



An  
Coimisiún  
Pleanála

## Technical Note:

### Ecology

**ABP-323966-25 – Specialist report**

**Request from Inspector:**

**R323966\_TN**

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<b>Development</b>	Large-scale Residential Development (LRD) on lands at Haggardstown and Marshes Upper, including works on Blackrock Road (R172) and Hardy's Lane, Dundalk, Co. Louth
<b>Type of Application</b>	Appeal - Louth County Council ref. 25/60319
<b>Topic</b>	Request from Inspector: Request for advice on Appropriate Assessment.
<b>Ecologist</b>	Paula Kearney
<b>Planning Inspector</b>	Irené McCormack

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## 1.0 Introduction

### 1.1. Background

- 1.1.1. Case ABP-323966-25 relates to an appeal case (Louth County Council (LCC) ref. 23/60476) for a Large-scale Residential Development (LRD) comprising 502 no. units and a creche facility. The application site comprises 18.54ha (including Blackrock Road and Tandy's Lane) at Haggardstown and Marshes Upper and is located within the urban boundary of Dundalk. It is located approximately 4km south of Dundalk and 1km north of Blackrock, south of Bóthar Maol and west of Blackrock Road (R172). The application site also includes lands in public ownership to provide for connections to public infrastructure and proposed works to R172 at the site entrance.
- 1.1.2. Dundalk Bay Special Area of Conservation (SAC) (000455) and Dundalk Bay and Dundalk Bay Special Protection Area (SPA) (004026) are adjacent to the east of the proposed site entrance along the R172.
- 1.1.3. An Appropriate Assessment (AA) Screening Report and Natura Impact Statement (NIS) for the development was prepared by Enviroguide (May 2025).
- 1.1.4. LCC sought Further Information (FI) on application 23/60476 and received further submissions on the FI from the Department of Housing, Local Government and Heritage Development Applications Unit on the 17<sup>th</sup> November 2025, and their recommendations are as follows:

*“The Department recommended that the Planning Authority, in light of the above, should consider whether the Applicant has demonstrated in the Ecological RFI Response Memo submitted as FI, will not result in adverse effects on the Dundalk Bay SAC and the Dundalk Bay SPA, given the current situation that discharges from the Dundalk WwTP to which the foul sewage from the proposed development is to be routed may be resulting in poor water quality levels within parts of these European Sites, possibly adversely affecting QIs/SCIs for them, or whether the Applicant should be requested to submit as Clarification of FI, an evaluation in an amended AA Screening Report, and, if necessary, an amended Natura Impact Statement (NIS), of the adverse effects, if any, of the current discharges from the Dundalk WwTP on QIs/SCIs on the Sites, and the likely effects of future discharges from this plant on such QIs/SCIs, when foul sewage from the proposed Haggardstown development is routed to it.”*
- 1.1.5. The PA did not seek clarification in this regard and therefore the document lacks clarity on what the baseline situation at the Dundalk WwTP is,

whether the observed deterioration in the quality of the waters into which it discharges treated effluent is due to the discharges from the plant, or whether the decline in water quality recorded has resulted in adverse effects to QIs for the Dundalk Bay SAC and Dundalk Bay SPA and the potential, if any, cumulative impacts of the proposed development.

1.1.6. Therefore, the Commission's Senior Planning Inspector requested a report from ecologists, dated 09/03/2026, to review the concerns raised in the submission on the FI from the Department of Housing, Planning and Local Government, Development Applications Unit to LCC, dated 17<sup>th</sup> November 2025.

1.1.7. My assessment, as directed by the Senior Planning Inspector, is focused only on the recommendations from the Department as set out under Section 1.1.4 above, specifically relating to the treatment of wastewater arising from the subject site and potential for likely significant effects to Dundalk Bay SAC and Dundalk Bay SPA.

## **1.2. Scope of report**

1.2.1. This report to the Commission includes a review of the application documentation including the AA Screening Assessment, Natura Impact Statement, Ecological Impact Assessment, Response to Further Information (RFI) documents, drawings and design details on file.

