Inspector's Report
ABP-323966-25

Development	Construction of 502 Residential Units and all site works to include demolition of existing structures.
Location	Haggardstown and Marshes Upper, including works on Blackrock Road (R172) and Hardy's Lane, Dundalk, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	25/60319
Applicant(s)	Marina Quarter Ltd
Type of Application	Large - Scale Residential Development (LRD)
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	1. John Horan O/B Blackrock Tidy towns 2. Aoife and John Henry 3. Bothar Maol Residents Association

	4. Brian P. Hopper
Observer(s)	1. Haggardstown & Blackrock Community Forum 2. Brendan Ryan & Ann McCabe
Date of Site Inspection	16th March 2026
Inspector	I. McCormack

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1.0 Site Location and Description

1.1.1. 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. The site is irregular shaped site located on the western side of the R172 Blackrock Road, c. 300 metres north of the junction of R172 Blackrock Road and Birches Lane. The site also has limited secondary frontages to Bothar Maol, which comprises a local road to the north of the site providing access to a no. of one-off private residential dwellings.

1.1.2. The subject site is greenfield in nature and currently undeveloped and in agricultural use bounded by field hedgerows. The site is primarily bounded to the north and east by existing residential development and by agricultural and amenity uses to the south and west. A small part of the site's northern boundary has frontage to Bothar Maol, with the remainder of the northern boundary flanking the rear/side boundaries of 14 no. detached one-off houses fronting Bothar Maol (including Glebe House, An Charraig and Coonrah). Bothar Maol itself is gated mid-way prohibiting a through route between the R172 Blackrock Road and the N52 Road further west. Further north, on the opposite side of Bothar Maol, are 3 no. detached one-off houses fronting Bothar Maol and the R172 Blackrock Road and the Finnabair Industrial Estate. The field positioned between these dwellings/industrial estates, is currently being developed for 29 no. residential units, on foot of Reg. Ref. 211032/ABP Ref. ABP-311776-21. The eastern boundary is proximate to the rear/side boundaries of 4 no. detached one-off houses (Loaker , Mountain View, Plunket Villa and Loft House) fronting the R172 Blackrock Road and an agricultural building. Agricultural fields and Nelgeo, a detached dormer bungalow fronting the R172 Blackrock Road, flank the sites southern boundary. The subject sites western boundary abuts the Dundalk Golf Club.

1.1.3. The lands slope from the south-west corner, at the highest point, to the lowest point at the north-east corner with approximately 18 metres of a ground level difference between the two points. The are a number of rock outcrops on site and is large ESB power line runs along the western portion of the site from north to south. On foot of previous permission on the site some works have taken place with the installation of a construction site access onto the Bóthar Maol secured within field gates and security

fencing and some ground works within the site.

1.1.4. Dundalk town centre contains a wide range of facilities and services, including several supermarkets, primary and secondary schools along with essential services such as GP's, opticians and the Louth County Hospital. There are also numerous sports clubs including the Quay Celtic soccer club and the Dundalk Gaels GAA Club. Blackrock also contains services including a veterinary clinic, the Blackrock Abbey Nursing Home, and the St. Francis National School.

2.0 Proposed Development

2.1.1. In summary, the proposed LRD will comprise:

A 7 year permission is being sought for a Large-scale Residential Development (LRD) comprising 502 no. units and a creche facility. The proposed development will consist of:

• 502 no. residential units comprising 1, 2, 3 and 4 bed units in a mix of maisonettes, terraced and semi-detached units, with 1 no. detached bungalow unit. The total residential gross floor area is 51,440.5 sqm. The residential units are two and three storeys in height, excluding the 1 no. bungalow.

• Two storey Creche facility (570.7 sqm Gross Floor Area) with outdoor secure play area.

• New Access off Blackrock Road (R172)incorporating a new bus stop, with 2 no. pedestrian and cycle access points from Bóthar Maol, and provision for future access to lands to south provided for. • Infrastructure and services for the proposed development including surface water infrastructure, water mains and wastewater which will be pumped via a new rising main along Blackrock Road and Hardy's Lane to Finnabair Crescent where it will discharge to the existing wastewater drainage network.

• Associated public and private open space, landscaping and amenity areas including a large central park of c.2.7ha with public art, boundary treatments, public lighting, roads, cycleways, footpaths, car and cycle parking, infrastructure and services and all associated site and development works.

• To facilitate the proposed development, excavation, cut and fill, reprofiling of existing ground levels and removal of works completed under previously permitted SHD

development including the foundations for 5 no. houses is required. The ruins of a former pumphouse will also be removed / demolished as part of the works and existing overhead electrical lines will be undergrounded.

2.2. Development Parameters:

Site Area (Principal Site)	17.60 ha
Full Application Site including public roads for services	18.54 ha
Net Developable Area excluding site entrance road and lands zoned open space	13.24 ha
Gross Floor Area (GFA)	52,011.2 sqm
Total Residential GFA	51,440.5 sqm
Creche GFA (Total Non – Non-Residential)	570.7 sqm
No. Units	502 no. units comprising • 40 no. 1 bed maisonettes • 147 no. 2 bed mid terrace 2 storey houses • 276 no. 3 bed end of terrace and semi-detached 2 storey houses • 1 no. detached bungalow • 38 no. 4 bed 3 storey houses

Unit Mix Summary	Units (No.)	Units (%)
1-bed (maisonette)	40	8.0%
2-bed (mid-terrace)	147	29.3%
3-bed (end-of-terrace – 134) (Semi-detached – 142) (detached bungalow- 1)	277	55.2%
4-bed semi-detached	38	7.5%
Density	37.9 dwellings per hectare (dph)	
Plot Ratio	0.39	
Site Coverage	23.2%	
Building Height	2-3 storeys, with 1 no. single-storey detached unit.	
Car Parking	861 no. spaces comprising: • 817 no. residential spaces • 24 no. visitor spaces • 20 no. creche spaces	
Bicycle Parking	660 no. spaces comprising • 502 no. residential spaces • 120 no. visitor spaces • 22 no. creche spaces • 16 no. bicycle share spaces	
Public Open Space • Within Principal Site • Within Net Developable Area	 4.67 ha (26.6%) 1.56ha (11.8%)	

2.2.1. In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning Report
- Statement of Consistency
- Response to LRD Opinion
- Community & Social Infrastructure Audit
- Childcare Demand Assessment
- School Demand Assessment
- Design Statement
- Housing Quality Assessment
- Building Lifecycle Report
- Landscape Design Statement and Drawings
- Tree Survey Report and Drawings
- Infrastructure Design Report
- Description of Proposed Utilities & Energy Sustainability Report
- Site Lighting Report
- Environmental Impact Assessment Report (Vol I-III)
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Outline Construction Environmental Management Plan
- Operational Waste Management Plan
- Site Specific Flood Risk Assessment
- Road Safety Audit Stage 1
- Transport Assessment
- CGIs and Verified Views
- Daylight & Sunlight Assessment Report

2.2.2. The Planning Authority requested further information on 22nd July 2025. A response was made on 2nd October 2025. The response was readvertised as Significant Further Information.

3.0 Planning Authority Pre-Application Opinion

3.1.1. A Section 32 Consultation Meeting took place on the 5th March 2025 with representatives of the applicant and planning authority in attendance.

3.1.2. A Large-Scale Residential Development (LRD) Opinion issued on 28th March 2025. The Opinion advised that the documentation submitted requires further consideration and/or amendment to constitute a reasonable basis for an application. The opinion did note that the following needed to be addressed:

1. Requirement to provide an EIAR.
2. Requirements to provide Appropriate Assessment and Natural Impact Statement.
3. In Combination Effects needs to be examined as part of the AA and EIAR to ensure nearby planning applications are included for consideration.
4. Childcare Demand Assessment and a Schools Demand Assessment.
5. A Community Social and Cultural Infrastructure Audit.
6. Roads/Layout/Infill (having regard to EIAR).
7. A Statement of Consistency with DMURS.

3.1.3. The Opinion also included specific information to be submitted with the LRD Application regarding Traffic and Transport Issues, Road Safety, Compliance with DMURS, Stormwater, Infilling of Lands/Topography, construction Management/Waste Management, Compliance with Design Standards, Boundary Treatment, Part V and Ecology.

3.1.4. The application includes a response to the LRD Opinion issued by Louth County Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

4.0 Planning Authority Decision

4.1. Decision

By Order dated 3rd December 2025, Louth County Council issued notification of a decision to GRANT permission for the proposed development subject to 29 no. conditions.

4.2. **Planning Authority Reports**

4.2.1. **Planning Reports**

Planner Report

4.2.2. The report provides a summary of the proposed development, the LRD process and submissions received. The report reviews the characteristics of the site and the proposed development and various national policies and provisions of the development plan.

4.2.3. The PA noted the zoning of part of the site identified in the Dundalk LAP is subject to Judicial Review and as such the land use zoning as per the Conty Development Plan remains the applicable zoning for the site owning to the hierarchy of plans.

4.2.4. The PA note that while concerns were raised regarding the development's compatibility with the character of the surrounding area, it is considered that the scheme will successfully deliver a distinct sense of place at this location. The site layout reflects a considered response to its coastal setting, adjacent to European designated sites, and proximity to established residential properties. Overall, the design, height, scale, position, and layout of the proposed development are deemed to be acceptable and consistent with the principles of proper planning and sustainable development.

4.2.5. As noted above the Planning Authority requested further information on information on 22nd July 2025 which sought clarification in relation to an evaluation of the possibility that discharges of inadequately treated foul water originating from the proposed development into the Dundalk Bay SAC and the Dundalk Bay SPA from the Dundalk Wastewater Treatment Plant, and to confirm the applicants willingness to provide a special contribution towards the provision of public lighting along Bothar Maol that would benefit the proposed development. A response was made on 2nd October 2025.

4.2.6. Following receipt of further information response, the PA concluded that:

- the response highlights that the Dundalk WWTP has sufficient capacity to accommodate the additional loads of the proposed development and that the applicant has demonstrated an understanding of the importance of active travel infrastructure and confirmed their willingness to make a special contribution towards the provision of public lighting along Bothar Maol.

