site compared to Balmer's Bog (based on OPW LiDAR data). However, it should be noted that the LiDAR data shows levels at contour intervals of 0.5m, which allows for significant variation in between. The LiDAR data has been considered by the applicant and has been used only as part of wider information including more detailed topographical surveys. I consider this approach to be appropriate and that flood risk conclusions should not be overly dependant on the LiDAR data.

8.3.16. Regarding the planning authority concerns about a lack of consideration of the recently installed 1350mm drainage pipeline and the potential for blockage, it should be noted that the SSFRA takes a conservative approach in assuming the pipeline is blocked with no capacity to convey flow away from the site. I consider that this appropriately accounts for any such blockage event, and I would concur with the

SFRA's conclusion that any contributions from the drainage pipeline in the event of a large flood event would be negligible in comparison to the volume of water from the Fairhill River and surrounding watercourses.

8.3.17. Similarly, I note the planning authority concerns about the need for maintenance access to the open drainage channel to the south of the existing surface water culvert inlet. The applicant has confirmed that there would be no objection to such a requirement, and I am satisfied that the parking layout along the eastern boundary can be amended to facilitate same. In the event of a grant of permission I consider that this matter can be satisfactorily agreed by condition.

8.3.18. The 'Place Making & Physical Infrastructure' report submitted with the appeal has raised concerns that the applicant has not provided an adequate assessment of the effects of any potential loss of floodplain and/or loss of flood storage or detailed any compensatory works. However, I am satisfied that the SSFRA has appropriately demonstrated that the volume of flooding that occupies the existing site that may be displaced would have an imperceptible impact on the hydrological regime of the area. Accordingly, I do not consider that a requirement for compensatory flood storage arises.

8.3.19. In conclusion, I am satisfied that:

- The SSFRA has appropriately considered potential flood risks and modelled Flood Zones A and B for the appeal site.
- The nature of the development can be classified as 'water compatible' which does not require a Justification Test in accordance with the Flood Risk Guidelines. I acknowledge that the proposed wastewater pumping station would not be 'water compatible' but it has been located outside Flood Zones A & B and is, therefore, 'appropriate'.
- The SSFRA has considered the hydrological impact of the proposed development based on a detailed hydraulic model. This has satisfactorily demonstrated that the proposed development would not have any perceptible impact on the hydrological regime and would not increase the risk of flooding elsewhere outside the site.

8.3.20. Accordingly, I am satisfied that the flood risk associated with the proposed development is acceptable in accordance with the provisions of the Flood Risk

Guidelines, the provisions of which are also reflected in the relevant policies and objectives of the LCDP.

8.4. Surface Water Drainage

8.4.1. The planning authority concerns about surface water drainage are based on the results of the site testing which indicates limited soil infiltration, as well as proposals for the disposal of surface water to the existing drainage system (including the combined sewer along Hill Street/Dublin Road). The LCC decision concludes that this would contravene Policy Objective IU 19 of the LCDP. For the Board's reference, IU 19 reads:

To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

8.4.2. The application is accompanied by an Engineering Report (including Surface Water Drainage) prepared by DWDS and this has been supported by a Technical Note submitted with the appeal (Appendix 4).

8.4.3. The Engineering Report (ER) acknowledges the results of the Infiltration Testing at 4 site locations. A reasonable level of infiltration with a low/seasonal water table was expected at trial hole 01 at the northern end of the site, while a low level of infiltration was observed at trial hole 02 in a central part of the site. Extremely low/no infiltration capability was observed at trial holes 03 & 04 at the lower southern end of the site. Based on these results, no infiltration allowance is considered for the attenuation tanks 01 & 02 for the southern car parking area of the site. The infiltration testing location at the main astroturf pitch / running track gives reasonable figures which can accommodate infiltration.

8.4.4. The appeal (Appendix 4) clarifies that Infiltration Test hole no. 1 has taken place at a similar level to the level of drainage features associated with the Astroturf pitch, where a low level of infiltration is proposed to take place. Accordingly, it concludes that the results of trial hole 01 reflect the infiltration rates at the proposed lower

ground level. In this regard, the planning authority has acknowledged that the soil infiltration tests do take into consideration reductions in levels proposed.

8.4.5. The ER outlines that the sports running track proposed is a Porplastic SB economic-competition coating standard, which is water permeable. The proposed main astroturf pitch is a PST synthetic turf surface and the Multi Use smaller playing fields are natural grass. Due to the infiltration rate being a value of 0.023m/hr at trial hole 2 (located centrally on proposed astroturf pitch), which supports a low level of infiltration, as well as the inherent storage of the lateral drains/collector drains & pitch build-up specification, the astroturf pitch is considered as a self-draining feature.

8.4.6. All car parking spaces will be constructed with permeable paving to help reduce the total flow towards the attenuation tanks. A Stormtech Attenuation storage system will temporarily store the surface water runoff during periods of rainfall, and no infiltration through the ground is allowed for in this instance based on the Infiltration testing report (i.e. the results for test holes 3 and 4). The attenuation proposals include Tanks 1 ($55m^3$) and 2 ($200m^3$) between the proposed running track and parking areas which would discharge to the existing 1350mm surface water pipe, as well as Tank 3 ($26m^3$) near the junction with Hill Street which would discharge to the adjoining combined sewer. All stormwater pipework will flow through petrol interceptors to protection to the quality of surface water entering public sewers.

8.4.7. The surface water design calculations have been carried out on the surface water network for various rainfall scenarios as outlined in the Greater Dublin Strategic Drainage Study. The calculations demonstrate rainfall events in the range of 1 minute to 24 hours, which take into account of short intensive rainfall and the more prolonged rainfall events. A 20% factor has been applied to account for climate change, and a safety factor of 2 is applied to the infiltration rate (reducing it by half). In addition to the previous points regarding infiltration, I consider that this applies an appropriately cautious and conservative approach to the surface water design.

8.4.8. The ER outlines that the proposed pipe network will be adequate to deal with a storm with a return period of 100 years and that storage volumes (total $281m^3$) have been designed to cater for a 24-hour storm with a return period of 1 in 100 years (+20% Climate Change). Flow control devices will be installed before discharge to sewers at greenfield pre-development intensities.

8.4.9. The ER highlights proposed SuDS features as follows:

- Attenuation storage structures as previously outlined.
- Permeable paving for car-parking areas for temporary storage. Any excess water will be directed to the mainline drainage system.
- A proposed swale at the perimeter of the site which can collect treat and convey run off from the hardstanding areas.
- Green roof use for the proposed changing rooms building, which will reduce rainwater run-off and the demands on the drainage infrastructure.

8.4.10. In addition to the above, the appeal (Appendix 4) addresses some of the specific issues raised by the planning authority. In relation to LCDP policy IU 19 and the issue of 'limiting the extent of hard surfacing', it contends that a minimum area of the access road was required to be designed as hardstanding bituminous build-up to accommodate a functional road usage for predicted vehicular loading catering for bus usage etc. I would concur that this is a reasonable approach based on the nature of the development and access requirements.

8.4.11. The appeal also contends that the surface water design caters for the three principles of SuDS. With regard to 'run-off quality', it highlights that by-pass separators and sumps will be provided prior to discharge to public sewers. In relation to 'run-off quantity', it highlights that flow control devices will be installed in accordance with greenfield rates. And with regard to 'impact on water quality' it states that SuDS measures will remove organic material at source.

8.4.12. Regarding the proposal to connect to the existing combined sewer, the appeal highlights that the existing hardstanding areas along the access already drain to this combined sewer. On this basis and taking into consideration the difference in levels on site and the insufficient space to provide attenuation prior to the existing 1350mm surface water drain, it was considered that the existing approach should be maintained but upgraded with the addition of SuDS features, an attenuation tanks, and measures to control the quality and quality of the discharge. And while the planning authority have raised concerns about placing additional pressure on wastewater capacity via the combined sewer, the appeal highlights that Uisce

Eireann was aware of the proposal and confirmed that connection was feasible without infrastructure upgrade.

