



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322007-25**

<b>Development</b>	Proposed development of 130 dwellings (102 no. houses and 28 no. apartments) plus a crèche and a community dwelling
<b>Location</b>	Ballymakenny Road, Yellowbatter, Drogheda, County Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	PT8LH159
<b>Applicant(s)</b>	Peter Sweetman
<b>Type of Application</b>	Request for determination
<b>Planning Authority Decision</b>	NIS not required
<b>Date of Site Inspection</b>	04 May 2025.
<b>Inspector</b>	Hugh O'Neill

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## **1.0 Introduction**

This is a request for a determination as to whether a 130 residential unit development (102 houses, 28 apartments) plus crèche and community dwelling approved by Louth County Council under Part XI of the Planning and Development Act 2000 as amended, would be likely to have a significant effect on a European site.

It was determined by Louth County Council following screening that Appropriate Assessment was not required.

## **2.0 Site Location and Description**

The site is circa 3.7ha and is located circa 1.3km northwest of Drogheda town centre, comprising an infill site with housing estates to the south, east and north-east of the Site, and a commercial unit and dwelling to the north-west.

The site is greenfield in nature planted with an arable crop at time of inspection with hedgerows of varying condition defining boundaries within a primarily urban context. The area is characterised by suburban housing estates, schools, sports facilities and agricultural land.

There is a dry agricultural field drain along the north-western boundary of the Site adjoining the commercial site it does not appear to be connected to any other watercourses.

The closest watercourse on the EPA database of rivers and streams is the Tullyeskar Stream, assessed to be of Moderate Water Framework Directive Status (2016- 2021), is located approx. 270 m south of the Site at the closest point. It flows south-east and meets the Boyne Estuary approx. 1.1 km downstream.

## **3.0 Proposed Development**

130 dwellings, (102 houses, 28 apartments) crèche and community dwelling at stated density of 35.5 u/Ha. Road access will be from Ballymakenny Road on the western boundary of the Site.

Foul water will be discharged to a foul sewer at Forest Park and conveyed to the Drogheda Wastewater Treatment Plant.

Rainwater from impermeable surfaces will be channelled to onsite attenuation, draining at a controlled rate to a surface water sewer under Forest Park to the east of the Site. The system will include an oil and hydrocarbon interceptor.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The Elected Members of Louth County Council passed a resolution on 10 February 2025 adopting the development proposal as recommended. The Chief Executive report containing the recommendation signed 31/01/25 included a determination that *the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any nearby or other European sites, in view of the sites' conservation objectives and a stage 2 AA (and submission of a NIS) is not therefore required.*

A Habitats Directive Screening Assessment Determination was signed (11 September 2024) on behalf of the competent authority *that Appropriate Assessment is not required, as it can be concluded on the basis of information provided by NM Ecology Ltd that the works, individually or in combination with other plans or projects, are not likely to have a significant effect on any European Sites.*

### **4.2. Planning Authority Reports**

#### **4.2.1. Planning Reports**

A Chief Executive report, file ref 24/168 signed 31/01/25 recommended to the members of Louth County Council that they adopt the proposal. The report concluded that it was consistent with the statutory planning policies in the area and in accordance with the proper planning and sustainable development of the area.

#### **4.2.2. Other Technical Reports**

A range of reports typical of a housing development are referenced in the Chief Executive report as accompanying the proposal. Of relevance to the subject matter of this report are the following:

- Screening for Appropriate Assessment report by NM Ecology Ltd
- Winter Bird survey prepared by NM Ecology Ltd
- Engineering report by Malone O'Regan
- Desktop Flood risk Assessment by Malone O'Regan
- Construction and Environmental Management Plan by ORS

- Environmental Impact Screening Report by HRA planning.

#### 4.3. Prescribed Bodies

Uisce Éireann provided a Confirmation of Feasibility letter confirming that, subject to a valid connection agreement, the connection to the public sewer and water network can be facilitated. The water supply connection will require 80m of new water main, the wastewater connection is feasible without infrastructure upgrade by Irish Water.

### 5.0 Basis of request for a determination

The request consists of a letter supported by 6 no appendices which concludes with Mr Sweetman's contention that a Stage 2 Appropriate Assessment is required with respect to this proposed development.