- The PA also consider the revised submissions received in response to the Significant Further Information received and note that all the issues raised have been considered in the assessment of the FI response.
- Having regard to the 'town location' the PA considered the proposed development would not seriously injure the visual amenity of the area or harm the amenities of nearby properties and would be in accordance with the proper planning and sustainable development of the area.

The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority.

4.2.7. The Planning Authority set out 32 conditions that they consider necessary to attach, the following of which are of note:

Condition 2 – Development Contributions.

Condition 3 – Special Contribution re. Bothar Maol.

Condition 4 – Bond.

Condition 10 – Phasing.

Condition 11 - Mitigation measures detailed in the submitted documents to be implemented in full.

Condition 12 – Relates to 7 year permission.

Condition 20- relates to Road's requirements.

Condition 21-24 - relate to Storm Water requirements.

Condition no. 29 – Archaeology

4.3. **Other Technical Reports**

Placemaking & Physical Development (27th June 2025) – No objection subject to conditions.

Housing (emailed 16th July 2025) – Part V proposal noted. Final arrangements will be subject to formal agreement and may evolve. Condition required.

Environment (24th June 2025) - No objection subject to condition.

4.4. **Prescribed Bodies**

The planning authority referred to the application to the following prescribed Bodies:

Dept. Housing, Local Government and Heritage (7th July 2025, 8th July 2025 and 17/11/2025) –

Report dated 87/7/25 recommended engaging a qualified archaeologist.

Report dated 8/7/25 relates to Dundalk SAC and SPA and additional information regarding wastewater treatment and otters.

Report dated 17/11/25 recommended clarification of further information to include 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 /7/2024 stipulates a planning condition re. archaeology.

Uisce Eireann (4th July 2025) – Water connection is feasible without upgrades, while wastewater connection is feasible subject to upgrades scheduled for completion by Q1 2030. Interim wastewater solutions are required if connections are made before the upgrades. The applicant must enter into a Connection Agreement and comply with Uisce Éireann's standards and conditions.

In response to FI a subsequent report from UE (28th August 2025) states:

Works to Dundalk WWTP Dundalk WWTP has a capacity of 71,000pe. The current load is about 58,200pe therefore there is approximately 12,800pe headroom still currently available. Considerable work is underway to address operational non-compliances at the WWTP, with UÉ having already commenced two projects on the Dundalk WWTP site;

1. *Replacement of the anaerobic digestion process:*

The project was commenced 2 years ago as the digestion tanks and one of the thickening tanks were failing. This project is ongoing, with the picket fence sludge thickening tank having been replaced in 2024. The digestion system upgrade to meet current standards and biogas recovery is at detailed design.

2. *Uisce Éireann Capital Maintenance Programme:*

Non-compliances at the treatment works have been caused by equipment failures and these have been addressed by reactive capital maintenance (CM) interventions, repairing or replacing such items as the inlet screen and process pumps etc. To address the CM needs in a proactive way, Uisce Éireann developed a capital maintenance programme which commenced in 2023. This has been going through Outline Design, Scoping Definition and Detailed Design, and will commence onsite works in Q2 2026. This will maintain the capacity of the WWTP at 71,000pe and provide process resilience.

Consideration of the proposed development load

Any analysis of the impact of this development requires consideration of the fact that the 503 units will be equivalent to about 1,400pe additional load. This represents an increase of about 2% to the total capacity to the WWTP. This load will arise over a number of years during which the UÉ CM programme will have been implementing capital investment to address asset deficits which will ensure the capacity of 71,000pe is maintained and compliance restored. In addition, UÉ is currently going into detailed design for a full upgrade of the Dundalk wwtp to provide capacity for a 2055 horizon to ensure capacity for future growth and compliance needs. This project is expected to go to site in 2029 subject to planning and other approvals.

AER Training Statement:

The statement regarding training in the AER's refers to an open incident on the EPA's EDEN system, which was opened a number of years ago, and relates to non-compliances at the WWTP, notwithstanding the text in the AER's the recent non-compliance are related to equipment failure which is being addressed as stated above.

Louth County Childcare Committee (22nd October 2025)– Concern raised about local demand already exceeded. It is set out that while the 201 place facility is welcome it is likely to operate at or near capacity.

An Taisce – No report received

Heritage Council – No report received

Arts Council – No report received

4.5. **Third Party Observations**

21 no. observations were made to the Planning Authority. Issues raised in the

submissions included inter alia the following:

- Transport – concerns as regards accessibility and mobility. Concerns that the scheme is car dependant, traffic safety and proximity to services and amenities. The scheme fails to promote sustainable travel.
- Proximity to Dundalk SAC (Special Area of Conservation) and SPA (Special Protection Area). The development could exacerbate untreated discharges into the SAC and SPA.
- The Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) rely heavily on mitigation measures to address these concerns, but many of these measures lack sufficient detail and are based on assumptions.
- Flood risk concerns including works proposed (raising the level of the entrance), surface water arrangements including proximity of detention basins to third party properties and long term climate risks.
- Water and wastewater capacity.
- Density and associated impact of local services.
- Residential amenity.
- Land ownership

4.5.1. A submission by McCutcheon Halley Planning Consultants highlights that they engaged with the Louth County Childcare Committee in April 2025 before submitting the planning application and assert that the proposed crèche is adequately designed to meet the childcare needs of the development and contribute to addressing local capacity issue.

5.0 Planning History

Site

ABP 319077-24/LCC 23/60476 – Permission refused for Large scale residential development: Construction of 502 residential units, a creche and all associated site works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) were submitted with this application. (www.haggardstownlrd.ie).

Reason for Refusal:

Having regard to the Louth County Development Plan 2021-2027, to the totality of the information on file and particularly to correspondences from Uisce Éireann, the Board was not satisfied a sufficiently developed commitment and specific timeframe has been provided that demonstrates the proposed development would have access to an effective wastewater treatment system. The proposed development would be premature by reference to the existing deficiency in the capacity of sewerage facilities, which would set an undesirable precedent for other similar developments in the surrounding area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted in the correspondence from Uisce Éireann that the wastewater connection "…to the north as proposed by the developer would add flows to the Coe's Road pumping station which does not have capacity for the development." Furthermore, Uisce Éireann estimated this capacity upgrade to be completed in 2027. The Board acknowledged the recommendation of the Inspector to grant the 10-year application with the condition that the proposed development would not commence until the upgrade works are completed. However, on balance and in these particular circumstances, the Board considered the estimated timeframe for the required upgrade was not substantiated by demonstrable commitments from Uisce Éireann and, in the absence of this and there being no realistic alternative proposed by the applicant, the Board decided the proposed development would be premature by reference to the existing deficiency in pumping station capacity.

LCC Reg. Ref. 2360330 -An application was lodged in September 2023 seeking permission for a Large-scale Residential Development comprising of the following (in summary): - 1. Construction of 502 no. 1-3 storey residential units, comprising 26 no. four-bedroom semi-detached houses, 210 no. three-bedroom terraced houses & semi-detached houses, 1 no. three-bedroom bungalow, 214 no. two-bedroom houses, & 52 no. one-bedroom maisonettes, creche and all associated site works. The application was accompanied by an EIAR and NIS.

This application was subsequently withdrawn in late October 2023.

ABP Ref. ABP-304782-19 -The Board granted permission in October 2019 for a Strategic Housing Development involving: - construction of 483 no. new residential dwellings, composed of 258 houses (41 no. 5 bedroom houses, 101 no. 4 bedroom houses and 116 no. 3 bedroom houses) and 225 apartments (6 no. 3 bedroom duplexes with 6 no. 2 bedroom apartments below, 149 no. 2 bedroom apartments and 64 no. 1 bedroom apartments), a crèche and a 3.1 ha public park, served by 824 no. car parking spaces and 512 no. bicycle spaces. The main vehicular, pedestrian and cyclist access for the development was off the R172 on the south-eastern corner, with two other pedestrian and cyclist accesses proposed off Bothar Maol.

Adjacent Sites - An Charraig, Bothar Maol, Blackrock, Co. Louth (to the north fronting Bothar Maol).

LCC Reg. Ref. 19641 - Permission was granted by Louth County Council in September 2019 for construction of a single storey extension and alterations to the existing dwelling and extension/alterations to garage/shed and associated landscape and ground works.

In the Vicinity - The Loakers, Blackrock Road and Bothar Maol, Blackrock, Co. Louth (to the north on the opposite side of Bothar Maol)

ABP Ref. ABP-311776-21 /LCC Reg. Ref. 211032 -Permission granted by ABP for the construction of 29 no. residential units, comprising of 18 no. two bedroom apartments and 6 no. three bed apartments (across 2 no. three storey blocks), 4 no. semi-detached two-storey 3-bedroom dwellings and 1 no. detached two-storey, 3-bedroom dwelling; provision of a vehicular/pedestrian access from the Loakers and a pedestrian access onto Bother Maol; construction of a public pavement along part of Bother Maol; and all associated site development works including the laying of a new surface water sewer pipe on a section of the Blackrock Road (R172).Site inspection determined that construction has commenced.

6.0 Policy Context

6.1. Local

6.1.1. 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.

6.1.2. The site is zoned L1 Strategic Reserve and H1 Open Space in the Dundalk Local Area

Plan 2025-2031.

6.1.3. While the subject site is identified within the Dundalk LAP area, Variation no. 3 of the Louth County Development Plan 2021-2027 relates to the subject site and sets out at section 1.2 - Parcel of Land Excluded from the Variation;-

‘Following the adoption of the Dundalk Local Area Plan, leave has been granted by the High Court for a Judicial Review of the Local Area Plan as it relates to lands with an area of c.14 hectares located to the west of the Blackrock Road and south of Bóthar Maol. Rather than delaying the Variation process until after a judgement in response to the Judicial Review has been issued, these lands have not been included in this Variation. The Variation is proceeding on all other lands not subject to Judicial Review. **The lands not included in the proposed Variation are identified on the Zoning and Flood Zones Map and Composite Map with a blue outline and red hatching** (see extract of Zoning and Flood Zone Map in Figure 1 below)’

Figure 1: Extract of Zoning and Flood Zone Map – lands outlined in blue, with red hatching, on map above are excluded from the proposed variation.