1.2.2. In my capacity of Inspectorate Ecologist, with over 25 years professional experience, I have the relevant expertise to advise on the Appropriate Assessment (AA) for the proposed the LRD.

## **2.0 Implications for European Sites**

### **2.1. Appropriate Assessment**

2.1.1. In the AA Screening Report, direct hydrological pathways were identified to the SAC and SPA via surface water drainage and indirect pathways via the foul water sewer to Dundalk Wastewater Treatment Plant (WwTP) which discharges into Castletown Estuary and Inner Dundalk Bay.

2.1.2. The screening report acknowledges historical treatment issues at the plant including effluent quality breaches, equipment failures, and occasional uncontrolled discharges due to infrastructure issues, which has led to the WwTP discharge not being compliant with the wastewater discharge licence for Total Nitrogen mg/l, Total Phosphorous (as P) mg/l.

2.1.3. As detailed in the AA Screening Report Section 2.1.3.1.2, the Applicant has liaised with Uisce Éireann (UÉ) in relation to the Proposed

Development and submitted a Pre-Connection Enquiry (PCE) to which UÉ responded with a Confirmation of Feasibility (CoF) letter. In summary, the CoF letter notes that a wastewater connection for the full development can be facilitated subject to upgrades and interim measures as detailed within the CoF (CoF in Appendix C of DOBA's 2025 IDR). Works proposed by UÉ include upgrades of the Coe's Road pumping station, scheduled for completion in Q1 2030, with an interim solution provided of time restricted flows, if connection is required prior to upgrade works being completed.

- 2.1.4. In Section 5.4.3.2 Operational Phase Foul Water, the applicant states with regard to discharges from the WwTP not meeting emissions standards, *"...this is a matter for UÉ and not within the purview or control of the applicant. UÉ are responsible for whether the receiving drainage infrastructure has the capacity to facilitate a proposed development and also for ensuring that public wastewater infrastructure is operating to a satisfactory level in terms of wastewater treatment"*, and concludes that once the receiving WwTP is operating effectively, there is no potential for likely significant cumulative effects involving foul water generated by the proposed development and is therefore screened out for AA.
- 2.1.5. In the applicants AA Screening Report and RFI Response Memo, as highlighted in the DAU submission, the applicant has not attempted to evaluate whether the observed deterioration in water quality within the Dundalk Bay SAC and Dundalk Bay SPA has had adverse effects on various Qualifying Interests (QIs) and Conservation Objectives for these European Sites.
- 2.1.6. In making its determination on Screening for AA, An Coimisiún Pleanála, as the competent authority are required to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site and for AA, whether or not the proposed development would adversely affect the integrity of a European site. Case law pertaining to AA from the CJEU and Irish High Court, establishes that a "lacuna" or gap/deficiency in scientific data or reasoning leaves reasonable scientific doubt regarding potential adverse effects on European sites.
- 2.1.7. As noted in the CoF in Appendix C of DOBA's 2025 IDR, the upgrade works, such as at Coe's Road pumping station, are required to increase the capacity of the existing wastewater network and are scheduled for completion in Q1 2030. UÉ also state in the CoF that *"This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted*

*and sign a connection agreement with Uisce Éireann. As the network capacity changes constantly, this review is only valid at the time of its completion”.*

- 2.1.8. The applicant is relying on a third party to deliver necessary, currently unbuilt infrastructure to provide the wastewater treatment needs of the proposed development. In addition, the proposed UÉ interim solution of time restricted flows, and whether this approach will put pressure on existing infrastructure, has not been assessed in the application. In the absence of necessary infrastructure, I conclude that there is reasonable scientific doubt as to the absence of adverse effects on European sites. Therefore, there is insufficient information for An Coimisiún Pleanála to complete the AA.

Signed

Paula Kearney

Senior Ecologist (Inspectorate)

20/03/2026