8.4.13. In conclusion, I would highlight that LCDP Policy Objective IU 19 requires the use of SuDS in all new development to 'minimise and limit the extent of hard surfacing and paving'. It does not exclude the use of hard surfacing and paving and does not preclude connection to existing surface water / combined sewers. Having regard to the foregoing, I am satisfied that the proposed development would appropriately include the use of SuDS measures as required by IU 19. Furthermore, I consider that only a limited portion of the site would consist of hard surfacing as primarily necessitated by vehicular access and circulation, and that the proposed development would provide improvements to the quantity and quality of the surface water discharge from the existing access (which is already partially hard-surfaced) to the combined sewer. I consider that this approach would satisfactorily minimise and limit the extent of hard surfacing and paving as required by IU 19.

8.4.14. Policy Objective IU 19 also requires proposals to be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality. I am satisfied that this has been complied with through the inclusion of the Engineering Report, the Ecological Impact Assessment, and the Natura Impact Statement. As will be outlined throughout this report, I do not have any outstanding concerns in relation to any such impacts.

8.4.15. Accordingly, I do not consider that the proposed development would contravene Policy Objective IU 19. I consider that the application takes a balanced and reasonable approach towards meeting the functional requirements of a development of this nature, whilst also incorporating appropriate SuDS measures to ensure that the quantity and quality of surface water discharge from the development is acceptable in accordance with the LCDP and all other relevant national standards and guidance. Therefore, I would have no objection to the proposed development on grounds of surface water drainage.

8.5. **Access, Traffic, & Parking**

Connectivity between the School and the Appeal Site

8.5.1. The LCC decision raises concerns about the absence of an appropriate pedestrian/cycle route from the Grammar School to the proposed development. An on-campus solution would clearly be preferable, but it is evident that there is insufficient space within the existing school grounds to facilitate this. Similarly, it is clear that the intervening land between the school and the appeal site is in separate ownership and direct access is not available. Therefore, while I acknowledge the promotion of more direct connectivity in accordance with 'Permeability Best Practice Guide' (NTA), I consider it reasonable to consider alternative options in this case.

8.5.2. It is proposed that the facilities would be accessed from the school via the existing footpath network extending from Stapleton Place/Parnell Park to Hill Street. The appeal includes a survey of this footpath network, including photographs and measured pavement widths. It demonstrates that the route contains limited road crossings which are confined to residential areas. Otherwise, there is continuous footpath connectivity between the school and the appeal site, including a continuous path without any road crossings along Hill Street. It is acknowledged that the footpath width is limited in places.

8.5.3. The route is approximately 500m long or equivalent to 5-6 mins walk. I consider that this is reasonable and that it would not be unusual to require some such movement between school facilities. I acknowledge that there would not be a continuous cycle link between the school and the appeal site. However, I do not consider cycle links to be necessary given the short distance involved and the likely preference that large student groups would be escorted by foot rather than bicycle. This is confirmed in the appeal, which outlines that classes of approximately 30 students would walk to the site under the supervision of 2+ teachers.

8.5.4. In conclusion, I consider that, notwithstanding the reduced width of footpaths at some points, the network is adequate to facilitate safe pedestrian movement between the school and the proposed facilities. Accordingly, I do not consider that a refusal of permission would be warranted on these grounds.

Proposed Access

8.5.5. The planning authority has also raised concerns about the design of the proposed access road from Hill Street to the proposed facilities. The various concerns raised are considered in the following paragraphs.

8.5.6. The planning authority reports contend that full assessment of the development cannot be taken in the absence Road Safety Audits (Stages 1 & 2), although the reports do not identify specific concerns in this regard.

8.5.7. However, numerous sections of the application and appeal confirm that an independent Road Safety Audit Stage 1-2 was carried out in accordance with TII Road Safety Audit Guidelines GE-STY-01027 and GE-STY-01024. The application includes a report from DWDS consultants outlining the 'Response to findings of Road Safety Audit Stage 1 & 2' as prepared by SW Consultancy (22/5/24). The DWDS report outlines that the identified problems have been considered and that remedial measures are reflected in the updated drawings. The application also includes a signed RSA feedback form.

8.5.8. I would acknowledge that the application does not include copies of Road Safety Audit reports *per se*. However, it is evident that the audits have been carried out and that the problems identified have been addressed in the application. Therefore, I am satisfied that the substantive RSA requirements have been met and that the relevant issues can be assessed in full.

8.5.9. The application proposes to relocate existing parking spaces along Hill Street to the south of the access in order to facilitate extension of the cycle lane. This would involve the provision of 2 dedicated residential parking spaces near the junction of along the proposed access, near its junction with Hill Street. However, the planning authority has raised concerns about associated parking/turning movements and potential conflict with other traffic along the access road.

8.5.10. This issue is dealt with in the applicant's Traffic & Transport Statement and DWDS Drawing No. 110. It shows the Swept Path Analysis and turning movements associated with the proposed parking spaces. I would acknowledge that the turning movements have the potential to conflict with movements along the proposed access road. However, given the limited number of just 2 spaces, it is likely that the number and frequency of any such movements would be extremely limited. Similarly, I would

accept that the normal operation of the proposed development would not involve significant vehicular traffic volumes and that any significant increases would be limited to irregular one-off events (e.g. school sports day). Having regard to these limited predicted movements and the nature of the proposed access road as a traffic-calmed 30km/h route off the Hill Street 50km/h zone, I do not consider that there are traffic congestion/safety concerns that would warrant a refusal of permission.

8.5.11. The Planning Authority's concerns about the junction also relate to radii and junction treatment options and compliance with DMURS Advice Note 6 - Priority Junction Tightening Measures. In response, the appeal (SW Consultancy report) contends that the proposed design has followed DMURS and that additional dimensions have been provided on Drawing Nos. 23-488-100 and 23-488-200.

8.5.12. I note that DMURS Advice Note 6 promotes the minimisation of corner radii. However, it does not include specific radius lengths and instead refers to DMURS itself. Having reviewed DMURS, I note that in general, on junctions between Arterial and/or Link streets, maximum corner radii of 6m should be applied, which will generally allow larger vehicles, such as buses and rigid body trucks, to turn corners without crossing the centre line of the intersecting road. In circumstances where there are regular turning movements by articulated vehicles, the corner radii may be increased to 9m (i.e. such as in Industrial Estates).

8.5.13. According to DWDS Drawing No. 217 'Proposed Site Entrance Plan', the radius at the northern corner of the junction would be 9 metres, while it would be 12 metres at the southern corner. Having regard to the DMURS provisions outlined above, I do not consider that a radius >6 metres is warranted in this case. I acknowledge that the junction has been designed to accommodate buses, but I consider that a tighter junction would be sufficient given the limited volume of bus movements predicted at this junction.

8.5.14. I also note that DMURS Advice Note 6 discusses a range of options for priority junctions, which are summarised in Section 3.4 'Options Matrix'. Based on Table 3.1 of this matrix, I consider that a 'raised crossing' should be incorporated into the proposed access to facilitate 'moderate pedestrian priority'.

8.5.15. The planning authority's other concerns generally relate to perceived conflicts between vehicular, pedestrian, and cycle movements along the length of the access route to the proposed facilities. In this regard, I note that:

- It is proposed to provide a continuous footpath along the northern side of the proposed access, providing direct access from Hill Street to the proposed facilities. This is considered acceptable.
- It is not proposed to provide a dedicated cycle lane along the proposed access. However, I consider that this constitutes a relatively short length of access road within a traffic-calmed environment that would facilitate shared use in accordance with DMURS principles. Accordingly, I do not consider a dedicated cycle lane to be necessary.
- The proposed vehicular carriageway width narrows to a single carriageway width for a short distance. Although perhaps necessitated by a pinch-point in the site boundary configuration, I nonetheless consider that this would function successfully as a traffic calming measure in accordance with the principles of DMURS. I would concur with the planning authority's view that priority on the single-lane section should be given to vehicles entering the development through appropriate road signage and markings.