As such the applicable zoning includes some lands identified within the New Dundalk LAP and other lands identified with the Louth County Development Plan 2021-2027.

In this regard the Commission will note that with the exception of the excluded lands as identified above the land use zoning identified in the LAP is consistent with the LCDP 2021-2027 i.e. the central 'Open Space' zoning.

Zoning

Having regard to the above the site is subject to 3 no. zoning objectives.

- The majority of the subject site is zoned 'A2 - New Residential Phase 1' with a stated objective 'to provide for new residential neighbourhoods and supporting community facilities' as per the LCDP 2021-2027.
- The centre of the site running east to west is zoned 'H1 - Open Space' with a stated objective 'to preserve, provide and improve recreational amenity and open space.'
- A small part of the subject site, the piece of land sitting to the west of Coonrah fronting Bothar Maol, is zoned 'A1 – Existing Residential' with a stated objective 'to protect and enhance the amenity and character of existing residential communities'

6.1.4. For clarity with the exception of the zoning as set out above the relevant Plan is the Dundalk LAP 2025 – 2031. Where a conflict arises between the provisions of a Local Area Plan and the County Development Plan, the County Development Plan takes precedence.

6.1.5. Dundalk LAP 2025-2031 - Other Relevant Sections/Policies

- The Flood Zone Map for Dundalk LAP 2025-2031 includes the easternmost part of the subject site (more specially the sites access on to the R172 Blackrock Road), as well as part of Hardys Lane included in the site boundary, within Flood Zones A and B.
- The Composite Map for Dundalk LAP 2025-2031 identifies the group of Sycamore and Ash Trees located at the junction of Bothar Maol and the Blackrock Road, which includes the trees featuring in the northeastern corner of the eastern field, as Trees & Woodland of Special Amenity Value (Reference No. DLK No. 42).
- Policy Objective 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.

Chapter 2 | Development Strategy

Table 2.4: Projected Population Increase and Housing Requirement for Dundalk 2016-2030

Settlement	Population 2016	Population 2022	Projected population increase to 2016-2030	Projected population 2030	Housing allocation 2021-2030	Total lands zoned New Residential Phase 1 (ha)	Total lands zoned New Residential Phase 2 (ha)
Dundalk	39,004	43,112	10,162	49,166	3,671	136.8	80.9

- Policy Objective DS 1 -To support the orderly expansion of the Regional Growth Centre of Dundalk and enable the town to strengthen its role as a regional economic driver targeted to grow to city scale.
- Policy Objective DS 2 - To support and facilitate the provision of housing and the projected population increase as set out in Table 2.4 of this Plan.
- Policy Objective DS 3 - To capitalise on the strategic location of Dundalk along the Dublin-Belfast Economic Corridor. DS 4 To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing footprint of Dundalk, by developing infill, brownfield, regeneration, and town centre sites and redeveloping under-utilised lands in preference to greenfield lands.
- Policy Objective DS 5 -To support and manage the self-sufficient sustainable development of Dundalk in a planned manner, with population growth occurring in tandem with the provision of economic, physical, and social infrastructure.

Chapter 5 | Sustainable Neighbourhoods and Communities

- Policy Objective SC 2 - To promote and facilitate the creation of a sustainable community in Dundalk in a high-quality built environment where there is a distinctive sense of place with attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.
- Policy Objective SC 3 - To develop and support sustainable neighbourhoods and residential developments in Dundalk that facilitate the provision of the required

neighbourhood infrastructure such as schools, recreational amenities, community facilities, healthcare and childcare facilities and a suitable mix of housing at an appropriate density in accordance with the 'Sustainable Residential Development and Compact Settlements Guidelines' (DHLGH, 2024).

- Policy Objective SC 5 - To achieve compact growth in Dundalk through the delivery of at least 30% of all new homes within the existing built-up footprint of the town, by supporting the development of infill, brownfield, under-utilised, and regeneration sites.
- Section 5.7 Density and Plot Ratio

Table 5.2: Recommended Density for Residential Development

Settlement	Recommended Minimum Density Range per hectare	
	Town Centre and Urban Neighbourhood	**Suburban area/Urban extension**
Dundalk	50 units per ha	35 units per ha

- Policy Objective SC 7 - To promote development that facilitates a higher, sustainable density in accordance with Table 5.2 of this Plan which will be appropriate to the local context of the town and enhance the environment in which it is located in accordance with the 'Sustainable Residential and Compact Settlements Guidelines (DHLGH, 2024)'.
- Policy Objective SC 8 - To promote the concept of a '10-minute neighbourhood', where high quality housing and well-designed, safe and inclusive public spaces served by local services, amenities and sustainable modes of transport are available.
- Policy Objective - SC 9 To promote through active land management, the sustainable development of vacant and under-utilised lands throughout the Plan area.
- Section 5.10 - Housing Mix - *This Plan supports the implementation of the*

government's action plan for housing 'Housing for All – A New Housing Plan for Ireland', and the Sustainable Residential Development and Compact Settlements Guidelines (DHLGH, 2024) with the aim of providing a diverse and innovative mix of housing that can facilitate compact housing and provide housing choice.

- Section 5.17 relates to Social and Community Infrastructure
- Section 5.19 relates to Childcare

  Policy Objective C 25 - To require the provision of childcare facilities as an integral part of proposals for new residential or mixed-use developments. This requirement shall have regard to the 'Childcare Guidelines for Planning Authorities (2001)' and 'Childcare Regulations (2006)' and shall be in consultation with the Louth Childcare committee.

Chapter 8 | Movement

- Policy Objective MOV 2 - To support investment in sustainable transport infrastructure that will make walking, cycling and public transport more attractive and appealing, and facilitate accessibility for all, regardless of age, physical mobility, or economic status.
- Policy Objective MOV 4 - To encourage a modal shift from use of the private car towards more sustainable modes of transport including walking, cycling, and public transport and to support any initiatives that would assist in the attainment of the Climate Action Plan 2024 mode share targets for 2030: 53% (Car), 19% (Public Transport) and 28% (Active Travel).
- Policy Objective MOV 9 To review the feasibility of implementation (where deemed necessary) of the 30km/h zones in Dundalk and Blackrock in creating attractive, low speed environments in accordance with the Department of Transport's 'Our Journey Towards Vision Zero: Ireland's Government Road Safety Strategy 2021–2030'.
- Policy Objective MOV 10 To provide, where possible, traffic free pedestrian and cyclist routes particularly where such routes would provide a more direct, safer, and more attractive alternative to the car.
- Policy Objective MOV 12 To support the design and implementation of public realm projects within the Plan area that will make Dundalk and Blackrock more attractive

and liveable spaces which are climate resilient, promote sustainable transport, and facilitate accessibility for all, regardless of age, physical mobility, or social disadvantage.

- Policy Objective MOV 13 To support permeability and connectivity throughout the Plan area that will improve connections within existing and between existing and new neighbourhoods. This includes vehicular and/or active travel connections between developed and undeveloped lands. Where such a connection would traverse an area of open space it will only be facilitated where the functionality of the open space will not be undermined. The principle of 'Filtered Permeability' will also be considered throughout the Plan area where considered appropriate/feasible.
- Map 8.2: Proposed Active Travel Infrastructure Measures - includes a Proposed Greenway traversing the site:-

  Louth Coastal Way - Dundalk to Blackrock: As a part of the Louth Coastal Defence Project, it is envisaged that part of the Dundalk to Blackrock greenway can be incorporated into this flood defence scheme. It is anticipated that there will be an opportunity for this greenway to extend in a southerly direction towards Castlebellingham and beyond.

Chapter 9 | Infrastructure

- Section - 9.3.3 Wastewater - *Wastewater in Dundalk is directed to the wastewater treatment plants located on the Point Road and a second in Blackrock on Mooretown Lane. An upgrade to the Blackrock Wastewater Treatment Plant was completed in 2020 and provided additional capacity. At the time of writing capacity was available in both the Dundalk and Blackrock Wastewater Treatment Plants.*
- *…Whilst capacity issues have been identified in the existing wastewater network, design solutions will be set out in the Dundalk-Blackrock Strategic Drainage Study, which was being prepared by Uisce Éireann at the time of writing. The progression of these recommended projects will ensure the wastewater network will have the capacity to cater for the projected population and economic growth during the plan period.*
- Policy Objective INF 1 - To liaise and work in partnership with Uisce Éireann in

identifying, prioritising and progressing the implementation of water and wastewater projects and policies over the lifetime of this Plan that will enable Dundalk to achieve the projected population target and housing allocation set out in Table 2.4 in the Development Strategy (Chapter 2) of this Plan.

- Policy Objective INF 4 To require all new developments to connect to the public supply where public water and wastewater infrastructure is available, or likely to be available, and which has sufficient capacity.
- Policy Objectives INF 7 - INF 12 - relate to SuDS measures
- Policy Objective INF 14 - To implement the EU Water Framework Directive through the implementation of the appropriate River Basin Management Plan and Programme of Measures to protect and improve water bodies and to ensure developments shall not, individually or cumulatively, adversely impact on the status of waterbodies, subject to Water Framework Directive exemptions
- Section 9.6 relates to Flood Risk Management

  Policy Objective INF 17 -To support the progression of the Dundalk and Blackrock Flood Relief Scheme and the delivery of associated infrastructure critical to the implementation of the Scheme; and to prohibit development that could prejudice the future delivery of the Scheme.
- Section 9.9 relates to Pollution and Environmental Services

<u>Chapter 10 | Culture & Heritage</u>

- Section 10.2.1 relates to European Sites
  - Policy Objectives INF 7 CH 1 - To protect and conserve the Special Area of Conservation (SAC) and Special Protection Area (SPA) designated under the EU Habitats and Birds Directives.
  - Policy Objectives INF 7 CH 2 - To ensure that all proposed developments comply with the requirements set out in the DECLG 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2010'.
  - Policy Objectives INF 7 CH 3 - To ensure that no plan, programme, or project giving rise to likely significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource

requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Local Area Plan, either individually or in combination with other plans, programmes or projects.