The basis for Mr. Sweetman's contention is as follows:

- The development is within 1km of the River Boyne.
- The proposal will direct wastewater flows to the Drogheda WwTP.
- Drogheda WwTP is non-compliant with ELV's of the discharge licence.
- Drogheda WwTP discharges into and/or close to:
  - River Boyne and River Blackwater SAC (code: 002299);
  - Boyne Coast and Estuary SAC (code: 001957);
  - Boyne Estuary SPA (code: 004080).
- there is considerable potential for further "deterioration of natural habitats and the habitats of species" contrary to the stated objectives of the Habitats Directive (92/43/EEC) and the Water Framework Directive (2000/60/EC)

Appendices with the letter consist of

- Site Layout

- EIA Screening Report (It is assumed the intention was to append the AA screening report.)
- AA Screening Determination
- Peter Sweetman Submission to Louth County Council
- Engineering Report
- Drogheda WwTP Annual Environmental Report (AER) 2022

Note: The Drogheda WwTP 2022 AER submitted with the request has been superseded by the 2023 AER.

I note that neither Mr Sweetman, nor any other participants to the public consultation phase of the proposed development, raised concerns regarding the operation of the Drogheda Waste Water Treatment Plant and the potential for the proposal to contribute to potential impacts on Natura Sites, which would have obliged the competent authority to take them into further consideration.

The request makes reference to the Water Framework Directive. Article 250 of the Planning and Development Regulations 2001 as amended (the statutory provision under which the request was made) makes no provisions for consideration of the Water Framework Directive, and for that reason it is given no specific consideration within this report.

## **6.0 Louth County Council response**

Louth County Council submitted a letter dated 14 April 2025 enclosing the EPA 2023 AER and the Uisce Éireann Confirmation of Feasibility in response to notification of the request. A summary of the key points therein are as follows:

- The submission states that the statutory process has concluded and the time period for the Board to issue a request under Article 250 has expired.
- Mr. Sweetman should have made an application for an Article 250 determination at the time of his submission to Louth Co Co in October 2024.
- An application under Article 250 should be made within 4 weeks of publication of the AA screening determination.

- Reference is made to an erroneous date on the cover published to the web site, of the NM Ecology Screening for Appropriate Assessment. The submission states the report was furnished to the Council on 04 September 2024 and considered in advance of the Habitats Directive Screening Assessment Determination that Stage 2 AA was not required dated 11 September 2024.
- The lands in question are zoned and serviceable as identified in the Louth County Development Plan 2021-2027 which has been subject to both SEA and AA
- Letters by and on behalf of Mr. Sweetman dated 28 October 2024 and 03 March 2025 do not provide any real evidence of likely significant risk to the conservation objectives of any EU site and no specific assertions are made regarding any such risk.
- The Water Framework Directive is distinct from the Habitats and Birds Directive and should not be conflated.
- The matter of non-compliance with discharge licences and enforcement action is under the remit of the EPA.
- The 2023 AER for the Drogheda Wastewater Treatment Plant (WwTP), annexed to the submission, sets out that *a deterioration in water quality has been identified, however, it is not known if it is or is not caused by the WwTP.*
- Drogheda WwTP is operating well within its PE limits.
- As set out in the 2023 AER the EPA are of the opinion that the capacity of the plant will not be exceeded in the subsequent 3 years.
- Section 6.1 of the AER for 2023 sets out that there is no need to advise the EPA for consideration of a technical amendment/review of licence.

## 7.0 Legislation

Article 250(1) of the Planning and Development Regulations, 2001 (as amended) states that a local authority shall carry out a screening of a proposed development it proposes to carry out, to assess in view of best scientific knowledge, if the

development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.

Article 250(3)(b) of the Planning and Development Regulations 2001, as amended, provides that where any person considers a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect.

Article 250(3)(d) states that “where the Board makes a determination that a development would be likely to have a significant effect on a European site, it shall require the local authority to prepare, or cause to be prepared, a Natura Impact Statement.”

## **8.0 Assessment**

Regard has been had to each of the points raised in the Louth County Council Submission in the assessment and recommendation set out below.

Statutory time limits for requests for determination of need for EIA (Article 120) as referenced in the Planning Authority submission are not replicated the provisions relevant to AA (Article 250). Therefore, the Board have no role in the consideration of time limits in the subject case.