8.5.16. In conclusion, I am satisfied that the proposed access arrangements are generally acceptable. I have identified outstanding concerns and the junction design (radii and pedestrian priority) and vehicular priority at the single lane carriageway. However, I am satisfied that these matters can be appropriately addressed through agreement with the planning authority as a condition of any permission.

Cycle Lane proposals along Hill Street

8.5.17. The planning authority has raised concerns as to whether the proposed cycle lane extension would be in compliance with the National Cycle Design Manual with regard to geometry, dimensions, key features, road markings and signage.

8.5.18. In response the appeal outlines that the proposal to reduce the carriageway width of the R132 affords the opportunity to develop the road space and extend the existing north bound cycle lane towards the town centre/Ramparts Road. It contends that at

every stage consultation was sought with LCC transport team, but that there was limited engagement.

8.5.19. I note that the Louth County Council Part 8 proposal for the 'Dublin Road Dundalk - Active Travel Scheme - Inner Relief Road to Riverside Walk' was approved on the 10th of September 2024. The scheme involves the provision of segregated pedestrian and cycling infrastructure along the Dublin Road from the Xerox Junction (R132, R215 intersection) heading northwards to Riverside Walk for a length of c.2km. The scheme would terminate c. 100m south of the proposed site entrance at a point which briefly overlaps with the red-line site boundary.

8.5.20. Having reviewed the design for the proposed Part 8 scheme, I am satisfied that the proposed cycle lane extension is generally consistent in respect of widths for footpaths, cycle lanes, and carriageways. The application acknowledges that any such works on the public road would be subject to agreement with LCC and has expressed a willingness on behalf of the applicant to do so. Accordingly, I consider that the proposed extension of the cycle network would be consistent with planned development and the proper planning and sustainable development of the area, and I am satisfied that the design details of same should be agreed with the planning authority as a condition of any permission.

Car Parking

8.5.21. With regard to car parking proposals, the planning authority has questioned the applicant's contention that the facility is to be used predominantly by the Grammar School, with the largest anticipated event being the school sports day. The planning authority considers that this contention is at odds with the letters of support from other clubs.

8.5.22. I have noted the letters of support from other clubs, the contents of which are consistent in simply outlining their support for the proposed development. They do not indicate the intensity or frequency of any planned use of the facilities by the respective clubs. Therefore, I do not consider that the letters are 'at odds' with the predominant use of the facilities by the school as stated.

8.5.23. The facilities are being developed by the school, and it is entirely reasonable and expected that they would be predominantly used by the school. Similarly, shared use of such facilities with other clubs is common and encouraged in accordance with

applicable planning policy. However, I consider that the facilities would most likely act as support facilities for the other clubs, and that any significant events would most likely be accommodated at their existing facilities, particularly in the case of larger clubs such as Dundalk F.C. Accordingly, I consider that the application takes a reasonable approach in considering the school sports day as a 'worst-case' scenario for parking demands.

8.5.24. The LCDP (Table 13.11) does not include car-parking standards for this particular 'development type'. The closest comparable 'development type' for the 'worst case' scenario in this case would be a 'Stadium', for which standards are not specified and are 'to be determined by the P.A.'.

8.5.25. Although a 'worst case' sports day scenario is estimated to involve 650 persons, a more cautious approach involving 1000 persons has been taken in the applicant's Traffic & Transport Statement (TTS). In terms of modal share, it outlines that parking requirements would be managed by promoting walking (35%) and bus use (50%) and restricting car share to 15%, resulting in the generation of 43 no. car trips (at a rate of 3.5 persons per car). It is proposed to provide a total of 54 no. car parking spaces at the proposed development to meet this requirement. It is also proposed to provide 120 no. park and ride spaces at the existing school site to facilitate bus transport to the proposed facilities, where 6 no. bus spaces and turning areas are proposed to accommodate demand.

8.5.26. A Framework Mobility Management Plan has been included with the application. A Travel Coordinator will be appointed at an early stage to identify important mobility targets, build momentum, and to drive the MMP. It acknowledges that car-parking restraint is an important factor in achieving positive outcomes and that limited on-site parking is proposed accordingly. It also confirms that the Travel Coordinator will manage traffic for larger events for as the school sports day.

8.5.27. In conclusion, I consider that the facilities will, for the most part, generate only low levels of traffic and that the associated parking demands will be satisfactorily accommodate on site. I acknowledge that occasional events will generate additional parking demands which cannot be accommodated on site, and the application has appropriately considered this under a 'worst case' scenario. In such cases, I consider that the 'restricted parking' approach is appropriate as a means of promoting a

modal shift towards more sustainable transport modes. Furthermore, I am satisfied that these alternative modes (walking, cycling, bus) can be adequately accommodated as demonstrated throughout this section of my report. Ultimately, large irregular events generate additional transportation demands which can be appropriately accommodated subject to suitable planning, management, and monitoring measures. The application has outlined suitable framework proposals in this regard, and I am satisfied that finalised details of a Mobility Management Plan can be agreed with the planning authority as a condition of any grant of permission.

Conclusion

8.5.28. Having regard to the foregoing, I am satisfied that, subject to conditions addressing the identified outstanding issues, the proposed development would be appropriately and sustainably accessible and would not result in any unacceptable traffic congestion or safety impacts within the site or on the surrounding road network.

8.6. Ecology

8.6.1. The application is accompanied by an Ecological Impact Assessment (EcIA) and a Natura Impact Statement, which are supported by additional reports submitted with the appeal. While the Natura Impact Statement is considered with respect to Natura 2000 sites in section 10 of this report (Appropriate Assessment), the other relevant ecological issues raised in this case are considered in this section.

Habitats

8.6.2. The planning authority's primary concerns are that the habitats outlined in the EcIA do not reflect those on site, particularly the extent of wetland at the southern end of the site. These concerns are largely based on its vegetative cover, drainage characteristics, and visual appearance.

8.6.3. The EcIA notes that the lands become progressively wetter toward the Ramparts Stream along the southern tip of the site. In terms of habitat classification (as per Fossitt, 2000), it states that Wet Grassland (GS4) grades into Marsh (GM1), with land closest to the stream classed as FS1 – Reed and Large sedge swamps. The Ramparts Stream is classed as Drainage Ditches (FW4), while small areas of Scrub (WS1) and Hedgerow (WL1) are noted on the eastern edge of the site. The designated wetland area 'Balmer's Bog' is also noted on the southern side of the

stream, although the EcIA clarifies that it is not a peatland habitat (bog) but is rather equivalent to a 'swamp'.

8.6.4. The appeal (Appendix 5) includes a Technical Note from Moore Group. It notes the LCC Planner's Report reference to Willow and Alder trees in the southern part of the site and confirms that these were considered under WS1 Scrub, a Fossitt category corresponding to transitional woodland, which can be clarified by including the term 'mosaic'. Having reviewed 'A Guide to Habitats in Ireland' (Fossitt, 2000), I am satisfied that WS1 does come under the category 'WS Scrub/Transitional Woodland'; that it can occur on areas of dry, damp or waterlogged ground; and that it can include a variety of species such as willow.

8.6.5. The appeal also highlights that the EcIA outlines the mosaic habitat along the Ramparts Stream where the deeper swamp areas occur and are variable and dependant on rain and water levels in the stream. However, it highlights that historical OS photography indicates that the swamp habitat rarely if ever extends above the scrub area indicated at the lower southern end of the site.

8.6.6. Having regard to the foregoing and after inspecting the site, I am satisfied that the site habitats have been suitably classified in the EcIA. Despite any perceived confusion about the description of the habitats, the appeal confirms the EcIA conclusion that '*There will be no loss of Marsh, Swamp or mosaic habitat and there will be no direct or indirect effects on the Ramparts Stream or on Balmer's Bog to the south of the Ramparts Stream'*. In this regard I note that the proposed development has been designed to take account of the wet grassland-marsh-swamp mosaic to the far south of the site and that an Ecological Exclusion Zone has been established in consultation with the Ecologist to ensure no development in this area.