- Section 10.4 relates Landscape
- Section 10.7 relates to Trees, Woodlands and Hedgerows
- Section 10.8 relates to Hedgerows
  - Policy Objectives CH 11 To protect Trees and Woodlands of Special Amenity Value except in exceptional circumstance where it can be demonstrated to the Planning Authority their removal is warranted.
  - Policy Objectives CH 12 Where in exceptional circumstances, trees and or hedgerows are required to be removed in order to facilitate development, this shall be done outside the nesting season. There shall be a requirement that for each tree felled in Dundalk, replacement trees will be required at a ratio of 5:1 where the removal of trees is required in order to facilitate development. On smaller, more constrained sites where there is limited space/opportunities for planting new trees, consideration may be given to reducing the ratio of trees to be planted on an application site if an alternative location for the shortfall of trees to be planted is identified and the consent of the landowner, on whose lands the trees are to be planted, is provided as part of a planning application
- Section 10.13 relates to Green Infrastructure
  - Table 10.8: Dundalk's Green Infrastructure Features and Potential for Enhancement.

6.1.6. Chapter 1 of the LAP establishes that when preparing planning applications, the Development Management Guidelines in the County Development Plan (Chapter 13) should be consulted. In this context the following are considered relevant:

Section 13.8.4 Density and Plot Ratio -A recommended minimum density of 35 and plot ratio of 1 is outlined for edge of settlement sites in Dundalk.

Section 13.8.11 Boundary Treatment

Boundary treatments in residential developments shall consist of the following:

i. The rear boundary shall consist of a 2 metre high block wall;

ii. *Side boundaries between properties shall be 2 metres in height. If timber boundaries are to be used they must be bonded and supported by concrete posts;*

iii. Walls bounding any public areas shall be rendered and capped on both sides; and

iv. *Front boundaries along the estate road and between properties shall be agreed as part of the planning application. They can be open plan, planted, consist of a low-level wall or railing, or as otherwise agreed with the Planning Authority.*

13.8.12 Landscaping - Any planting shall consist of native species (trees, hedgerow, shrubs, and wildflowers) and low maintenance pollinator perennials.

Section 13.8.15 Public Open Space - *Public open space within a development shall normally equate to 15% of the total site area.*

Section 13.8.16 Play Facilities in Residential Developments

Developments of 50 units or more shall include proposals for the provision of a dedicated children's play area designed to the satisfaction of the Planning Authority.

Section 13.8.17 Private Open Space

New dwellings and apartments shall be provided with a functional area of private open space as set out in the table overleaf (Table 13.4):

Unit Type	Town Centre and Infill / Brownfield Locations	Greenfield / Suburban Locations
Dwelling	**Minimum private open space requirement (m²)**	**Minimum private open space requirement (m²)**
1-2 Bedroom	50	60
3 or More Bedrooms	60	80
Apartments and Duplexes	See table 13.5	

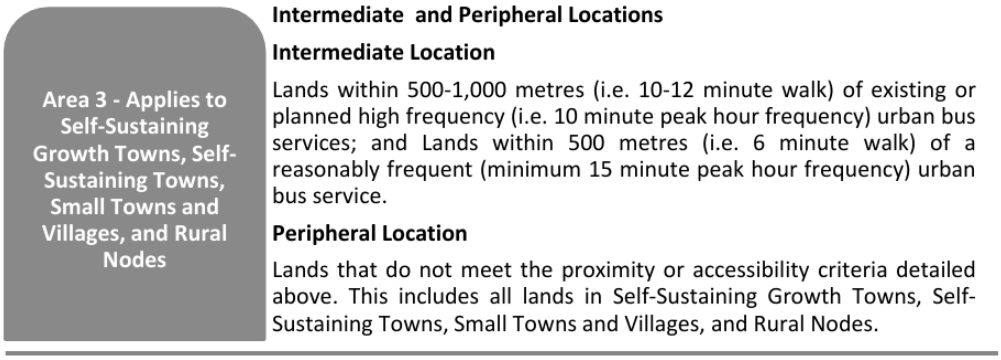
Section 13.8.18 Car and Cycle Parking

New dwellings and apartments shall be provided with car and cycle parking spaces as set out in the tables below (Tables 13.11 and 13.12):

Car Parking Requirement			
Development Type	**Area 1**	**Area 2**	**Area 3**
Residential Dwelling	1 per unit	1 per unit	2 per unit
Apartment	1 per Apartment	1 per Apartment	2 per Apartment
Creches	1 per 6 children		

Cycle Parking Requirement		
Development Type	**Long Term**	**Short Term**
Apartment, Flat, Sheltered Housing	Minimum of 1 cycle space per bedroom. For studio units at least 1 cycle space	1 space per 2 units
Residential dwelling	1 space per unit	1 space per 5 units
Creche	1 space per 5 staff	1 space per 10 children

Table 13.10 Parking Tiers for County Louth



Section 13.8.20 Public Art -*Public Art in a development can positively contribute to the design quality of a development and assist in creating a sense of place. In residential developments in excess of 100 units, developers will be encouraged to include proposals for a piece of art that reflects the heritage of the area.*

6.2. National

6.2.1. National Planning Framework (2025)

The National Planning Framework 2025 sets out that the 'major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns

out into the countryside, at the expense of town centres and smaller villages.'

Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share

6.2.2. Climate Action Plan, 2024 and 2025

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.2.3. Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

6.3. **Regional Policy**

6.3.1. The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area, 2019-2031 The RSES provides a framework for development at regional level. It encourages the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The site is located in Dundalk which is identified as a 'Regional Growth Centre' within the region. 'Regional Growth Centres' are defined as: - 'large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area'. Dundalk also forms part of the Dublin-Belfast Economic Corridor which compromises 'a nationally important spine connecting the two largest settlements on the island of Ireland via the regional centres of Drogheda, Dundalk and Newry'. The Dublin – Belfast Economic Corridor is identified in this Strategy as a regional growth enabler. The RSES supports the direction of significant population and economic growth towards the key Regional Growth Centres of Athlone, Drogheda and Dundalk. More specifically, a target population of 50,000 by 2031 is identified for Dundalk.

The following Regional Policy Objectives (RPO) are noted in particular:

• RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

• RPO 4.19: A statutory Urban Area Plan (UAP) shall be prepared by Louth County Council for the Regional Growth Centre of Dundalk in collaboration with the EMRA. The UAP will support the development of Dundalk as an attractive, vibrant and highly accessible Regional Centre and economic driver. The UAP will identify a functional urban area and plan boundary for the plan area and strategic housing and employment development areas and infrastructure investment requirements to promote greater coordination and sequential delivery of serviced lands for development.

• RPO 6.3: Support the effective planning and development of large centres of population and employment along the main economic corridor, in particular Drogheda

and Dundalk.

6.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

Section 3.3 relates to **Settlements, Area Types and Density Ranges**

Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages:

Metropolitan Towns (>1,500 population) – Suburban / Urban Extension -*Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).*

Section 3.4 relates to **Refining Density**

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open
- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

6.5. **Other relevant Section 28 Guidelines/other Guidelines**

- EPA - Guidelines on the information to be contained in Environmental Impact Assessment Reports (2022)

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Development Plans - Guidelines for Planning Authorities (2022).
- Housing Growth Requirements: Guidelines for Planning Authorities (2025).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

6.6. **Other Guidance**

6.6.1. Planning nd Development Act 2000 (as amended)

Chapter II - Local Area Plans

18.—(1) A planning authority may at any time, and for any particular area within its functional area, prepare a local area plan in respect of that area.

(4) (a) A local area plan prepared under this section shall indicate the period for which the plan is to remain in force.

(b) A local area plan may remain in force in accordance with paragraph (a) notwithstanding the variation of a development plan or the making of a new development plan affecting the area to which the local area plan relates except that, where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect.

6.6.2. Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also

understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

6.7. **Natural Heritage Designations**

6.7.1. The Dundalk Bay SAC (000455) and the Dundal Bay SPA (004026) are located immediately adjacent to the site’s eastern boundary.

7.0 The Appeal

7.1. **Grounds of Appeal**

Six no. third party appeals have been lodged only against the decision of Louth County Council to grant planning permission for the proposed development. For ease and to avoid repetition I have summarised below. The following grounds of appeal are raised:

Planning Context / Zoning

- Concern is raised that the PA failed to have regard to Variation no.3 of the LCDP 2021-2023 and the amendments therein relating to zoning, flood risk mapping, environmental assessment and written policy.
- A material contravention issues arises as the site has been ‘downzoned’ to L1 Strategic Reserve. It is argued that the proposal would materially contravene the LAP zoning as adopted under Variation 3.
- The Judicial Review as regards the rezoning of the site under the Dundalk LAP noted. No order has been issued, and the JR is in ‘suspension’. It is argued that

this is unfair and unjust and has afforded the developer the opportunity to make this application.

- It is further argued the applicant was advised of the zoning changes at preplanning and in the Notice of Opinion issued by the PA stage that the development 'does not constitute a reasonable basis on which to make an application.' It is argued that all preplanning took place prior to the down zoning of the lands and the applicant is proceeding on a technicality.
- Query on what basis the JR proceedings should be allowed to benefit the applicant stating that the councillors resolved to adopt Variation No. 3 in October 2025. It is argued that Section 18(4)(b) of the Planning Act does not apply as the LAP post-dates the CDP. It is further argued that policy objective DM3 does not overrule the LAP zoning as per the applicant's Planning Statement.
- The PA has not taken the LAP adequately into account. The Planner's Report includes policies and objectives only from the County Development Plan.
- It is further argued that the OPR did not challenge the rezoning of the lands under the LAP acknowledging the concerns that the lands are not fully serviced.

Design and Layout

- Bothar Maol Residents Association object to the proposed pedestrian access on Bothar Maol which the residents maintain. The lane is narrow in width and of poor horizontal and vertical alignment. It is set out that Bothar Maol is not under the Council's control and cannot be considered as part of future greenway proposals including light provision with regard to the special contribution stipulated under condition no. 3 of LCC recommendation to grant.
- Proposed density is excessive in the context of the site and adjoining pattern of development.
- A number of houses are located within 10m of septic tank and percolation areas serving dwellings along Bothar Maol.
- Leapfrogging other sites.