The issue referenced by the Planning Authority regarding cover dates of the NM Ecology Screening for appropriate assessment report as published is accepted as a typographical error and is considered not to be of consequence to the consideration of the subject matter of this report.

The statutory functions of Uisce Éireann and the EPA, and documentation as referenced in the Planning Authority Submission, are considered in this assessment. However, no such considerations supersede the requirement of the assessment and determination below.



<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	<p>130 residential units, creche and community dwelling. Foul water will be discharged to a foul sewer at Forest Park and conveyed to the Drogheda Waste Water Treatment Plant. Surface water drainage is to a surface water sewer under Forest Park to the east of the Site.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is circa 3.7ha and is located circa 1.3km north west of Drogheda town centre, comprising an infill site with housing estates to the south, east and north-east of the Site, and a commercial unit and dwelling to the north-west.</p> <p>The site is currently in arable use, greenfield in nature bounded by hedgerows of varying condition. There is a dry field drain along the north-western boundary of the site adjoining the commercial site. There is no evidence that this is connected to any other surface water body.</p> <p>The closest watercourse on the EPA database of rivers and streams is the Tullyeskar Stream assessed to be of Moderate Water Framework Directive Status (2016- 2021), is located approx. 270 m south of the Site at the closest point. It flows south-east and meets the Boyne Estuary approx. 1.1 km downstream.</p> <p>It is noted from the Annual Environmental report that <i>the WwTP discharge was not compliant with the ELV's set in the wastewater discharge licence. Based on ambient monitoring results a deterioration in BOD, TON, Dissolved Oxygen, TSS</i></p>

	<i>and Ortho-P concentrations downstream of the effluent discharge is noted. The WwTP discharges to the Boyne Estuary.</i>
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	The request for the determination presents the case that, as a result of the proximity of the development to the River Boyne and the reported exceedances in ELV's in the Drogheda WwTP to which the development drains, that Stage 2 Appropriate Assessment is required.
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>	
<p>The Appropriate Assessment Screening report considered potential indirect effects via pathways consisting of surface water, groundwater land and air in an SPR based methodology.</p> <p>The screening report for AA makes reference to the 2022 Annual environmental report (AER) for the Drogheda Wastewater Treatment Plant (WwTP) and to the non-compliance with Emission Limit Values (ELV) reported therein. The screening report reconciles the ELV exceedance with an unreferenced stated understanding that recent upgrades will resolve the noncompliance. The responsibilities of UÉ are also referenced.</p> <p>The statement of capacity in the 2023 AER and confirmation of feasibility letter would suggest the pathway (sewerage infrastructure) for the source (foul water) to impact on the receptor (estuary) to be broken. If the Board are minded to consider the pathway to be broken by the WwTP then the potential for significant the effects arising from the development, alone and in combination could be screened out.</p> <p>I consider that in order to address the specific concerns set out in the request as they relate to the subject case and to make a determination on such effect as required by article 250(3)(b) of the Planning and Development Regulations 2001 as amended,</p>	

this assessment requires consideration of the pathway via the foul sewerage network thereby extending the zone of influence (ZOI) from that considered in the AA screening report prepared for the project.

European Site (code)	Conservation Objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Boyne Estuary SPA 004080	<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	Circa 1.45 km. Straight line.	No ecological connection	N

	Turnstone ( <i>Arenaria interpres</i> ) [A169] Little Tern ( <i>Sterna albifrons</i> ) [A195] Wetland and Waterbirds [A999] CO's dated 26 Feb 2013			
River Boyne and River Blackwater SPA 004232	A229 Kingfisher <i>Alcedo atthis</i> CO's dated 02 Jul 2024	Circa 4.24km. Straight line.	No ecological connection	N
River Boyne and River Blackwater SAC 002299	1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Salmon <i>Salmo salar</i> 1355 Otter <i>Lutra lutra</i> 7230 Alkaline fens 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* Co's dated 03 Dec 2021	Circa 1.13 km. Straight line.	Potential hydrological connection via sewerage system. The SAC is upstream of the Primary Effluent Emission Point.  However qualifying interest species migrate through the Estuary.	Y
Boyne Coast and Estuary SAC 001957	1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1310 <i>Salicornia</i> and other annuals	Circa 2.31km. Straight line.	Potential hydrological connection via sewerage system. Primary Effluent	Y

	colonizing mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila</i> <i>arenaria</i> ('white dunes') 2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes') CO's dated 31 October 2012		Emission Point is within the SAC.	
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### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The requestor for this determination expressed the view that:

- The WwTP is dysfunctional and
- There is considerable potential for *further deterioration of natural habitats and the habitats of species*.