8.6.7. Consistent with the submission from the Department of Housing, Local Government and Heritage, I would welcome the approach of protecting the more ecologically valuable southern sections of the site (the ecological exclusion zone). Furthermore, I am satisfied that the EcIA has established that there would be no significant effects on the wet grassland-marsh-swamp mosaic to the far south of the site.

8.6.8. Otherwise, I note the DHLGH recommendation that the sowing of commercial 'wildflower seeds' should be omitted from the landscaping plan, and I am satisfied that this can be appropriately specified as a condition of any permission.

Species

8.6.9. The planning authority has outlined concerns about a lack of consideration of frogs, newts and other typical ecology found in wet marshy lands. However, as outlined in the foregoing paragraphs, I am satisfied that such wet/marshy habitats have been suitably protected in the design of the proposed scheme. The appeal (Appendix 5) also confirms that any ponding water can be inspected regularly by the Environmental Manager for the presence of frogspawn during the relevant season, and that any identified frogspawn that is likely to be disturbed will be moved to a suitable location under licence from NPWS.

8.6.10. The LCC Planner's Report also outlines that further information/clarity would be required on the proposed lighting scheme, although it does not outline any basis or details in this regard. However, I note that the EcIA confirms that the design of lighting on the inner site area will follow the Bat Conservation Trust in partnership with the Institution for Lighting Professionals (ILP) Best Practice Guidance (BTC & ILP, 2018) on considering the impact on bats when designing lighting schemes. It outlines that the lighting configuration has been carefully selected to achieve recommended illuminance levels whilst minimising light spill and avoiding over lighting, which is achieved by a combination of optimised column height, luminaire Wattage, optical setting and column location for each road configuration. I would also note that the site is within the built-up area where artificial lighting is already present. Accordingly, I am satisfied that appropriate lighting measures have been incorporated to protect impacts on habitats and species.

8.6.11. Otherwise, I note the DHLGH recommendation that vegetation removal should occur outside the main bird breeding season, and I am satisfied that this has already been incorporated into the EcIA mitigation measures.

Conclusion

8.6.12. Having regard to the foregoing, I am satisfied that, subject to appropriate mitigation measures and conditions, the proposed development will not result in any unacceptable impacts on the ecological value of the site and its surrounding area.

8.7. Residential Amenity

8.7.1. The LCC Planner's Report outlines concerns that the proposed development will result in significant additional activity in this area in terms of traffic, noise, illumination and general activity, and that it will have an impact on the amenities currently enjoyed by residents.

8.7.2. As is the case with all development, I would accept that the proposed development would result in additional activity during the construction and operational stages. However, this is a site zoned for 'mixed uses' that is located within the existing built-up urban area of Dundalk. The area is already subject to impacts such as noise, traffic, lighting, and periodic construction, and this should be reasonably accommodated in all urban areas.

8.7.3. Having considered the nature and extent of the proposed development at both construction and operation stages, I do not consider that it would result in any exceptional impacts that would warrant a refusal of permission. The application includes an Outline Construction Environmental Management Plan which appropriately addresses a wide range of potential impacts, and these measures can be finalised in agreement with the planning authority as a condition of any permission. The operational traffic impacts have been previously discussed and are considered acceptable. I also consider that conditions can be applied to the hours of operation in order to suitably control impacts such as noise and lighting for surrounding properties.

8.7.4. Having regard to the foregoing, and subject to suitable conditions, I do not consider that the proposed development would result in any unacceptable impacts on the residential amenity of surrounding properties.

8.8. Archaeology – New Issue

8.8.1. The application is accompanied by an Archaeological Assessment. The assessment acknowledges the relatively large scale of the site (4.6ha) and that it contains one RMP/SMR site (LH007-089----) a group of cist graves, located on the western boundary of the site. Regarding the RMP/SMR site, the assessment outlines that:

In September 1879, between fifty and sixty long stone cist graves were discovered in an excellent state of preservation by labourers working on the construction of the

Great Northern Railway locomotive works to the northwest of Balmer's Bog. The graves were aligned east–west suggesting that they belonged to a substantial Early Christian community (Tempest 1952). The graves appear to have been found somewhere in the general area of the railway workshops to the west of Hill Street Bridge but are not recorded by the Record of Monuments and Places or by the Topographical Files of the National Museum. It is not, therefore, clear whether the cemetery was completely removed during the construction works or if additional graves still remain in situ. However, as there has been substantial ground reduction in the vicinity of the GNR works since their initial construction in the late nineteenth century, the chances are that most if not all of the graves have completely disappeared.

8.8.2. The applicant's assessment concludes that there is 'moderate' potential for the continued survival of buried archaeological sites or features within the site. It recommends that archaeological test excavations should be undertaken across the site, and that the railings along the cutting along the northern boundary of the site should be considered for retention or re-use.

8.8.3. The planning authority received a submission on the application from the DAU Department of Housing, Local Government and Heritage. It notes that the site contains 'Recorded Monument LH007-089----: Cist', which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. Given the scale, extent and location of the proposed development, the submission contends that it could impact on subsurface archaeological remains. It recommends that an Archaeological Impact Assessment (to include test excavation) should be prepared to assess any impact on archaeological remains. It recommends that this assessment should be submitted as 'Further Information' in order to facilitate an appropriate archaeological recommendation before a planning decision is taken.

8.8.4. The LCC Planner's Report concurs with the DAU submission and outlines that further information could have been sought if the development was considered otherwise acceptable. However, the decision to refuse permission does not include outstanding archaeological concerns, and the appeal has not specifically addressed the DAU's recommendation for further information. Therefore, the Board may

consider this to be a *'new issue'* and seek the views of relevant parties, and/or may wish to seek further information from the applicant on the matter.

8.8.5. However, notwithstanding the archaeological potential of the site, I am satisfied that permission can be granted subject to conditions. This should require pre-development archaeological testing and an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks and/or construction works. The report should include an archaeological impact statement and mitigation strategy, and where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring can be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, should also be complied with by the developer. Subject to compliance with these conditions, I am satisfied that the archaeological value of the site will be suitably protected.

9.0 Water Framework Directive Screening

9.1. The impact of the proposed development in terms of the WFD is set out in Appendix 4 of this report. The site is largely undeveloped and consists of grassland, scrub, and other vegetation. The site levels generally fall gently from north to south and from west to east, and the site conditions are wetter at the southern end of the site. The site also includes surface water infrastructure (inlet with 1350mm pipe running northwards) recently installed by Louth County Council which has a wayleave for flood alleviation measures along the eastern site boundary.

9.2. The Ramparts River/Stream (referred to as the Fairhill River in the applicant's SSFRA) flows eastwards along the southern site boundary. The SSFRA also names connecting streams from further south as the 'Killally' and 'Priorland'. However, all of the above are collectively given the EPA Name 'Ramparts_010' and will be referred to as such in this WFD screening assessment.

9.3. The Ramparts_010 watercourse runs across Hill Street in a northern direction before being culverted. It emerges again (locally known as the Blackwater River) and flows eastward to outfall at Inner Dundalk Bay near Soldier's Point (c. 4km from the appeal

site). However, just east of Hill Street, the Ramparts_010 watercourse divides to form another partly culverted watercourse (EPA Name Castletown_030, but locally known as the Ramparts River). The Castletown watercourse flows further northeast to outfall at Castletown Estuary near George's Quay (c. 2km from the appeal site).

9.4. A Site-Specific Flood Risk has been submitted with the application. As outlined in section 8.3 of this report, I am satisfied that there is no unacceptable flood risk associated with the proposed development.

