



An
Coimisiún
Pleanála

Inspector's Addendum Report

ABP-322007-25

Development	Proposed development of 130 dwellings (102 no. houses and 28 no. apartments) plus a crèche and a community dwelling
Location	Ballymakenny Road, Yellowbatter, Drogheda, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	PT8LH159 or 24168
Applicant(s)	Peter Sweetman.
Type of Application	Request for Article 250(3) determination on AA screening of a development proposed by a Local Authority.
Planning Authority Decision	NIS not required
Date of Site Inspection	04 May 2025
Inspector	Hugh O'Neill

1.1 Introduction

This report is an addendum to the Inspector's report in respect of ABP-322007-25 dated 21 May 2025.

On 26 June 2025, in accordance with article 250(3)(e) of the Planning and Development Regulations 2001 as amended An Coimisiún decided to request further information from Louth County Council.

Information was sought regarding details of recent upgrades at the Drogheda Wastewater Treatment Plant referenced in the submitted AA screening report dated 13 Sept 2024 which informed the Habitats Directive Screening Assessment Determination by Louth County Council.

The Further Information requested by ACP was as follows:

To enable the Commission to complete a screening for Appropriate Assessment, please provide detailed evidence of the upgrades undertaken to address the issue of compliance with the emission limit values in the Wastewater Discharge Licence, particularly in relation to Total Phosphorous (as P), Ammonia Total (as N) and ortho-Phosphate (as P).

This report considers the submissions made by Louth County Council following the request by An Coimisiún, the submission from the Applicant for the determination in response, and technical notes by the Senior Environmental Scientist and Senior Inspectorate Ecologist.

1.2 Response of Louth County Council to the Board's Decision to Request Further Information

A response was received from Louth County Council dated 24 July 2025. A submission from Uisce Eireann (UE) to Louth County Council (LCC) dated 23 July 2025 upon which the LCC response is based was included as an appendix to the Louth County Council response.

The response is summarised as follows:

- 2 no. projects to address operational constraints have commenced:

1. A project covering 3 primary tanks to address odour issues which will be completed in Q4 2025. On completion of these works three primary settlement tanks will be returned to use which will enable secondary treatment to perform optimally.
 2. Uisce Eireann capital maintenance programme commenced in 2023. Works will commence on the subject site which, in the view of UE, should restore the WWPT to full compliance by Q2/Q3 2026.
- The WwTP will be operated to target ELV compliance, this will ensure into the future that the WwTP will continue to meet required licence limits.
 - By any analysis the impact of 370 pe additional load (+0.4%) is unlikely to have any directly measurable impact on the performance of the WwTP.
 - Acknowledging compliance challenges, a table of water quality measurements is presented as evidence that the operation of Drogheda WwTP has been having little or no detrimental impact on quality.
 - The works (odour control and capital maintenance programme) will restore the WwTP to full compliance prior to receipt of additional loadings from the subject development.

1.3 Applicant's Response to the Submissions

The following is a summary of the response by the applicant to the LCC submission as follows:

- Commitments and targets in the response have not been implemented and may be subject to delay and alteration.
- Commitments and targets provided are neither binding nor copper fastened.
- The response to the Further Information Request states that current operation of Drogheda WwTP is not compliant.
- 'Scientific certainty' and 'precise findings of fact' are required by habitats directive.

- Louth County Council and Uisce Eireann have not engaged with Habitats Directive, EIA Directive, or Water Framework Directive in the response.
- No physical works have commenced on the capital maintenance programme, and it is accepted by UE that until such a time as these are completed the WwTP will remain non-compliant, resulting in pollution and adverse impacts to the surrounding environment.
- It is not clear that the capital works have the benefit of statutory approval.
- *Uisce Eireann's assertion that the works "is having little or no detrimental effect on the receiving waters despite the compliance challenges at the works" is at stark variance with the views cited in the 2022 Annual Environmental Report.*
- The statement from the 2022 AER is an accurate description of the impacts to the surrounding marine environment arising from UE'S failure to maintain compliance with the terms of the operating licence.
- Appropriate Assessment Screening Report completed by Louth County Council does not comply with the requirements of the Habitats Directive and is flawed in several respects. Most notably, that report does not consider and/or properly address the matters raised by UE in its submission.
- A precautionary approach is warranted and necessary in this case.
- Permitting the inflow of even a marginal additional loading of domestic sewage into what is clearly a struggling and dysfunctional treatment works would be grossly irresponsible.
- Making the case that an increase in influent of 0.4% is unlikely to have a measurable effect is missing the point and avoiding the problem.
- A Stage 2 appropriate assessment remains a requirement for the proposed development.