In raising these concerns the applicant did not adduce any evidence of real impacts as opposed to a generalised hypothetical risk to the referenced Natura Sites. This precludes a detailed consideration of specific identified impacts in this assessment. As described in step 2 above the potential impact identified in this assessment relates to the Conservation Objectives to restore Boyne Blackwater SAC Annex II Qualifying interests Salmon and Lamprey.

Salmon and Lamprey are key indicator species across the full SAC. Both annex species migrate as ex-situ QI's through the Boyne estuary. The following table is derived from Conservation objectives for the River Boyne and Blackwater SAC 002299 dated 03 December 2021:

1106 Salmon *Salmo salar*

To **restore** the favourable conservation condition of Atlantic Salmon (*Salmo salar*) in River Boyne and River Blackwater SAC, which is defined by a list of attributes and targets including:

Attribute	Measure	Target	Notes
Out-migrating smolt abundance	Number	No significant decline	Smolt abundance can be negatively affected by a number of impacts such as estuarine pollution, predation and sea lice ( <i>Lepeophtheirus salmonis</i> )

The potential for pollution to impact on Lamprey in transitional waters is not explicitly stated but is assumed as a general principle in the absence of information to the contrary.

Consideration is required of the potential for the *WwTP* influent derived from the subject development to impact on the characteristics of the *WwTP* effluent. Where potential for such an impact is identified and/or cannot be excluded, a consideration of the potential for affected effluent to impact on the identified CO's is required.

If the Board were to form the view that the additional influent arising from 130 residential units (circa 350 PE), in the context of the Drogheda *WwTP* built capacity (101,600 PE) could not, by virtue of relative volume, result in an associated effect on the quality of effluent, the potential for the project alone to impact on conservation objectives could be screened out.

The catchment of the Drogheda Wastewater treatment plan extends beyond the Regional Growth Centre of Drogheda. A preliminary spatial query revealed 1,002 residential units in multiple unit developments (circa 2700 PE) consented in the catchment of the Drogheda *WwTP* in 2023 and 2024.

A submission to the issues paper for The Drogheda Joint Local Area Plan from the OPR dated March 2024 noted that the population increase for Drogheda provided for 2027 in the Meath and Louth Core Strategy totals a population increase of 10,214 over the plan

period. It is also noted that provision is made for an additional 1500 population over the same plan period in Bettystown, Laytown and Mornington, all served by Drogheda WwTP.

The existence or otherwise of capacity in any WwTP is an evolving situation, it is up to UÉ to manage and to determine existing and future capacity for the purpose of new connections. It is an established principle that unless there is manifestly unreasonable assertion of capacity by UÉ it would be irrational of the Board to dismiss the confirmation of capacity. Taking account of the details of the request in this case and by virtue of the reported non-compliance with a license (subject to AA), it is appropriate to consider the capacity for the treatment of existing and future influent relative to achievement of the identified conservation objectives.

### **Background for Drogheda WWTP:**

UÉ confirmation of feasibility letter for the subject development states that a wastewater connection for the subject development is feasible without infrastructural upgrade subject to a connection agreement. The statement of capacity does not directly or indirectly reference considerations relevant to screening for Appropriate Assessment.

Licence Registration no. D0041-01 issued in 2014 for the agglomeration of Drogheda WwTP (construction completed 2008), includes a determination that *the activity will not adversely affect the integrity of the European Sites.... if carried out in accordance with this Licence and the conditions*. By virtue of the function, nature and origin of the conditions including ELVs as well as the structure of the statement the converse is therefore also assumed.

Table 2.1.4.2, Treatment Capacity Report Summary of the 2023 AER states that the capacity of the plant will not be exceeded in the subsequent 3 years. Section 4.2.2 states that no additional improvements were planned at that time. The data presented supports the conclusion that the expression of capacity is a simple function of stated designed capacity minus the stated existing influent.