Residential Amenity

- Concern is raised about the connection to power for the three most northerly houses on Bothar Maol and clarification as regards a well that was previously maintained by the residents of Bothar Maol.
- Construction impacts including method use to remove rock form the site and construction traffic.
- Concern about the increase in ground levels of the site by c. 0.5m. It is set out that the ground level for properties along Bothar Maol are c. 1.2m lower than the site is some instances and that the application did not carry out no assessment of the adjoining property ground levels.
- Concerns about the lack of and capacity of local services to accommodate the development and the location removed from services and amenities.

Land Ownership

- The landowners of Folio LH12784 and Folio LH12182 have not consented to surface water drainage outfall system being construction within their lands.
- Other works encroach on Folio LH42319F. It is further argued that the 'eastern drainage channel' which purportedly runs through this folio does not exist.
- The taking in charge drawing includes lands in third party ownership.

Flooding/Surface Water

- Concern that the cumulative impacts of the surface water generated combined with other planning permissions discharging to the same field drain (on third party lands Folio LH12784 and Folio LH12182) will increase the risk of flooding on these lands.
- Concerns that two complete separate proposals for the disposal of surface water onto lands (Folio LH12784 and Folio LH12182) have been approved by LCC. Query what is intended to be constructed:
    - Is it a 450mm dia. sewer with culvert/headwall outlet (as per Ref. ABP-304782-19) which also incorporates the BWH Investments 300mm outfall line (LCC 21/1032 / ABP 311776-21).
    - Is it a 600mm dia. sewer with headwall with flap-valve and high level overflow the excludes the BWH Investments 300mm outfall line as proposed.

- Or is a combination of the above proposed providing a 600mm dia. sewer and a separate 300mm outfall for BWH investments.

- There has been a multiplicity of drainage design proposals on both the BWH Investment and Glenveagh Homes sites over the past number of years and it remains unclear what final proposal will be adopted to handle the discharge of surface water from these two separate developments.
- Concern about the capacity of the Regional Road to facilitate the entrance in Flood Zone A and in the SAC.
- The applicant's Flood Risk Assessment relies heavily on mitigation measures and does not adequately address long term climate impacts nor the impact of pushing flood waters onto adjoining properties.
- The site is characterised by poor infiltration and a high water table leading to regular surface water ponding. The measures proposed are inadequate to address the fundamental issues of directing surface water to areas that cannot accommodate it. The proposals are flawed due to unauthorised use of private lands, reliance on non-existent infrastructure, excessive attenuation measures, environmental risks and inadequate mitigation of flood risks.

Wastewater

- It is argued that the application is premature and does not address the previous reason for refusal issued by ACP as regards access to effective wastewater treatment.
- The Confirmation of Feasibility from Uisce Eireann was contingent on a schedule of upgrade works and Uisce Eireann in their submission on the Dundalk LAP stated an initial projected date of completion was Q1, 2030 and now 2033.
- The decision relies of anticipated upgrades and operational changes to Dundalk Wastewater Treatment Plant. The project is premature pending upgrade of the Dundalk WWTP which has been identified as 2033.
- On-going concerns with Dundalk wastewater treatment plant noted. EPA Inspection Report concerns noted, including reference by the EPA to wastewater discharges and associated impacts on Castletown Estuary and

Inner Dundalk Bay. Noting three toral Nitrogen and two total phosphorus emission limit value breaches in 2024.

- Dundalk Bay is already impacted by the Dundalk Wastewater Treatment Plant.
- The WWTP is running well over design capacity, and the Coe's Road pumping station is unable to accommodate the additional wastewater load generated.
- The appeals also include reference to deficiencies in Blackrock Wastewater Plant and network.

Appropriate Assessment (AA)/ Environmental Impact Assessment Report (EIAR)

- One appeal argues that the PA erred in law by screening out AA and relying on future mitigation and infrastructure upgrades.
- Failure to assess the cumulative and in-combination effects arising from existing and permitted developments, in relation to the wastewater loading, nutrient enrichment and ecological pressure on Dundalk Bay SAC and SPA.
- There is potential for likely significant effects on European Sites in Dundalk Bay because of foul water generated by the development.
- The proposed development would contravene materially a development plan objective for the conservation and preservation of European Site.
- Further reference is noted that the Blackrock WWTP is running well over design capacity, and the Cockle Hill pumping station has released litres of sewage into the River Fane (from a combined sewer system).
- The EIAR dismissed the requirement to consider 'alternatives' on the basis that the lands were zoned for residential. However, the proposal will leapfrog other lands and would be contrary to the sequential approach.
- Concerns regarding impact on biodiversity, disrupting protected bird species that use the site as an ex-situ foraging habitat. The loss of trees and open field areas would disrupt habitat including bats. Measures proposed are not enough.
- Impact of surface water discharging into SAC.
- The location of the proposed bus stop conflicts with an area of the SAC, a phragmite swamp listed with the NPWS/DAU previously as a protected area.

Traffic and Transportation

- Concern that the development is heavily car dependent.
- Public transport accessibility is poor. No details have been provided as regards the capacity of the local bus service.
- Walking distance to key amenities impractical. The existing footpaths are substandard.
- The entrance on the R172 is located in Flood Zone A and B which could make it inaccessible in times of flood.
- Sightlines at the proposed entrance are insufficient and works including location of bus stop will impact sightlines of adjoining properties.

Other Matters

- Concern is raised that the PA did not have due regard to all the submissions received including those made subsequent to the further information request. Particular reference is made to the submission from the DAU and multiple submissions form the OPW regarding risk of flooding due to the discharge of storm water and increased flow of storm water through adjacent private lands.
- It is set out that the extant planning permission is not relevant to the current application.
- Concern raised that the applicant carried out works on site in advance of making the planning application despite of the LAP rezoning.

7.2. **First Party Response to Grounds of Appeal**

7.2.1. The first Party response to Grounds of Appeal can be summarised as follows:

Principle of Development

- It is set out that the density and scale of the development are appropriate and consistent with the CDP and protection of residential amenity has been considered in the design and layout.

Land Use Zoning

- It is set out that the majority of the site is zoned A2- New Residential Phase 1. The Dundalk LAP purports to zone the lands L1-Stratetic Reserve. It is set out

that this conflicts with the County Plan and as per Policy Objective DM3 the CDP takes precedence. This is also consistent with section 18 (4((b) of the Planning Act.

- It is further argued that the zoning of lands at the time of a national housing crisis does not align with national policy, Section 28 *Housing Growth Requirements: Guidelines for Planning Authorities (2025).*

Legal Ownership

- It is set out that all lands within the application site are owned by Glenveagh Homes, with Marina Quarter Ltd. being a subsidiary company.
- The applicant is not proposing works outside of lands in their control or public roads under the control of the Council including no works to the road at Bothar Maol which is owned by the residents.

Community and Social Infrastructure

- It is set out that the Community and Social Audit and School Demand Assessment demonstrate that the site is served and accessibility to facilities and amenities, including the demand generated by the proposed development.
- The proposed creche has a capacity for 120 children and will provide a surplus of space to accommodate the proposed development and surrounding community.

It is further stated that the site benefits from direct access to Blackrock Road with direct access to Blackrock Village and Dundalk Town Centre. The site is served by route 169, operating Monday to Friday between 8.03 and 17.38 with 17 timetables busses throughout the day, 8 towards Dundalk and 9 towards Blackrock. Wastewater Capacity and Infrastructure

- The response was accompanied by a report from Donnachadh O'Brien & Associates Consulting Engineers (DOBA).
- Wastewater will be collected and discharged via gravity to an onsite wastewater pump station along the eastern site boundary. Wastewater will be pumped north along Blackrock Road via a new rising main to Finnabair Crescent , where it will discharge to the existing wastewater drainage network, discharging to the

Dundalk Wastewater Treatment Plant, via the Coes Road Wastewater Pumping Station.

- Wastewater will be subject to temporary storage in underground tanks at the site. Wastewater will be stored until evening after the initial daily allowance of 61m^3 is reached for discharge between 7pm and 7 am.
- Uisce Eireann has confirmed that the site is serviceable and that there is capacity in the network. It is set out that the sole reason for refusal under ABP 319077-24 has been addressed.

Surface Water

- It is set out that surface water will discharge at greenfield runoff rates via an existing drainage channel on the applicant's lands. The existing channel continues to flow north towards the surface water outfall location on the R172, traversing through third party lands before crossing the R172 (referred to as the eastern drainage channel).
- It is set out that the eastern and northern channels were surveyed at the location of surface water discharge in 2018 (Previous SHD application ABP Ref. ABP-304782-19) and observed in working condition in 2023 and 2025. The response sets out that the applicants attempt to complete a CCTV survey were prevented.
- It is set out that the Hydraulic Modelling Assessment and Analysis Report submitted demonstrates that the proposed outflows do not increase water levels or flood risk within the channel under any of the modelled scenarios.
- Regarding the method of surface water disposal, it is further stated that the surface water outfall beneath the R172 is located in the same position as the previously permitted SHD at this location. This permission was reference in planning approval ABP 311776/LCC 21/1031 which included the permitted SHD flow from the application site. It is set out that the discharge from the proposed development is 64.8l/s, while the SHD was 105.9l/s.
- It is further set out the development will intercept pluvial overland flows from 3rd party lands to the south and capture the in the proposed surface water network thus reducing the risk of existing pluvial flooding at the new access roads and third party lands at the proposed entrance. It is further argued that while this

increase flows to the R172 outfall (over that of previous SHD) the pluvial flows would have reached the SAC in any event.

Flooding

- The Site Specific Flood Risk Assessment (SSFRA) and Hydraulic Modelling Assessment and Analysis Report confirm that the proposed development will not increase flood risk on the site or elsewhere including adjoining lands.
- It is set out that the assessments incorporate tidal and pluvial modelling for both existing and proposed site conditions with climate change allowance included.