1.4 Assessment

I have reviewed the Further Information response and submission from the applicant. I have also re-examined the Licence and Enforcement Access Portal (LEAP) as

referenced in my report of 21 May 2025. The 2024 AER has now been published. It states that in 2024 *The WWTP discharge was not compliant with the ELV's set in the wastewater discharge licence for Ammonia, Orthophosphate and Total Nitrogen*, the peak week collected load increased to 89099. A note titled: *Drogheda WwTP Capital Maintenance Programme Update 03/09/2025* was also published on LEAP. The note describes decommissioning of sludge holding tanks as part of a Capital Maintenance Programme due to be completed in 2029.

The Further Information response contains no detailed evidence as requested of upgrades undertaken to address the issue of compliance with ELVs.

Commitments in the further information response for future attainment of compliance with ELV's are noted.

The report of the Senior Environmental Scientist dated 26 September 2025 and appended to this report outlines inadequacies in the upstream and downstream water quality data presented in the FI response. The report concludes *that the information available to An Coimisiún is insufficient to form an opinion that upgrade works to address the ELV exceedances have taken place at Drogheda WWTP.*

The report of the Senior Ecologist dated 21 October 2025, and appended to this report, concludes that *...it is not possible to exclude the possibility of significant effects without further analysis. That is not to say that effects are likely, there is just insufficient information to reach a conclusion in view of the precautionary principle that applies, and beyond reasonable scientific doubt. As screening is intended to be a preliminary assessment and in the absence of information identified above, more detailed assessment is required to exclude adverse effects, and a Natura Impact Statement is the appropriate scientific document to provide such information.*

Information provided does not enable An Coimisiún to complete a screening for Appropriate Assessment.

1.5 Recommendation

I refer to the previous Inspector's Report and recommendation dated 21 May 2025. Having regard to the additional submissions received and the expert reporting

appended to this report, I am satisfied that no information material to my recommended determination has been provided, therefore no change to my recommendation arises.

On the basis of the information presented to An Coimisiún and that available from the Licensing and Enforcement Portal (LEAP) published by the EPA, 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 for the reason of insufficient information to exclude the possibility of an impact on conservation objectives of European Sites.

I have reviewed the detailed Appropriate Assessment screening tables which formed part of my report of 21 May 2025 and no amendment is necessary as a result of the Further Information received.

1.6 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 the AA screening set out in my report of 21 May 2025 and in this addendum report, 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. Objectives include to restore the favourable conservation condition of 1106 Salmon *Salmo salar* and 1099 River Lamprey *Lampetra fluviatilis* and to maintain the favourable conservation condition of the estuary and associated habitats. Appropriate Assessment 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.

Hugh O'Neill
Planning Inspector

24 November 2025

Appendix 1 internal technical reports.

- Internal Technical Note R322007_App1 prepared by Senior Environmental Scientist.
- Technical Note: Ecology R322007_App 2 prepared by Senior Ecologist (Inspectorate)



Internal Technical Note

R322007_App1

Development	Proposed development of 130 dwellings (102 no. houses and 28 no. apartments) plus a crèche and a community dwelling
Location	Ballymakenny Road, Yellowbatter, Drogheda, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	24168
Applicant(s)	Peter Sweetman.
Type of Application	Request for Article 250(3) determination on AA screening of a development proposed by a Local Authority.
Planning Authority Decision	NIS not required
Inspector	Hugh O'Neill
Specialist	Finbarr Quigley

Introduction

On 26 June 2025, An Coimisiún in accordance with Article 250(3)(e) of the Planning and Development Regulations 2001 decided to request further information from Louth County Council. Information was sought regarding recent upgrades at the Drogheda Wastewater Treatment Plant referenced in the AA screening report dated 13 Sept 2024 which informed the Habitats Directive Screening Assessment Determination by Louth County Council.

The Further Information request by ACP was as follows:

To enable the Commission to complete a screening for Appropriate Assessment, please provide detailed evidence of the upgrades undertaken to address the issue of compliance with the emission limit values in the Wastewater Discharge Licence, particularly in relation to Total Phosphorous (as P), Ammonia Total (as N) and ortho-Phosphate (as P).