Emission Limit Value (ELV) overview, section 1.3 of the 2023 AER records that notwithstanding stated remaining organic capacity of 14783 PE, in 2023 Drogheda WWTP was Non-Compliant with the licenced ELV's based on a peak collected week load of 86,817 PE. AERs for 2022 (84,606 PE), 2021 (81,186 PE), 2020 (77,479 PE) and 2019 (75,026 PE), also report non-compliance with licenced ELV's.

The 2023 AER states that *a deterioration in water quality has been identified.... and..... Based on the effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the Water Framework Directive status downstream of the WwTP*. The 2023 AER also states: *Cause of Exceedance(s): Inadequate operational procedures/training, WwTP upgrade required to meet ELVs & WwTP not designed for P removal.*

An EPA site visit report dated 27/01/2025 includes the following text: *It is noted that there is a comprehensive update due at the end of Q1 in relation to ELV compliance (refer CI000974)*. This update may provide clarity regarding both the relationship of volumes/nature of influent to frequency, probability, severity and solutions to the reported exceedances. This update may when available assist in providing an evidence base upon which to determine the significance of impact on conservation objectives on existing and future baseline scenarios. This update may provide the Bord with additional evidence not available at the time of writing this report prior to the making the subject determination.

Taking account of the subject case and in consideration of available information on the existing performance of the Drogheda WwTP, I cannot on the basis of available data exclude potential for the influent arising from residential development alone, and in combination with other influent to have an associated impact on effluent quality generally and ELVs specifically. Therefore impacts, including on Salmon smolt abundance and on River Lamprey cannot be excluded. For that reason the potential for the development to undermine achievement of conservation objectives to restore the above referenced QI's cannot be excluded on the basis of available information.

Whether the development has potential to significantly impact on the Conservation Objectives of the Boyne and Blackwater SAC by contributing to and or causing further deterioration in the quality of the WwTP effluent discharging to the River Boyne and its transitional waters, alone or in combination with other plans and projects to a degree material to a prospect of such adverse effect is beyond the scope of a Screening determination.

#### **AA Screening matrix**

<b>Site name</b> <b>Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>
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	Impacts	Effects
<p>River Boyne and River Blackwater SAC 002299</p> <p>1099 River Lamprey <i>Lampetra fluviatilis</i> (To restore the favourable conservation condition of River Lamprey)</p> <p>1106 Salmon <i>Salmo salar</i> (To restore the favourable conservation condition of Atlantic Salmon)</p> <p>1355 Otter <i>Lutra lutra</i> (maintain the favourable conservation condition)</p> <p>7230 Alkaline fens</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>CO's dated 03 Dec 2021</p>	<p>The potential for increased influent to the WwTP derived from the development alone or in combination with other plans or projects to negatively impact on the effluent quality cannot be excluded on the basis of the information available for the purpose of this screening exercise.</p> <p>The potential for further deterioration in effluent quality from the WwTP to impact on conservation objectives cannot be excluded on the basis of information available to this screening exercise.</p> <p>Estuarine pollution is noted as a potential negative affect on the population of out migrating salmon smolt.</p> <p>Estuarine pollution also has the potential to impact on river lamprey in and migrating through the estuary and on availability of prey species.</p> <p>Taking account of the existing and longstanding exceedance's recorded for Drogheda WwTP including reported deterioration in BOD, TON, Dissolved Oxygen, TSS and Ortho-P concentrations downstream of the effluent discharge, direct impacts of the pollution on the salmon smolts and lamprey and indirect impacts including on their prey species</p>	<p>Salmon smolt abundance can be negatively affected by estuarine pollution.</p> <p>Without further analysis and assessment the possibility of a reduction in abundance of salmon smolts during out migration resulting in a direct effect on population numbers thereby undermining the conservation objective to restore the species cannot be ruled out.</p> <p>Without further analysis and assessment the possibility of a reduction in estuarine water quality potentially effecting the abundance of river lamprey and thereby undermining the objective to restore the species cannot be ruled out.</p>

	cannot be excluded based on the information presented. <a href="#">2019 Article 17 of the Habitats Directive reporting</a> notes F12 Discharge of urban waste water (excluding storm overflows and/or urban run-offs) generating pollution to surface or ground water (M) as a threat to the species	
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> <b>Y</b>	
	<b>Impacts</b>	<b>Effects</b>
Boyne Coast and Estuary SAC 001957 1130 Estuaries (maintain the favourable conservation condition) 1140 Mudflats and sandflats not covered by seawater at low tide	The potential for increased influent to the WwTP derived from the development alone or in combination with other plans or projects to negatively impact on the effluent quality cannot be excluded on the basis of the information available for the purpose of this screening exercise.  The potential for further deterioration in effluent quality from the WwTP to impact on conservation	Undermining of supporting functions of the QIs vulnerable to water quality deterioration.  Without further analysis and assessment the possibility of a reduction in estuarine water quality potentially affecting the Qualifying Interests thereby undermining