Appropriate Assessment

- In response to concerns raised about the AA Screening and NIS, referring to the documentation submitted with the application it is set out that documentation was prepared in accordance with Article 6 (3) of the Habitats Directive, does not rely on future infrastructure, assess cumulative effects an applies the precautionary principle.

Biodiversity

In response the applicant refers to Chapter 11 of the Environmental Impact Assessment Report (EIAR) accompanying the application and the Ecological Impact Assessment (EcIA) included in this chapter.

Transport and Connectivity

- The application was accompanied by a report from Systra
- Entrance Design – The proposed entrance has been assessed through a Stage 1 Road Safety Audit. Sightline requirements have been met, and the design incorporates measures to reduce vehicle speed and enhance pedestrian permeability.
- Sustainable Travel – The scheme is design to promote sustainable movement by providing pedestrian and cycle routes throughout the site. The primary pedestrian and cycle route seeks to follow the desire line and access/egress via Bothar Maol.

7.3. **Planning Authority Response**

None

7.4. Observations

2 no. observation were received. In brief the following issues were raised:

- Scale of development.
- Traffic and transport, including the existing lack of car parking in the village, sightlines, limited space for cycle lane, hard shoulder or bus stop.
- Lack of services and amenities.
- Impact on SAC.
- Zoning change as per LAP.
- No sewerage connection.
- Flooding.

8.0 Assessment

8.1. **Introduction**

8.1.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Design Strategy
- Traffic and Transportation
- Drainage

Note 1: The Commission will note the planning history on the site as set out in section 4.0 above. While this assessment will have regard to the planning history, this is a new and standalone application and not an amendment to any previous application as such will be assessed on its own merits.

Note 2: Regarding the concerns raised in the appeal relating to the pre-planning advise and the Notice of Opinion issued by the PA that the development 'does not constitute a reasonable basis on which to make an application.' The Commission will note that all maters raised in the Opinion were addressed in the Response of the LRD Opinion

accompanying this application and no significant material amendments were proposed subsequent to the pre-planning consultation process.

8.2. **Principle of Development**

Proposed Development

8.2.1. The Applicant is seeking a 7 year permission for the development of 502 no. residential units comprising 1, 2, 3 and 4 bed units, creche facility with outdoor secure play area, wastewater connection to Finnabair Crescent where it will discharge to the existing network and outfalls to the Coes Road wastewater station. A new vehicular entrance off Blackrock Road, incorporating a new bus stop, with pedestrian and cycle access also from Bother Maol and associated site works.

8.2.2. As set out above, the lands slope from the south-west corner, at the highest point, to the lowest point at the north-east corner with approximately 18 metres of a ground level difference between the two points. To facilitate the proposed development, excavation, cut and fill, reprofiling of existing ground levels and removal of works completed under previously permitted SHD development ABP Ref. ABP-304782-19 (including the foundations for 5 no. houses) is required. The ruins of a former pumphouse will also be removed / demolished as part of the works and existing overhead electrical lines will be undergrounded.

Zoning

8.2.3. The site zoning is a primary issued raised in the appeal submissions. The site is zoned L1 *Strategic Reserve* and H1 *Open Space* in the Dundalk Local Area Plan 2025-2031 which came into effect on the 17th April 2025. However, while the subject site is identified within the Dundalk LAP, Variation no. 3 of the Louth County Development Plan 2021-2027 adopted on 20th October 2025 subsequent to the adoption of the LAP relates specifically to the subject site. Section 1.2 - *Parcel of Land Excluded from the Variation* states '*Following the adoption of the Dundalk Local Area Plan, leave has been granted by the High Court for a Judicial Review of the Local Area Plan as it relates to lands with an area of c.14 hectares located to the west of the Blackrock Road and south of Bóthar Maol. Rather than delaying the Variation process until after a judgement in response to the Judicial Review has been issued, these lands have not been included in this Variation. The Variation is proceeding on all other lands not subject to Judicial Review. The lands not included in the proposed Variation are*

identified on the Zoning and Flood Zones Map and Composite Map with a blue outline and red hatching'.

8.2.4. Variation No. 3 of the CDP therefore provides that the lands zoned L1 Strategic Reserve as part of the LAP have not been included in the variation of the County Development Plan pending the outcome of the JR.

8.2.5. In this regard, Section 18 (4) (b) of the Planning and Development Act 2000 provides that '*where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect.*'. On this basis the lands identified as L1 Strategic Reserve in the LAP are currently zoned 'A2 - New Residential Phase 1' in the County Development Plan and as such, the A2 - New Residential Phase 1 zoning is the applicable zoning for this portion of the site. A review of the Louth County Council website on 11/3/2025 did not indicate any further update as regards the JR.

8.2.6. The appellants contend that Section 18 (4) (b) of the Planning Act does not apply as the LAP post-dates the CDP and that the development is a material contravention of the LAP as regards zoning. It is further argued that policy objective DM3 – '*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'* does not overrule the LAP zoning as per the applicants Planning Statement.

8.2.7. In this context, I am satisfied that the LAP zoning conflicts with the County Development Plan as varied on 20th October 2025. The fact that the Variation occurred subsequent to the LAP adoption is not a matter clarified in section 18 (4)(b) and therefore, I am satisfied that the County Development Plan zoning takes precedence. As regard, policy objective DM3, I am of the opinion that the Variation of the CDP is consistent with the wider policy objective of DM3 to ensure alignment across both plans. The proposed development reflects consistency with the CDP zoning and therefore the development is not a material contravention of the CDP as regards zoning.

8.2.8. I note the appellants raised concerns about the PA assessment. The Commission will note that the PA's assessment relates to the policies and objectives of the CDP only and not the LAP. Contrary to the PA assessment, in my opinion, notwithstanding the

zoning provisions as discussed above, the relevant Plan is the Dundalk Local Area Plan 2025-2031 and the Development Management Section (Chapter 13) of the CDP as set out in the LAP (Chapter 1 of the LAP establishes that when preparing planning applications, the Development Management Guidelines in the County Development Plan (Chapter 13) should be consulted), and only where 'conflict' arises, (as applicable in this case with respect to zoning) the County Development Plan. Therefore, contrary to the PA assessment this assessment will address the relevant provisions of the LAP and the CDP, as applicable.

8.2.9. Therefore, in summary, the site is subject to 2 no. zoning objectives.

- The majority of the subject site is zoned 'A2 - New Residential Phase 1' with a stated objective 'to provide for new residential neighbourhoods and supporting community facilities' as per the LCDP 2021-2027. And a small part of the subject site, the piece of land sitting to the west of Coonrah fronting Bothar Maol, is zoned 'A1 – Existing Residential' with a stated objective 'to protect and enhance the amenity and character of existing residential communities.'
- Consistent with the LAP, the centre of the site running east to west is zoned 'H1 - Open Space' with a stated objective 'to preserve, provide and improve recreational amenity and open space.'

8.2.10. All proposed residential units are located within A2-zoned lands. Section 13.21.6 of the Louth County Development Plan 2021-2027 (as varied) identifies that residential development is generally permitted uses on lands zoned A2. Regarding the location of the proposed creche within the H1 Open Space zoned lands, the PA note and I would agree that the proposed crèche, access road, and associated parking are considered to fall within the definition of a 'Community Facility', which is identified as an "Open for Consideration" use under the H1 zoning objective. Therefore, I am satisfied that the principle of the development is consistent with the zoning of the site subject to detailed consideration below.

8.2.11. Regarding the concerns raised that the JR process challenging the zoning provisions of the LAP being unfair when the local elected members resolved to adopt the Dundalk LAP 2025-2031. While I note the concerns raised this is not a matter for the Commission.

Compact Growth/Sequential Development

8.2.12. Some concerns were raised that the development was leapfrogging other lands and not consistent with sequential growth.

8.2.13. The National Planning Framework (2025) , National Policy Objective 7 sets a target to 'deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth'. The subject site is c.4km form Dundalk town centre and c. 1km from Blackrock adjacent to the existing built up footprint of Dundalk.'

8.2.14. Policy Objective DS 1 of the LAP seeks to 'support the orderly expansion of the Regional Growth Centre of Dundalk and enable the town to strengthen its role as a regional economic driver targeted to grow to city scale.' As regards the population growth of Dundalk, table 2.4 of the LAP details the population projections and household allocation for the LAP area including the subject site. Table 2.4 provides a housing allocation of 3,671 units for Dundalk over the plan period.

8.2.15. The proposed development comprises 502 no. units and will contribute towards the overall target (c.13%) for Dundalk town. In addition, the scheme provides a large childcare facility and amenity space which will enhance vitality and viability of the scheme and the amenities of the future residents consistent with Policy Objective SC 2 to promote and facilitate the creation of a sustainable community. The site is adjacent to the built up area of Dundalk and links the town to the settlement of Blackrock. In this context, I am satisfied that the site is consistent with the sequential growth of the town and will contribute to compact growth and does not constitute leapfrogging. Furthermore, I do not consider that the proposed 502 units at c. 13% of the housing allocation for Dundalk over the plan period would be contrary to Policy Objective SC 5 of the LAP seeks to 'achieve compact growth in Dundalk through the delivery of at least 30% of all new homes within the existing built-up footprint of the town' nor the NPF to achieve at least 40% within existing built-up areas.

8.2.16. However, I am mindful of Policy Objective DS 5 which seeks to 'support and manage the self-sufficient sustainable development of Dundalk in a planned manner, with population growth occurring in tandem with the provision of economic, physical, and social infrastructure.' Furthermore, National Policy Objective 11 states that 'planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual

development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

8.2.17. Having regard to the above and whilst I accept the principle of residential development at this location in terms of sequential growth this must be considered in the context of all relevant considerations including the capacity to service the site. In this instance the capacity of the wastewater network to accommodate the development is a concern and in the absence of appropriate infrastructure to service the site, the proposed development would not be consistent with Policy Objective DS 5 and National Policy Objective 11 as set out above. I will address this matter in more detail in sections 8.5, 9.0, 10.0 and 11.0 of this assessment.