A response was received from Louth County Council dated 24 July 2025, which included a submission from Uisce Éireann (UE) to Louth County Council (LCC) dated 23 July 2025 upon which the LCC response is based.

This note considers the submission made on foot of this request by Louth County Council and the adequacy of the information provided by Uisce Éireann. In my capacity as Senior Environmental Scientist with over twenty of years professional experience, I have the relevant expertise to provide a professional opinion on the contents of the response to ACPs request for Further Information.

Assessment

The submission from Louth County Council has not provided details of any upgrades undertaken to address the specific issue of compliance with the emission limit values as requested.

I reviewed the online resources published by the EPA on the Licence and Enforcement Access Portal (LEAP) relating to Drogheda WWTP (Licence No. D0041-01) and noted the following correspondence from the EPA to Uisce Éireann under Action/Instruction A120864 issued in Q1 2025:

Drogheda WWTP has failed to comply with its emission limit values since 2016. This consistent lack of compliance with the legal requirements of the licence is unacceptable and the failure by Uisce Éireann to implement preventative and corrective actions in a timely manner to resolve the compliance issues at the WWTP is of concern.

The EPA requested a response from Uisce Éireann to include the following:

The corrective actions taken since the last update to optimise the WWTP, improve and maintain compliance.

Uisce Éireann made a submission to the EPA on 26/03/2025 and the EPA requested (under Action/Instruction A124597) another update in the following format:

Total Ammonia/Total Nitrogen

- ***Identify the measures/upgrades/works required to achieve compliance and the estimated timeframes.***
- ***Set out what interim measures have been taken to optimise compliance.***
- ***Provide compliance data and an analysis of treatment performance 2023 to mid-2025 (note: there appears to have been a deterioration in the latter half of 2024).***

Orthophosphate

- ***Identify the measures/upgrades/works required to achieve compliance and the estimated timeframes.***
- ***Set out whether any interim measures are possible to optimise compliance.***
- ***Provide compliance data and an analysis of treatment performance 2023 to mid-2025 (note: there appears to have been a deterioration in the latter half of 2024).***

The response from Uisce Éireann (EM029406) included the following:

In 2024 and to date in 2025 the WWTP met ELV requirements with the exception of TN, Ammonia and Orthophosphate (there is no chemical dosing in place for phosphorous reduction).

The EPA responded to this submission as follows:

The response to CI Action A120864 was not in the format requested and did not provide a clear response to the queries. Please submit a comprehensive response per CI Action A120864 by 31/08/2025.

No further correspondence between Uisce Éireann and the EPA was noted on the LEAP system as of 22nd September 2025. This correspondence clearly demonstrates a history of non-compliance with the Licence ELVs and provides no evidence that works have been undertaken to address the elevated Nitrogen and Phosphorous levels in the final effluent discharge.

The presentation of the table of monitoring data for samples taken upstream and downstream of the discharge from Drogheda WWTP misrepresents any actual impacts of the discharge on receiving waters. The discharge from the WWTP is into an estuarine environment and a rudimentary interrogation of the sampling dates and times demonstrates that samples have been taken on incoming tides rendering the upstream and downstream descriptors invalid. This data cannot be considered an accurate assessment of any impacts of the discharge on the Boyne Estuary.

Conclusion

Having regard to the Further Information submission from Louth County Council and Uisce Éireann, the Inspectors Report and Licence Compliance Information on the LEAP system I consider the information available to the Commission insufficient to form the opinion that upgrade works to address the ELV exceedances have taken place at Drogheda WWTP.



Finbarr Quigley
Environmental Scientist

26th September 2025



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Technical Note:

Ecology

R322007_App 2

Development

Proposed development of 130 dwellings, creche and community centre at Ballymakenny Road, Yellowbatter, Drogheda Co. Louth

Type of Application

Request for Article 250 (3) determination on AA screening of a development by a Local authority:
NIS Direction Case

Topic

Consideration of Likely Significant Effects

Ecologist

Maeve Flynn BSc. PhD. MCIEEM

Senior Planning Inspector

Hugh O'Neill

1.1 Background

- 1.1.1 In considering whether the proposed Louth County Council residential development at Ballymakenny Road in Drogheda requires Appropriate Assessment (AA) or not, specialist input from the Ecology and Environment team was sought.