<p>(maintain the favourable conservation condition)</p> <p>1310 Salicornia and other annuals colonizing mud and sand (restore the favourable conservation condition)</p> <p>1330 Atlantic salt meadows (Glauco-Puccinellietalia maritima) (maintain the favourable conservation condition)</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi) No SSCO. status of QI as CO under review at time of writing (under review)</p> <p>2110 Embryonic shifting dunes (restore the favourable conservation)</p> <p>2120 Shifting dunes along the shoreline with Ammophila arenaria ('white dunes') (restore the favourable conservation condition)</p>	<p>objectives cannot be excluded on the basis of information available to this screening exercise.</p> <p>Estuarine pollution is noted as a potential negative affect on the population of out migrating salmon smolt. Estuarine pollution also has the potential to impact on river lamprey in and migrating through the estuary and on availability of prey species. Notwithstanding their absence as QI's both Salmon and Lamprey are indicator species of estuarine habitat health.</p> <p>Taking account of the existing and longstanding exceedance's recorded for Drogheda WwTP including reported deterioration in BOD, TON, Dissolved Oxygen, TSS and Ortho-P concentrations downstream of the effluent discharge, direct and indirect impacts of the pollution on the estuary and associated QI habitats cannot be excluded based on the information presented.</p>	<p>the objective to maintain these habitats cannot be ruled out.</p>
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2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes') (To restore the favourable conservation condition) CO's dated 31 October 2012		
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? Y</b>	

## 9.0 Recommendation

On the basis of the information presented to the Board in respect of the subject case it is recommended that Appropriate Assessment is required for the development of 130 dwellings (102 houses and 28 apartments) plus crèche and community dwelling at Ballymakenny Road, Yellowbatter, Drogheda Co. Louth as described by Louth County Council development application number PT8LH159. For the reason of insufficient information to exclude the possibility of an impact on conservation objectives of European Sites.

## 10.0 Screening Determination:

### Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) 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 or in combination with other plans and projects will give rise to significant effects on the River Boyne and River Blackwater SAC 002299 and Boyne Coast and Estuary SAC 001957 European Sites in view of the sites conservation objectives, to restore the favourable conservation condition of 1106 Salmon *Salmo salar* and 1099 River Lamprey *Lampetra fluviatilis* and to maintain the favourable conservation condition of the Estuary and associated habitats. Appropriate Assessment is therefore required.

This determination is based on:

- The contribution of the subject development alone and in combination with other plans and projects to increased influent to the Drogheda Wastewater Treatment Plant.
- The historical and ongoing contribution of the WwTP effluent to estuarine pollution as reported by UÉ resulting in a *deterioration in BOD, TON, Dissolved Oxygen, TSS and Ortho-P concentrations downstream of the effluent discharge* within the Boyne Estuary
- Ongoing operation of Drogheda WwTP in breach of ELV's set in discharge license ref: D0041-01 for Drogheda Wastewater Treatment Plant.

- The possibility of increased influent from the subject development alone and in combination with other plans and projects to contribute to increased frequency and/or severity of estuarine water quality pollution.
- A potential further reduction in successful Salmon smolt migration impacting on the objective of restoration of Salmon abundance within the Boyne River and Blackwater River SAC.
- The threat to the achievement of conservation objectives from estuarine pollution by negatively affecting Lamprey abundance.
- The lack of sufficient information to exclude the potential for significant effects on conservation objectives for qualifying interests 1106 Salmon *Salmo salar* and 1099 River Lamprey *Lampetra fluviatilis* both species listed in Annex II of the habitats directive.
- The lack of sufficient information to exclude the potential for significant effects as a result of further deterioration of water quality on conservation objectives for qualifying interests of the Boyne Coast and Estuary SAC 001957 which seek to maintain the favourable conservation condition of the Estuary and associated habitats.

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.

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Hugh O'Neill  
Planning Inspector

21 May 2025