Capacity of Local Services

8.2.18. Third party concerns are raised about the capacity of the local area to absorb the additional residential development proposed.

8.2.19. Appendix 2 of the Childcare Guidelines for Planning Authorities 2001 establishes an indicative standard of one childcare facility per 75 dwellings in new housing areas.

8.2.20. A Childcare Demand Assessment accompanied that application. The childcare audit identified that there are 28 no. childcare facilities with a capacity of at least 1,139 spaces available within the study area. The catchment of Dundalk Urban Area has a demand for 1,325 pre-school childcare spaces. Thus, there is an existing deficit in pre-school childcare within the study area. The total childcare demand from all permitted developments within the area is 48 pre-school spaces and 23 after-school spaces, totalling 71 childcare spaces. The surrounding permitted developments provide a total of 146 childcare spaces, leaving a surplus capacity of 75 spaces to meet future demand. The proposed scheme incorporates a childcare facility with a gross floor area of 570.7 sq.m. The proposed crèche has a capacity for 120 children and so the needs of the scheme are met with an additional 96 places available to supplement childcare needs in the local area. Based on demographic analysis the first party determined that the proposed development is likely to generate a demand for no more than 24 spaces. I am satisfied given the suburban nature of the site that the proposed, existing and permitted services in the area will cater for demand generated.

8.2.21. This planning application is accompanied by a Community and Social Infrastructure Audit (CSIA). In summary, the reports confirm that sufficient facilities are available in the catchment area (the evaluation covers the CSO urban boundary of Dundalk and extends to a 5km and 10km catchment radius) and that these facilities can adequately provide for the new population anticipated as part of this development. In relation to primary and post-primary school facilities, there are 28 no. primary and 8 no. post primary schools within the 10km catchment area. Furthermore, there are a wide range of services and amenities within the catchment area. These are detailed in section 7 Community and Social Audit of the CSIA and income Childcare and Education , Sports and Recreation, Community Centres, Societies and Community Groups, and Services – Healthcare, Retail and Green and Blue Infrastructure. As regards concerns raised about the walking distance to services and amenities, the CSIA concluded that the proposed development site is well-serviced by existing services and facilities, well-distributed geographically within c. 15 min distance, and within close proximity to a transport hub. I would agree.

8.2.22. Therefore, I am satisfied that the surrounding area is capable of accommodating existing and future demand derived from the proposed development in line with the Core Strategy assumptions for the development growth of Dundalk. I will address this matter in more detail in section 11.0 of this report.

Ownership

8.2.23. A number of third parties have raised concern that the proposed development will encroach and/or includes works on their properties without their consent. The applicant contends out that all lands within the application site are owned by Glenveagh Homes, with Marina Quarter ltd. being a subsidiary company. It is set out that the applicant is not proposing works outside of lands in their control or public roads under the control of the Council including no works to the road at Bothar Maol which is owned by the residents.

8.2.24. The Commission will note that the planning system is not a mechanise to resolve disputes over land or title and Par. 5.13 of the Development Management Guidelines clearly states that ‘these are ultimately matters for resolution in the Courts’ and ‘In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.

8.2.25. I will address concerns as regards drainage infrastructure separately in section 8.5 below. However, the Commission will note that the proposed development works along Blackrock Road and Hardy's Lane, these are works on, over or under a public road that will be undertaken by or on behalf of a statutory undertaker, as provided for under Article 22(2)(g)(ii) of the Planning and Development Regulations 2001, as Amended.

Conclusion

8.2.26. The development of the site is guided by the zoning principles of the Louth County Development Plan 2021-2027 and the Dundalk Local Area Plan 2025-2031; I am satisfied that the proposed development is consistent with the land use zoning objectives for the site as detailed above and acceptable in principle subject to detailed consideration below.

8.3. **Design and Layout**

8.3.1. The appellants and observers raise concerns about the appropriateness of the development at this location. It is argued at the development constitutes over development of the site and contrary to the established pattern of development. In addition, the Bothar Maol Residents Association object to the proposed pedestrian access on Bothar Maol which the residents maintain. The lane is narrow in width and of poor horizontal and vertical alignment. It is set out that Bothar Maol is not under the Council's control and cannot be considered as part of future greenway proposals. Further concern is raised that a number houses are located within 10m of septic tank and percolation areas serving dwellings along Bothar Maol.

Context

8.3.2. The general area is characterised by relatively large single-family houses set in gardens to more modern housing estates to the south (Blackrock) and north (Dundalk). Building heights are predominantly 2 storeys, with 3 storey apartments currently under construction to the north on the opposite side of Bothar Maol (ABP-311776-21 /LCC Reg. Ref. 211032). Therefore, I am satisfied the development is consistent with the existing and emerging pattern of development in the area sequentially located adjacent to the built -up environs of Dundalk.

8.3.3. Furthermore, the general layout has been designed to work for the most part with the

existing site contours with localised level changes only. It is the applicant's contention that the proposed development is considered to make a positive contribution in terms of place-making through the provision of new pedestrian and cycle connections. The applicant further contends that the density and scale of the development are appropriate and consistent with the CDP and protection of residential amenity has been considered in the design and layout.

Density/Overdevelopment

8.3.4. With respect to the density proposed. Section 3.3.2 of the Compact Settlement Guidelines sets out appropriate density ranges for sites within Regional Growth Centres such as Dundalk. Under Table 3.4 of the Guidelines, a net density of 35-50 dph is considered acceptable for sites located in a Suburban/Urban Extension Area of a Regional Growth. Table 5.7 of the Dundalk LAP prescribes the minimum density range per hectare. Consistent with the Compact Settlement Guidelines the application site falls within the Suburban/Urban Extension Area category for Dundalk and therefore a minimum density of 35 units per hectare. As Table 5.7 sets out minimum densities, and the proposed development has a net residential density of 37.9 dwellings per hectare, the density is in line with the provisions of the LAP and the Compact Growth Guidelines which provides for a minimum range between 35-50 dph at suburban and edge locations.

8.3.5. Section 3.4 of the 2024 Guidelines state that '*the density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibly to services and public transport; and considerations of character, amenity and the natural environment*.' Given the subject site is located c. 4km from the town of Dundalk and the suburban/low density character of the surrounding built form on Bothar Maol and the R172 Blackrock Road, I am satisfied that the proposed density is appropriate in this instance. Owing to the fact the density is only slightly above the minimum density range, I do not consider the proposed development constitutes overdevelopment on the site.

8.3.6. Having regard to Policy Objective SC 3 of the LAP- *To develop and support sustainable neighbourhoods and residential developments in Dundalk that facilitate the provision of the required neighbourhood infrastructure such as schools, recreational amenities, community facilities, healthcare and childcare facilities and a*

suitable mix of housing at an appropriate density in accordance with the 'Sustainable Residential Development and Compact Settlements Guidelines' (DHLGH, 2024). I am satisfied that the LAP criteria can be appropriately assessed under the 'key indicators of quality design and placemaking' as set out in Chapter 4 of the Compact Settlement Guidelines. I further consider that the impact of the development on established residential development is a key consideration in quality placemaking.

Design and Contribution to Placemaking

8.3.7. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in the following table.

Table 1 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	(a) The development includes permeability around and through the scheme and includes both vehicular and pedestrian links through to Bother Maol and Blackrock Road where onward future pedestrian connection to Dundalk and Blackrock have been identified. (b) The proposed vehicular entrance will access directly onto Blackrock Road (R172) where road improvement/realignment works are proposed to facilitate safe access. The new entrance design also includes an in-line bus stop on the western side of the R172. I refer the Commission to section 8.4 below. Consistent with Chapter 8 Movement of the LAP the proposed development advances Dundalk's sustainable mobility goals by integrating active travel and public transport infrastructure within its design. The layout includes a north-south active travel link through a central park, connecting to the proposed greenway network along Bóthar Maol and Blackrock Road, enhancing pedestrian and cyclist connectivity as support by numerous policy objectives in the LAP including Mov 10, Mov 12, Mov 13 and Map 8.2: Proposed Active Travel Infrastructure Measures - includes a proposed Greenway traversing the site. In addition, dedicated pedestrian and cycle

	paths, a new bus stop on Blackrock Road, will encourage a modal shift from private cars, supporting climate action targets. (c) The application includes a DMURS Statement. The proposed development has been carefully designed to promote strong levels of connectivity in favour of pedestrians and cyclists with vehicular movement taking a secondary role in line with the objectives of DMURS. Connectivity throughout the scheme is heavily weighted towards the pedestrian and cyclists. Permeability within the development has been considered by creating a share surface road, allowing cyclist and pedestrians to move freely. Active travel measures have been suitably prioritised in the proposed layout. The internal road layout is designed to control traffic speeds through the use of cul-de-sacs and subtle changes of alignment. These measures will act to slow vehicular traffic by decreasing the driver's perception of acceptable speeds and encourages the use of the roadway as a shared space for play. The layout is designed to provide a safe and secure arrangement of movement for the future residents. Regarding the third party concerns about the proposed pedestrian access on Bothar Maol which the residents maintain, in particular, that the lane is narrow in width and of poor horizontal and vertical alignment and not under the Council's control and cannot be considered as part of future greenway proposals. I note the concerns raised and I would note that while pedestrian/cycle connections have been proposed as part of the development, the application does not include any physical works to Bothar Maol. The PA included a special contribution towards future works to accommodate the proposed Greenway network. In the context of the identified objectives of the LAP, I am satisfied that this approach is acceptable. (d) A total of 861 no. spaces are proposed comprising: • 817 no. residential spaces • 24 no. visitor spaces • 20 no. creche spaces.