1.2 Scope of technical note

- 1.2.1 This technical note to the Planning Inspector and available to the Commission is a written record of my consideration of the information available to inform (Stage 1) Screening for AA.
- 1.2.2 In my capacity of Inspectorate Ecologist with over 20 years professional experience, I have the relevant expertise to provide a professional opinion as to the adequacy of the information for the Planning Inspector and for the Commission to support their AA Screening determination for the proposed development.
- 1.2.3 I have reviewed the Screening (for AA) report prepared by Nick Marchant (NM Ecology) on behalf of Louth County Council and I have regard to documents on the case file.

1.3 Expertise and technical content

- 1.3.1 The Screening Report was prepared by Nick Marchant, a suitably qualified and experienced Ecologist. Mr Marchant also prepared an Ecological Impact Assessment report for the proposed development and undertook field surveys to inform these reports.
- 1.3.2 I am satisfied that, the screening report has been prepared in line with current best practice guidance and follows the source, pathway, receptor model of impact prediction and that the methodology, surveys and approach to impact assessment is proportionate to the type and scale of the proposed development and prevailing environmental conditions at the proposed site.

2.1 AA Screening Report

- 2.1.1 My review does not comprise the AA Screening determination but is aimed at providing the Planning Inspector and the Commission with a professional opinion in view of the issues raised as part of the Article 250 (3) request.
- 2.1.2 In screening the need for AA, the applicant found that the proposed development would not be likely to have a significant effect on any European site as there are no risks of direct impacts and the potential for indirect impacts was excluded as no feasible ecological pathways were identified.
- 2.1.3 The proposed development is not within or in immediate proximity to any European sites. The proposed development is located within 1.2km (at the closest point- straight line) of the River Boyne Blackwater SAC but the no ecological or hydrological connections to the river are identified. The Boyne coast and Boyne Estuary SAC and SPA designations cover the transitional and estuarine waters and habitats of the Boyne Estuary.
- 2.1.4 The screening report provides a description of the proposed development in terms of the site location, geology and soils and hydrology with a finding that the site has no connections to any watercourse. Wintering bird surveys, conducted over the appropriate season and at required survey effort showed that the site is not of importance for Special Conservation Interest (SCI) bird species listed for the SPA.
- 2.1.5 I am satisfied that based on the information in the Screening report and my review of GIS mapping that there are no direct ecological or hydrological connections to any of the European Sites.
- 2.1.6 In the description of the proposed development, the management of foul water is considered. As with any other development in the Drogheda area, foul water will be discharged to the local authority foul sewer and conveyed to the Drogheda Wastewater Treatment plant which has demonstrated capacity. The screening report acknowledges the documented exceedances at the WWTP in relation to the Emissions Limit values with reference to the 2022 annual environmental report (for Ammonia, orthophosphate and total

Nitrogen) and the statement in that report that there appears to be a negative impact at the discharge point. The Planning Inspector and the commission will note that the discharge point is c2km downstream of the WWTP within the Boyne Estuary. The screening report then relies upon the assumption that recent upgrades at the WWTP will increase the quality of treatment to comply with the ELVs and that as part of their licenced activities, it is the responsibility of Uisce Eireann to ensure that emissions do not have negative effects on receiving waters. The examination of this aspect of ongoing operational issues in view of interactions with the proposed development does not proceed any further.

2.1.7 This conclusion is entirely reasonable if the upgrades have taken place. However, based on the further information received from Louth County Council, there appears to be insufficient information available to determine if these upgrade works have actually taken place (Technical note 26/09/2025). The Annual Environmental Report (AER) 2024 for Drogheda WWTP ¹ (section 4.2.1 specified improvement programme summary) gives the status of works for meeting ELVs as follows;

- P Removal – Not Started (Ferric dosing installed previously but not in use)
- Ammonia & Ortho-P Removal – Design stage

No timeframe for completing the works is provided.

Ongoing operational issues

2.1.8 The AER 2024 provides a summary of the significance of the licences monitoring results, reproduced here:

- The coastal/transitional ambient monitoring results meet the required EQS. The EQS relates to the Oxygenation and Nutrient Conditions set out in the Surface Water Regulations 2009.
- Based on ambient monitoring results a deterioration in Ammonia, BOD and TSS concentrations downstream of the effluent discharge is noted.