9.5. As outlined in Appendix 4, the WFD status of the Castletown River is 'moderate', while the Ramparts River is 'poor'. The underlying groundwater bodies' ('Louth' and Dundalk Gravels') status is 'good', while the relevant transitional waterbodies are 'poor' (Castletown Estuary) and 'moderate' (Inner Dundalk Bay). The transitional waterbodies and Castletown River are 'at risk' of not achieving WFD status, while the Ramparts River's risk is under review.

9.6. In Appendix 4 I have outlined a range of potential pathways with the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.

9.7. The reasons for this conclusion are as follows:

- The nature and limited scale of the proposed works;
- The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
- The mitigation measures included as part of the application to address flood risk, surface water, wastewater, ecology, and construction activity.

9.8. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters,

transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

10.0 Appropriate Assessment

10.1. Introduction

The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement
- Stage 2 Appropriate Assessment of implications of the proposed development.

10.2. Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.3. Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 2 of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Dundalk Bay SPA or Dundalk Bay SAC in view of the conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the nearest European Sites
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.4. The Natura Impact Statement

As outlined in Appendix 3 of this report, a Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on Dundalk Bay SAC and Dundalk Bay SPA. The NIS concludes that, following the implementation of mitigation and restriction measures, the possibility of any adverse effects on the integrity of the European Sites considered in the NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

10.5. **Stage 2 Appropriate Assessment of implications of the proposed development**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Dundalk Bay SPA and Dundalk Bay SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U of the Act was required.

Appendix 3 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of Dundalk Bay SAC and Dundalk Bay SPA using the best scientific knowledge in the field. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Dundalk Bay SPA or the Dundalk Bay SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites in Dundalk Bay.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of Dundalk Bay SPA or Dundalk Bay SAC, nor prevent or delay the restoration of favourable conservation condition for ‘Salicornia and other annuals colonizing mud and sand’ in Dundalk Bay SAC.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the adoption of commitments in the Construction Environmental Management Plan.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

11.0 **Recommendation**

I recommend that permission be **GRANTED** for the proposed development, subject to conditions, and for the reasons and considerations set out below.

12.0 **Reasons & Considerations**

Having regard to the provisions of the Dundalk Local Area Plan 2025-2031 and the Louth County Development Plan 2021-2027, including the zoning of the site as 'C1 Mixed Use' and 'H1 Open Space' and the support outlined in the County Development Plan for the provision of sport and recreation facilities, particularly those which will facilitate shared use (including Policy Objectives SC 7, SC8, SC 20, and SC 29); the provisions of 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities' issued by the Department of Environment, Heritage and Local Government and the Office of Public Works in November 2009; the pattern and character of development in the area and the design and scale of the proposed development; it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable use-type and scale of development at this location, would not result in any unacceptable flood risk, would not seriously injure the amenities of surrounding properties or detract from the character of the area, would not detract from ecological or archaeological value, would be adequately served by existing and proposed infrastructure, and would be acceptable in terms of traffic safety and convenience. It is considered that the proposed development would be compliant with the provisions of the Dundalk Local Area Plan 2025-2031 and the Louth County Development Plan 2021-2027 and would be in accordance with the proper planning and sustainable development of the area.

13.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the

developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

   Reason: To protect the integrity of European Sites.

3. The proposed junction with the Dublin Road/Hill Street and the proposed access road shall comply with the requirements of the Design Manual for Urban Roads and Streets (2019) and shall include:

   (a) Junction redesign to include tightened radii and a raised pedestrian crossing.
   (b) Road materials, markings and signage to support shared surface use.
   (c) Road markings and signage to indicate vehicular priority for vehicles entering the development at the single carriageway section of the access road.

   Details of the above shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

   Reason: In the interest of amenity and of traffic and pedestrian safety.

4. The design of the proposed cycle lane along Dublin Road/Hill Street shall comply with the requirements of the Cycle Design Manual published by the National Transport Authority (2023), details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of sustainable transportation and safety.

5. Prior to the opening of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by users of the development. The mobility strategy shall be prepared and implemented by the applicant for all users of the proposed facilities.

   Reason: In the interest of encouraging the use of sustainable modes of transport.

6. The proposed layout shall be amended to provide access to the existing open drainage channel along the eastern site boundary for the purposes of management and maintenance.

   Reason: In the interest of public health.

7. The operational hours of the floodlighting shall not extend beyond 2200 hours, with automatic cut-off of floodlighting at that time.

   Reason: To protect the residential amenity of properties in the vicinity.

8. (a) The sowing of commercial 'wildflower seeds' shall be omitted from the landscaping plan for the proposed development'.
   (b) Any ponding water shall be inspected regularly by the Environmental Manager for the presence of frogspawn during the relevant season, and any identified frogspawn that is likely to be disturbed shall be moved to a suitable location under licence from the National Parks and Wildlife Service.

   Reason: In the interest of biodiversity protection.

9. (a) The existing railing boundary between the site and the Iarnród Éireann lands shall retained and protected from damage during construction. The

details of any requirement for supplementary boundary treatment shall be agreed in writing with the planning authority prior to the commencement of development.

(b) All works shall be carried out in a manner that maintains the safety and functionality of Iarnród Éireann railway operations.

Reason: In the interest of orderly development.

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

    Reason: In the interest of visual amenity.

11. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

    Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all

resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. It shall provide details of intended construction practice for the development, including:
(a) Location of area(s) identified for the storage of construction refuse, site offices and staff facilities;
(b) Details of site security fencing and hoardings;
(c) Details of on-site car parking facilities for site workers during the course of construction;
(d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
(e) Measures to obviate queuing of construction traffic on the adjoining road network;
(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
(g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
(h) Provision of parking for existing properties during the construction period;
(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
(m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety, and environmental protection.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the amenities of property in the vicinity

15. (a) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.

(b) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

(c) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Ward
Senior Planning Inspector

21 July 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-321081-24
Proposed Development Summary	An outdoor sports and recreational development and all ancillary works.
Development Address	Hill Street/Dublin Road, Dundalk, Co. Louth
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Part 2, Class 10(b)(iv) - An area greater 10 hectares in the case of other parts of a built-up area outside the business district. Part 2, Class 10(dd) - All private roads which would exceed 2000 metres in length.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____

Appendix 1
Form 2 - EIA Preliminary Examination

Case Reference	ABP-321081-24
Proposed Development Summary	An outdoor sports and recreational development and all ancillary works.
Development Address	Hill Street/Dublin Road, Dundalk, Co. Louth
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The proposed development involves the construction of an outdoor sports and recreational development and all ancillary works. It includes playing pitches, courts, lighting, and a track, as well as changing rooms, a spectator stand, an ecological park, upgraded access, as well as parking and road/cycle facilities. The size of the site (c. 4.6ha) is significantly less than the relevant threshold (10ha). The maximum length of the proposed access (c. 200m) is significantly less than the relevant threshold (2000m). It is a standalone development with no significant cumulative developments. There is a mixture of uses in the surrounding area, including sports and recreation facilities at the existing school, Dundalk Gaels GFC, and Oriel Park. The development does not involve demolition works. The use of natural resources and the production of waste and nuisance would be limited given the periodic use of the facilities, and would not be uncommon in inner urban residential development. The main emissions are surface water and wastewater, as well as noise, traffic, and light disturbance. The site is subject to flood risk, and it is proposed to alter the site levels to address this risk. The proposed facilities are not directly linked to the existing school campus and therefore there will be additional movements to/from the site.

Location of development	The site is located to the south of Dundalk Town Centre and is surrounded by a mixture of uses. The site is largely undeveloped apart from existing transport, access and surface water infrastructure. The nearest Natura 2000 sites are the Dundalk Bay SPA and Dundalk Bay SAC (both > 1.7km to the northeast). Dundalk Bay is also designated as a proposed Natural Heritage Area. The area is not of significant built heritage value. The proposed structures are limited in scale and would have limited impact on the character of the area. The Ramparts River runs along the south boundary of the site and eventually outfalls to Dundalk Bay. Balmer's Bog is a designated Wetland to the south side of the river. The site includes 'Recorded Monument LH007-089----: Cist'.
Types and characteristics of potential impacts	The nature of the development would be consistent with the established mix of development in the area. Surface water and wastewater emissions will be discharged to existing drainage systems in an acceptable manner as outlined in section 8.4 of this report. Noise and light emissions can also be suitably controlled though a condition limiting the operating hours of the facilities. As per section 8.3 of this report, I am satisfied that there would be no unacceptable flood risk associated with the development, nor will there be any significant impacts on the quality or quantity of the wider hydrological environment. As per section 8.5 of this report, I am satisfied that there would be no unacceptable traffic or transport impacts associated with the development. A Natura Impact Statement has been submitted, and it has been determined that the integrity of European Sites will not be adversely affected. I am satisfied that similar conclusions can be made in respect of

	Dundalk Bay pNHA. An Ecological Impact Assessment has also been submitted, and I am satisfied that there will be no unacceptable ecological effects (see section 8.6 of this report). As per section 8.8 of this report, I acknowledge the recorded archaeological monument on site and the potential for impacts on subsurface archaeological remains. However, the application includes an archaeological assessment which recommends mitigation though further test excavation. I am satisfied that this can be satisfactorily mitigated as a condition of any permission.

Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Inspector: _____ Date: _____

Appendix 2
AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	An outdoor sports and recreational development and all ancillary works.
Brief description of development site characteristics and potential impact mechanisms	The site is largely undeveloped and consists of grassland, scrub, and other vegetation. The site levels generally fall gently from north to south and from west to east, and the site conditions are wetter at the southern end of the site. The site also includes surface water infrastructure (inlet with 1350mm pipe running northwards) recently installed by Louth County Council which has a wayleave for flood alleviation measures along the eastern site boundary. The Ramparts River/Stream (referred to as the Fairhill River in the applicant's SSFRA) flows eastwards along the southern site boundary. The SSFRA also names connecting streams from further south as the 'Killally' and 'Priorland'. However, all of the above are collectively given the EPA Name 'Ramparts_010' and will be referred to as such in this WFD screening assessment. The Ramparts_010 watercourse runs across Hill Street in a northern direction in a partly culverted section before emerging again (locally known as the Blackwater River) and flowing eastward to outfall at Inner Dundalk Bay near Soldier's Point (c. 4km from the appeal site). However, just east of Hill Street, the Ramparts_010 watercourse divides to form another partly culverted watercourse (EPA Name Castletown_030, but locally known as the Ramparts River). The Castletown watercourse flows further northeast to outfall at Castletown Estuary near George's Quay (c. 2km from the appeal site). Surface water proposals implement SUDs drainage systems where possible in order to restrict the surface water run-off rates to the existing public sewer systems. Attenuation tanks have been designed to cater for the storm water run-off from the new proposed structures, roads parking etc. Storm water from the main body of the site will flow by gravity to the attenuation tanks and then discharge via a flow control device to the existing public surface water pipe which has an outlet location at the central eastern boundary. Storm water along the existing access road will connect to the existing combined sewer along Hill Street.

	Wastewater will be discharged to the existing combined manhole at Hill Street.
Screening report	Yes (Part of NIS Prepared by Moore Group)
Natura Impact Statement	Yes (Prepared by Moore Group)
Relevant submissions	The LCC decision outlines that the planning authority is not satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of Dundalk Bay SAC and other sites in the Natura 2000 network in view of the sites' Conservation Objectives, primarily due to the flood risk concerns that pertain to the site. The Uisce Eireann submission confirms that water/wastewater connections are feasible. The submission from the Department of Housing, Local Government and Heritage accepts the conclusion that the proposed mitigation measures will prevent the potential for adverse impacts on Dundalk Bay SAC and SPA.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Dundalk Bay SPA (004026)	One of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds. QIs and Conservation Objectives are listed at the following link: www.npws.ie/protected-sites/spa/004026	1.7km	Via surface water and potential flooding (Blackwater River). The Ramparts River is culverted through the site and does not provide a connection. Via foul water discharge which outfalls to Dundalk Bay.	Yes
Dundalk Bay SAC (000455)	A very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats. QIs and Conservation Objectives are listed at the following link: www.npws.ie/protected-sites/sac/000455	1.8km	Via surface water and potential flooding (Blackwater River). The Ramparts River is culverted through the site and does not provide a connection. Via foul water discharge which	Yes

			outfalls to Dundalk Bay.	

The above sites are the only relevant sites identified in the applicant's AA Screening Report as being within the potential Zone of Influence. I acknowledge other Natura 2000 sites in the wider environment (Carlingord Lough SPA, North-west Irish Sea SPA, Stabannan-Braganstown SPA, Carlingford Mountain SAC, Carlingford Shore SAC, and Clogher Head SAC). However, having considered the Source-pathway-receptor model, I do not consider these other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

<u>Surface Water</u>

During the Operational Phase, surface water will be discharged to the existing public system via SuDS, attenuation and interception, and I am satisfied that there is no potential for significant effects on Dundalk Bay at this stage. Flood mitigation measures are also considered satisfactory as per section 8.3 of my main report. Furthermore, I am satisfied that these operational measures would be implemented regardless of proximity to a European Site (i.e. not mitigation measures).

During the Construction Phase, surface water run-off containing silt/sediments or other pollutants could inadvertently flow into the Ramparts River along the southern site boundary, and subsequently flow to Dundalk Bay via the Castletown and/or Ramparts Rivers. As such, there is a potential hydrological pathway via surface water run-off to Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). The application includes a range of measures to protect water quality.

<u>Wastewater</u>

The site will also be connected to the public foul water sewer network at operational stage, which will discharge to Dundalk Bay from Dundalk WwTP. As such, there is a hydrological link to Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). However, the potential for effects is not considered significant given that there is adequate hydraulic and organic capacity available in the WWTP.

<u>Groundwater</u>

Potential discharges to ground could potentially migrate vertically downward to the underlying bedrock aquifer and laterally within the aquifer to the downgradient receiving surface waterbodies, thereby contributing to the hydrological pathway to European sites downstream of the Site. However, there is a considerable distance of c. 1.7km (as the crow flies) between the site and the nearest Natura 2000 site, and the potential for effects is not considered significant given the scale of this hydrological buffer and associated assimilative capacity.

<u>Other Effects</u>

Although the construction and operational stages will lead to increased disturbance, there are no designated sites within the disturbance Zone of Influence, i.e. 150m for mammals, and 300m for birds. The nearest European site to the Proposed Development is c.1.7km away.

The Site mainly comprises densely overgrown grassland and scrub and does not provide significant ex-situ habitat for any of the bird species associated with the surrounding European sites. No such species were recorded in the fieldwork surveys (as per EcIA) and an ecological

exclusion zone will apply to the marshy southern end of the site adjoining Ramparts River and Balmer's Bog.