¹ [D0041-01_2024_AER.pdf](#)

- A deterioration in water quality has been identified, however it is not known if it or is not caused by the WWTP.
- Agriculture & Urban Wastewater are cited as significant pressures impacting the Boyne Estuary transitional waterbody in the 3rd Cycle Boyne Catchment Report (HA 07)
- 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. It should be noted however that the current WFD status is Moderate both upstream and downstream of the WWTP.
- It is not considered that the discharge from the wastewater treatment plant is having an observable negative impact on any downstream bathing water areas.

2.1.9 The WWTP outlet is within Boyne Estuary SAC and SPA and the Request for Article 250 (3) determination cites *considerable potential for further deterioration of natural habitats and habitats of species contrary to the Habitats Directive (and Water framework Directive)*. However, no specific habitats or species are identified or their conservation condition referenced in relation to such 'deterioration'.

2.1.10 Articles 6(2) and 6(3) of the Habitats Directive are both intended to prevent negative effects on European Sites. In the case of Article 6(2) the intention is to avoid deterioration of habitats or significant disturbance of species at all times- i.e. it is an ongoing obligation. The provisions of Article 6(3) are only relevant where a plan or project is proposed that may have significant effects on the site. It follows that a failure to undertake necessary steps under 6(2) can have knock on effects for projects under 6(3). Where ongoing activities which are causing deterioration or significant disturbance are allowed to persist unchecked, they can undermine the environmental capacity at a site to absorb new effects which might arise from a project subject to assessment under 6(3) (Habitats Regulations Assessment Handbook, DTA Ecology).

2.1.11 The observation on this case has not identified deterioration of habitats listed as qualifying interests for the European Sites or any significant disturbances to species from the non-compliance issues at the WWTP.

2.1.12 In view of the requirements of stage 1 Screening of the provisions of Article 6(3) a significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine the conservation objectives. A risk or possibility of such a risk is enough to warrant the need for AA. However, the assessment needs to be informed by credible evidence of risk rather than a hypothetical risk of effects. There must be a causal connection or link between the subject project and the Qualifying interests of the site.

2.1.13 The foul water connection is an indirect weak hydrological connection intercepted and treated at the WWTP. As noted by the Local Authority, the proposed development will comprise only **0.4%** of the WWTP capacity of 101,600 PE. Based on this very low value, it is reasonable to conclude that this addition would have a negligible contribution to the functioning and emissions of the WWPT notwithstanding the recorded exceedances and that likely significant effects from the proposed development can be excluded based on this objective information. However, this figure should be considered in combination with other proposed developments to determine if possible, in combination effects could arise. This is information in not available in the documentation provided.

2.1.14 In terms of taking account of the conservation objectives of the relevant European Sites, as the screening report ruled out any source impacts, the likelihood of significant effects occurring was excluded without moving onto the next step of considering the conservation objectives of the sites.

2.1.15 The conservation objectives for the Boyne Estuary and Coast SAC coastal habitats are to maintain the **favourable conservation** condition for Estuary, Mudflats not covered by sea water at low tide and Atlantic salt meadows indicating that these habitats which dominate the area at and downstream of the WWTP are not at unfavourable status. Similarly, the conservation objectives for the SPA are to maintain the favourable conservation condition of the Special conservation interest bird species and wetland habitats. In relation to Atlantic Salmon and river Lamprey, QI species of the River Boyne Blackwater SAC, both of species utilise the estuarine area at various life

stages and have a conservation objective to restore favourable conservation condition.

2.1.16 In view of the uncertainty regarding the upgrades to the WWTP, the lack of consideration of in combination effects of their possible impact mechanism and the lack of consideration of these impacts in view of conservation objectives of the Boyne Estuary Coast Sac, Boyne Estuary SPA and River Boyne Blackwater SAC it is not possible to exclude the possibility of significant effects without further analysis. That is not to say that effects are likely, there is just insufficient information to reach a conclusion in view of the precautionary principle that applies, and beyond reasonable scientific doubt. As screening is intended to be a preliminary assessment and in the absence of information identified above, more detailed assessment is required to exclude adverse effects, and a Natura Impact Statement is the appropriate scientific document to provide such information.



Signed

Maeve Flynn

Senior Ecologist (Inspectorate)

21/10/2025