AA Screening matrix

Site name Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Dundalk Bay SPA (004026) QI list Great Crested Grebe; Greylag Goose; Light-bellied Brent Goose; Shelduck; Teal; Mallard; Pintail; Common Scoter; Red-breasted Merganser; Oystercatcher; Ringed Plover; Golden Plover; Grey Plover; Lapwing; Knot; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Black-headed Gull; Common Gull; Herring Gull; Wetland and Waterbirds	Direct: None Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution. Negative impacts on water quality/regime at construction and operational stage due to flooding. Negative impacts on water quality at operational stage due to wastewater discharge.	Significant effects on habitat and species as a result of water quality/regime impacts are not likely having regard to the proposed construction and operational measures to protect water quality/regime, as well as the significant distance, dispersal and dilution factors between the application site and the SPA. However, the applicant's AA Screening Report considers that there is potential for pollution of surface water during construction in the absence of 'mitigation measures'. There is, therefore, uncertainty which requires further analysis and assessment.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	**Effects**
Site 2: Dundalk Bay SAC (000455) QI list Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals	Direct: None Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.	Significant effects on habitat and species as a result of water quality/regime impacts are not likely having regard to the proposed construction and operational measures to protect water quality/regime, as well as the significant distance, dispersal and dilution factors between the application site and the SAC.

colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows	Negative impacts on water quality/regime at construction and operational stage due to flooding. Negative impacts on water quality at operational stage due to wastewater discharge.	However, the applicant's AA Screening Report considers that there is potential for pollution of surface water during construction in the absence of 'mitigation measures'. There is, therefore, uncertainty which requires further analysis and assessment.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
I consider that it could be argued that the proposed construction stage measures are standard best-practice measures that would be implemented regardless of proximity to a European Site. However, I note that the applicant's AA Screening conclusion is based on the 'precautionary principle' and considers these measures to be 'mitigation measures' required to prevent the pollution of surface water. I consider that this is a reasonable precautionary approach given the uncertainty on the matter.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Dundalk Bay SPA and Dundalk Bay SAC from effects associated with potential pollution of surface water at the construction stage. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Dundalk Bay SPA or Dundalk Bay SAC in view of the conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the nearest European Sites
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

Appendix 3

Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of an outdoor sports and recreational development and all ancillary works in view of the relevant conservation objectives of Dundalk Bay SPA and Dundalk Bay SAC, based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation. The information relied upon includes the following: • Natura Impact Statement and Ecological Impact Statement prepared by Moore Group • The other plans and particulars submitted with the application (including the CEMP) • The LCC Planning Authority Reports • The submissions from Prescribed Bodies • Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009). I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations The LCC decision outlines that the planning authority is not satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of Dundalk Bay SAC and other sites in the Natura 2000 network in view of the sites' Conservation Objectives, primarily due to the flood risk concerns that pertain to the site. The Uisce Eireann submission confirms that water/wastewater connections are feasible. The submission from the Department of Housing, Local Government and Heritage accepts the conclusion that the proposed mitigation measures will prevent the potential for adverse impacts on Dundalk Bay SAC and SPA.

Dundalk Bay SPA (004026): **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(i) Water quality degradation (construction stage)**				
Qualifying Interest features likely to be affected	**Conservation Objectives (Summary of relevant Targets and Attributes)**	**Potential adverse effects**	**Mitigation measures (summary)** See NIS - Section 3.5	
Great Crested Grebe Greylag Goose Light-bellied Brent Goose Shelduck Teal Mallard Pintail Common Scoter Red-breasted Merganser Oystercatcher Ringed Plover Golden Plover Grey Plover Lapwing Knot Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Black-headed Gull Common Gull Herring Gull	To maintain the favourable conservation condition of species, which is defined by the following attributes and targets. Population Trend – Long term population trend stable or increasing. Distribution - No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation.	As outlined in section 8.3 of the main report, it is acknowledged that the site is subject to flooding and that there will be alterations to site levels. However, the hydrological regime will not be affected and there will be no loss of Marsh, Swamp or mosaic habitat and there will be no direct or indirect effects on the Ramparts Stream or on Balmer's Bog. At construction stage there is potential for accidental spillages and contaminated runoff entering the Ramparts River which is hydrologically connected to the SPA. This could affect water quality and feeding / foraging conditions.	CEMP in accordance with CIRIA Good Practice Guidelines (C532 – Control of Water Pollution from Construction Sites). Site personnel training and induction. Control of Surface water in accordance with the Inland Fisheries Ireland document, 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016). Protected storage of fuels/lubricants. Measures to control concrete works, cleaning and disposal. Sediment control to protect from run-off to rivers.	
Wetlands & Waterbirds	Habitat Area - The permanent area occupied by the wetland habitat is stable and not significantly less than the areas of 8136, 4374 and 649 hectares respectively for subtidal, intertidal, and supratidal habitats, other	None – There will be no loss or fragmentation of the habitat. As outlined in section 8.3 of the main report, there will be no hydrological regime impact on the wetlands.		

	than that occurring from natural patterns of variation		

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to bird population trends, distribution of bird use areas, and habitat areas.

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation (construction stage)

There is a significant separation distance (1.7km) between the appeal site and the SPA. I have acknowledged the potential hydrological connectivity via the Ramparts and Castletown watercourses, but I would consider that the connectivity is relatively weak given the separation distance and the potential for dilution of any potential pollutants. Furthermore, I consider that the size and transitional nature of Dundalk Bay provides further significant capacity to assimilate/dilute any potential pollution.

Having regard to the above and the nature and scale of the proposed development, I am satisfied that the proposed mitigation measures are adequate to ensure that the integrity of the SPA will not be affected. The mitigation measures should be applied as a condition of any permission.

Dundalk Bay SAC (000455):

Summary of Key issues that could give rise to adverse effects (from screening stage): Water quality degradation (construction stage)

Qualifying Interest features likely to be affected	**Conservation Objectives (Summary of relevant Targets and Attributes)**	**Potential adverse effects**	**Mitigation measures (summary)** See NIS - Section 3.5
Estuaries	To maintain the favourable conservation condition. Habitat Area – Stable or increasing Community Distribution – Natural Condition	As outlined in section 8.3 of the main report, it is acknowledged that the site is subject to flooding and that there will be alterations to site levels. However, the hydrological regime will not be affected and there will be no loss of Marsh, Swamp	CEMP in accordance with CIRIA Good Practice Guidelines (C532 – Control of Water Pollution from Construction Sites). Site personnel training and induction. Control of Surface water in accordance
Mudflats and sandflats not covered by seawater at low tide			
Perennial vegetation of stony banks	To maintain the favourable conservation condition. Area – Stable Distribution – No decline Physical Structure - Maintain the natural circulation of sediment and organic matter,		

	without any physical obstructions. Vegetation Structure – Habitat zonations. Vegetation Composition - Maintain the presence of species-poor communities with characteristic species. Vegetation Composition - Negative indicator species less than 5% cover.	or mosaic habitat and there will be no direct or indirect effects on the Ramparts Stream or on Balmer's Bog. At construction stage there is potential for accidental spillages and contaminated runoff entering the Ramparts River which is hydrologically connected to the SAC. This could affect water quality and associated habitat conditions, vegetation, etc.	with the Inland Fisheries Ireland document, 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016). Protected storage of fuels/lubricants. Measures to control concrete works, cleaning and disposal. Sediment control to protect from run-off to rivers.	
Salicornia and other annuals colonizing mud and sand	To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand. To maintain the favourable conservation condition of Salt Meadows. Area – Stable or increasing. Distribution – No decline. Physical structure – Maintain / restore natural circulation of sediments and organic matter, and creek and pan structure, maintain tidal regime. Vegetation Structure - Maintain range of saltmarsh habitat zonations, structural variation within sward, more than 90% of area outside creeks vegetated, and no significant expansion of Spartina. Vegetation Composition - Maintain range of sub-communities with characteristic species.			
Atlantic salt meadows				
Mediterranean Salt Meadows				
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation (construction stage)

There is a significant separation distance (1.8km) between the appeal site and the SAC. I have acknowledged the potential hydrological connectivity via the Ramparts and Castletown watercourses, but I would consider that the connectivity is relatively weak given the separation distance and the potential for dilution of any potential pollutants. Furthermore, I consider that the size and transitional nature of Dundalk Bay provides further significant capacity to assimilate/dilute any potential pollution.

Having regard to the above and the nature and scale of the proposed development, I am satisfied that the proposed mitigation measures are adequate to ensure that the integrity of the SAC will not be affected. The mitigation measures should be applied as a condition of any permission.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. Section 3.6 of the NIS outlines a comprehensive review of permissions granted in the vicinity of the site, and I have also considered other applications in the area since the making of this application. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that, following the implementation of mitigation and restriction measures, the possibility of any adverse effects on the integrity of the European Sites considered in the NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect construction-related impacts would be temporary in nature and mitigation measures are described to prevent any deterioration in surface water quality. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. They will prevent any residual effects and, as such, I am satisfied that there will be no significant in-combination effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Dundalk Bay SPA or the Dundalk Bay SAC. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Dundalk Bay SPA and Dundalk Bay SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U of the Act was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Dundalk Bay SPA or the Dundalk Bay SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites in Dundalk Bay.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of Dundalk Bay SPA or Dundalk Bay SAC, nor prevent or delay the restoration of favourable conservation condition for 'Salicornia and other annuals colonizing mud and sand' in Dundalk Bay SAC.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the adoption of commitments in the Construction Environmental Management Plan.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

Appendix 4

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	321081-24	**Townland, address**	Hill Street/Dublin Road, Dundalk, Co. Louth
Description of project		An outdoor sports and recreational development and all ancillary works.	
Brief site description, relevant to WFD Screening,		The site is largely undeveloped and consists of grassland, scrub, and other vegetation. The site levels generally fall gently from north to south and from west to east, and the site conditions are wetter at the southern end of the site. The site also includes surface water infrastructure (inlet with 1350mm pipe running northwards) recently installed by Louth County Council which has a wayleave for flood alleviation measures along the eastern site boundary. The Ramparts River/Stream (referred to as the Fairhill River in the applicant's SSFRA) flows eastwards along the southern site boundary. The SSFRA also names connecting streams from further south as the 'Killally' and 'Priorland'. However, all of the above are collectively given the EPA Name 'Ramparts_010' and will be referred to as such in this WFD screening assessment. The Ramparts_010 watercourse runs across Hill Street in a northern direction in a partly culverted section before emerging again (locally known as the Blackwater River) and flowing eastward to outfall at Inner Dundalk Bay near Soldier's Point (c. 4km from the appeal site). However, just east of Hill Street, the Ramparts_010 watercourse divides to form another partly culverted watercourse (EPA Name Castletown_030, but	

	locally known as the Ramparts River). The Castletown watercourse flows further northeast to outfall at Castletown Estuary near George's Quay (c. 2km from the appeal site).
Proposed surface water details	Surface water proposals implement SUDs drainage systems where possible in order to restrict the surface water run-off rates to the existing public sewer systems. Attenuation tanks have been designed to cater for the storm water run-off from the new proposed structures, roads parking etc. Storm water from the main body of the site will flow by gravity to the attenuation tanks and then discharge via a flow control device to the existing public surface water pipe which has an outlet location at the central eastern boundary. Storm water along the existing access road will connect to the existing combined sewer along Hill Street.
Proposed water supply source & available capacity	A review of the Uisce Eireann Capacity Register (Published December 2024) on 9/7/2025 indicated that capacity is available in Dundalk subject to 'Level of service' (LoS) improvement to meet 2033 population targets.
Proposed wastewater treatment system & available capacity, other issues	A review of the Uisce Eireann Capacity Register (Published December 2024) on 9/7/2025 indicated spare capacity available at the Dundalk WWTP.
Others?	A Site-Specific Flood Risk Assessment Report accompanies the application. As outlined in section 8.3 of this report, I consider that there is no unacceptable flood risk associated with the proposed development. As previously outlined, the watercourses associated with the site are linked to Dundalk Bay, which includes designated Natura 2000 sites Dundalk Bay SPA and Dundalk Bay SAC. The impact on these sites is discussed further in section 10 of the main report.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	**Distance to (m)**	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**
River	Originates in a culverted section c. 80m east of Hill Street	Ramparts River – Identified by EPA as part of Castletown_030	Moderate	At Risk	Agriculture, Urban Run-off	Yes – Site adjoins Ramparts_010 which divides to form Castletown_030.
River	Open section adjoins south site boundary	Ramparts / Fairhill River – Identified by EPA as part of Ramparts_010	Poor	Review	None identified	Yes – Site directly adjoins the watercourse. Potential run-off and flooding implications.
Groundwater	Underlying	Louth (IEGBNI_NB_G_019)	Good	Not at Risk	None identified	Yes - Via the overlying soil and potential flooding.
Groundwater	c. 120m east of Hill Street	Dundalk Gravels (IE_NB_G_031)	Good	Not at Risk	None identified	Yes – The rivers (Castletown_030 & Ramparts_010) flow around/through this body.
Transitional	2km to northeast	Castletown Estuary (IE_NB_040_0200)	Poor	At Risk	Urban wastewater	Yes – Connectivity via Castletown_030 outfall and WWTP outfall.
Transitional	3.8km east	Inner Dundalk Bay (IE_NB_040_0100)	Moderate	At Risk	Urban wastewater	Yes – Connectivity via Ramparts_010 outfall and WWTP outfall.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	**Component**	**Water body receptor (EPA Code)**	**Pathway (existing and new)**	**Potential for impact/ what is the possible impact**	**Screening Stage Mitigation Measure***	**Residual Risk (yes/no)** **Detail**	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	Ramparts_010 (IE_NB_06R010300) Castletown_030 (IE_NB_06C010310)	Ramparts adjoins south site boundary and potential for construction related run-off. Ramparts subsequently divides to form Castletown.	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological regime due to flooding.	Standard construction practice in CEMP. Flood mitigation measures. Ecological Exclusion Zone at southern end of site and other ecological measures.	No. As outlined in sections 8.3, 8.4, & 8.6 of my main report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or water regime.	Screened out.
2.	Ground	Louth (IEGBNI_NB_G_019)	Via the overlying soil and potential flooding.	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological	Standard construction practice in CEMP. Flood mitigation measures.	No. As outlined in sections 8.3, 8.4, & 8.6 of my main report, I am satisfied that the proposed	Screened out.

		Dundalk Gravels (IE_NB_G_031)	Via the rivers (Castletown_030 & Ramparts_010).	regime due to flooding.		measures will prevent any unacceptable impacts on water quality or water regime.	
3.	Transitional	Inner Dundalk Bay (IE_NB_040_0100) Castletown Estuary (IE_NB_040_0200)	Via the Ramparts_010 outfall Via the Castletown_030 outfall	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological regime due to flooding.	Standard construction practice in CEMP. Flood mitigation measures.	No. Having regard to the size and transitional nature of the waterbodies; the significant separation distance (>2km); and the conclusions of sections 8.3, 8.4, & 8.6 of my main report I do not consider that there would be significant impacts on water quality or regime.	Screened out.
OPERATIONAL PHASE							
1.	Surface	Ramparts_010 (IE_NB_06R010300)	Ramparts adjoins south site boundary.	Hydrocarbon spillage / pollution, flooding.	SUDs features and storm water management. Flood	No. As outlined in sections 8.3, 8.4, & 8.6 of my main report, I am satisfied that the	Screened out.

		Castletown_030 (IE_NB_06C010310)	Ramparts subsequently divides to form Castletown.		mitigation measures. Ecological Exclusion Zone at southern end of site and other ecological measures.	proposed measures will prevent any unacceptable impacts on water quality or water regime.	
2.	Ground	Louth (IEGBNI_NB_G_019) Dundalk Gravels (IE_NB_G_031)	Via the overlying soil and potential groundwater flooding. Via the rivers (Castletown_030 & Ramparts_010).	Hydrocarbon spillage / pollution, flooding.	SUDs features, storm water management. Flood mitigation measures.	No. As outlined in sections 8.3, 8.4, & 8.6 of my main report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or water regime.	Screened out
3.	Transitional	Inner Dundalk Bay (IE_NB_040_0100) Castletown Estuary (IE_NB_040_0200)	Via the Ramparts_010 outfall and WWTP outfall Via the Castletown_030 outfall and WWTP outfall	Hydrocarbon spillage / pollution. Impact on hydrological regime. WWTP outfall pollution.	SUDs features, storm water management. Flood mitigation measures. WWTP connection arrangements.	No. Having regard to the size and transitional nature of the waterbodies; the significant separation distance (>2km); the adequate hydraulic and	Screened out

						organic capacity of the WWTP; and the conclusions of sections 8.3, 8.4, & 8.6 of my main report; I do not consider that there would be significant impacts on water quality or regime.	
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A