	The proposed car parking is deemed acceptable. I refer the Commission to section 8.4 and section 13.0 of this report. In addition, 660 no. bicycle parking spaces are proposed comprising • 502 no. residential spaces • 120 no. visitor spaces • 22 no. creche spaces • 16 no. bicycle share space.
(ii) Mix and Distribution of Uses	(a) The proposal comprises a residential development and crèche and will add to the housing stock in Dundalk. (b) City and town centre policy is not applicable. (c) The proposed development includes a large central park area accessible and 3 no. urban squares. In addition, the proposed development includes a two storey crèche building, located in the southeast of the subject site. The gross floor area of the crèche is 570.7 sqm, with a large outdoor secure play area (813 sqm). The crèche is a fully accessible two-storey structure, with a capacity of c. 120 children. The location of the crèche building has been designed to be adjacent to the new access road which will lead to the Blackrock Road (R172), to ensure ease of access to new residents of the development as well as the wider community. (d) As outlined in section commencing 8.3.4 of this report, the proposed quantum of development promotes intensification. (e) As outlined above and in section 8.4 of this report, the proposed development aligns with public transport services. (f) The proposed development provides for a variety of types of homes. Overall, the mix comprises 40 no. 1-bed maisonette (apartment) units; 147 no. 2-bed units, 277 no. 3-bed units and 38 no. 4-bed units. The proposed mix includes c.37% 1 and 2 bed units; c.55% 3-bed units; with the remaining 7.5% comprising of 4-bed units. These are provided in a range of maisonettes, detached, semi-detached and terraced houses, 2 – 3 storeys in height excluding 1 no. bungalow. The various house types are dispersed throughout the scheme ensuring varied streetscapes and a diversity

	of users throughout. I am not satisfied that the proposed mix of units is in accordance with the LAP and Development Plan to *'support a variety of household types and tenures, new residential developments, and in particular larger schemes in excess of 25 units shall endeavour to provide an appropriate mix of residential accommodation'* (LAP Section 5.10 - Housing Mix and CDP Section 13.2.13).
(iii) Green and Blue Infrastructure	(a & b) The Sustainable Residential Development and Compact Settlements *Guidelines for Planning* Authorities promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active trave) and to conserve and restore nature and biodiversity. There are various public open spaces, varying in size and function and including:• Central parkland space • 3 local urban squares • biodiversity corridor • spill out spaces for the crèche • pedestrian and cycle connections onto Bóthar Maol. The central park, measuring c2.7ha, includes passive and active spaces as well as equipped play areas and kick about grass areas. An existing hedgerow cutting through the middle of the site, in a north south direction is being maintained and incorporated into the landscape masterplan. A number of pocket parks are proposed throughout the development to add to the amenity for the residents and provide additional opportunities for biodiversity. Where possible, existing hedgerows and boundaries of value are being retained and incorporated into the landscaping. This includes the area of wet woodland at the new entrance off Blackrock Road, behind the proposed bus stop. The application was accompanied by a comprehensive landscaping scheme . The Commission will note that while the Composite Map for Dundalk LAP 2025-2031 identifies the group of Sycamore and Ash Trees located at the junction of Bothar Maol and the Blackrock Road, which includes the

	trees featuring in the northeastern corner of the eastern field, as Trees & Woodland of Special Amenity Value (Reference No. DLK No. 42) the site works do not impact these trees. In addition, the landscaping plan proposes a total of 456 trees. Proposed planting reflects consistency with using plants from the All-Ireland Pollinator plan and the Biodiversity Action Plan (NBPA) 2023-2030. Regarding concerns raised about the impact of the proposed development on local biodiversity, while I note the EIAR and accompanying ecological assessments submitted with the application and the mitigation measures identified. I will address this mater in more detail in section 11.0 of this report. I am satisfied that the landscaping is acceptable and consistent with the broad theme of the NBPA 2023-2030 and in accordance with the Guidelines. (c & d) The proposal includes Nature Based SuDS (NBS) focused approach to surface water disposal on site through the provision of Bioretention Basins (as a Reginal Control measure), bioswales, bioretention tree pits, filter drains and permeable paving (as Source Control SuDS) and finally petrol / oil separator are proposed as proprietary system SuDS. The proposed design provides a minimum 2-stage surface water treatment process which intercepts surface water run-off at source and treats the water by filtration and treatment through natural material prior to discharging to the existing watercourse. (Section 4.3 Infrastructure Design Report). I am satisfied that the Green Infrastructure proposed is consistent with Policy Objective SC 2 – '*To promote and facilitate the creation of a sustainable community in Dundalk in a high-quality built environment where there is a distinctive sense of place with attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise'* and Section 13.8.12 *Landscaping* of the CDP.

(iv) Public Open Space	(a) Policy and objective 5.1 of the Sustainable Settlements Guidelines sets out the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Section 13.8.15 Public Open Space of the Development Plan sets out a requirement for Public open space provision in the range of 10-15% to be provided as public open space in new residential developments. In the case of the subject site, the provision of public open space equates to 4.67ha (26.6%) of the principal site. When the public open space lands which are zoned Open Space are excluded, the provision of public open space (within the net developable site area) is 1.56ha (11.8)%. On its own, this is greater than the 10% minimum requirement of the Sustainable Residential Development and Compact Settlements Guidelines 2024. Therefore, the quantum of public open space is acceptable and in accordance with the Development Plan and Compact Settlement Guidelines. (b) The public spaces as proposed are well distributed across the site. I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design. I further note that the application included a Sun On Ground (SOG) study was carried out on shared outdoor amenity spaces throughout the proposed development. The SOG study has shown all proposed public open spaces achieve full compliance with the BRE Guidelines. Future occupants will be able to enjoy well-lit open amenity areas around the development in accordance with section 13.8.10 Sunlight and Daylight of the CDP
(v) Responsive Built Form	(a & b) A detailed Architectural Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The proposed development should be

	viewed in the context of the receiving environment. In the regard, as set out above the building height reflects the existing and emerging character of the area and the layout consist of permeable, well connected streets and neighbourhoods where open spaces are functional, accessible, and centrally located and where walking and cycling are prioritised. The creche is located towards the front of the estate adjacent to the central park ensuring easy accessibility. (c) Regarding the impact on the overall urban structure. The design respond to the existing field patterns and is set out in a grid form. I consider that the development proposal would enhance the urban structure of the area, in particular, the scheme will create opportunities for new Greenway linkages traversing a large open space. The layout actively responds to the site levels. All dwellings are dual aspect with usable private rear gardens sized to meet or exceed the standards set in Sustainable Residential Development and Compact Settlements Guidelines 2024. The maisonettes are also served by private gardens to the rear. (I refer the Commission to the Housing Quality Assessment accompanying the application). In addition, I note a 16m separation distance between opposing first floor rear windows is maintained across the site and with neighbouring properties in accordance with the Compact Settlement Guidelines. The Spatial Daylight Autonomy (SDA) assessment undertaken confirms that all habitable rooms within the maisonettes will receive sufficient daylight, reaching 100% compliance with the recommendations set out by the BRE Guidelines. The Sunlight Exposure (SE) assessment has also shown very high levels of compliance for the units assessed. All proposed units are dual aspect, ensuring access to adequate levels of direct sunlight. The impact assessment also considered the effect the proposed development would have on the level of daylight and sunlight received by neighbouring properties that are in close proximity to

	the proposed development, including the 2 residential dwellings closest to the site, located along the northern boundary. The impact assessment indicates that none of the evaluated windows would experience an adverse reduction in daylight or sunlight. Additionally, the proposed development would not lead to any noticeable increase in overshadowing or reduction in sunlight for the existing gardens. As these properties are the nearest to the development, it was concluded that the other properties along Bóthar Maol, north of the proposed development, would not experience a noticeable impact. I would agree. (d) Regarding the provision of well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontage. All corner buildings at dual aspect and all would feature elevations for passive surveillance purpose. Any significant liner sections are broken up by green spaces and the juxtaposition of form and dwelling type/design and stagged building line. (e) The site is divided into 6 character area (I refer the Commission to the Design Statement accompany the application). It is set out that the materiality of each character area has been considered to give each a distinct feel. The materials and external finishes vary between the character area while maintaining a consistent colour palette. The landscape design also varies form one character areas to the next. I consider the proposed design reflects a contemporary modern design approach utilising traditional built forms with varied finishes the respects and enhances local character. (f) Proposed finishes include a variety of materials consisting of buff and red brick, plaster render, and selected grey roof tiles. I note the broader reference by the third parties to compliance with climate change. The proposed development aligns with the climate objectives of the LAP by incorporating sustainable design and infrastructure that reduces carbon emissions. Residential units have

	been designed to achieve near-zero energy performance, verified through DEAP software. Sustainable urban drainage systems (SUDS) have also been implemented throughout the scheme, managing surface water effectively, reducing flood risks and supporting climate adaptation. Additionally, the inclusion of pedestrian and cycle paths, alongside a new bus stop, promotes active travel and public transport use, decreasing reliance on private vehicles and contributing to a low-carbon community. These measures reflect best practices in sustainable development, supporting Dundalk's transition to a climate-resilient, environmentally sustainable future as envisioned in the LAP.

Summary

Contrary to the third party contentions, I am satisfied that the scheme responds to the 'established built form' and reflects a 'multi-faceted and holistic approach' to the development of the site to ensure that a location is accessible, diverse, attractive and positively perceived and incorporates amenity spaces consistent with good placemaking that will contributes to people's health, happiness, well-being and cultural experience. In the context of the density proposed and the design and layout, I am satisfied that scale of the development is acceptable and appropriate at this location.

Impacts on Established Residents

8.3.8. Third party concerns were raised about the connection to services for the three most northerly houses on Bothar Maol and clarification as regards a well that was previously maintained by the residents of Bothar Maol. Concerns were also raised about construction traffic, ground levels and separation distances to wastewater treatment systems/percolation areas serving adjoining properties.

8.3.9. Regarding power connection to three most northernly dwelling on Bothar Maol to services linked to the proposed development, these are independent properties in separation ownership and any connection to services is not a matter for this application. However, the proposed wastewater network has made provision for the existing dwellings to the east to connect to the wastewater in the future. However, this is not a matter for the Commission. Similarly, as regards reference to a previous well maintained by the residents of Bothar Maol, the response to the appeal from the

applicant states that the existing well located to the northwest of the site will be decommissioned as part of the development. I am satisfied that this is acceptable.

8.3.10. I note the concerns regarding construction implications. In this regard, the Commission will note that planning permission has been sought for 7 years. The applicant documentation sets out that the current indicative phasing suggests that the project will be split over 2 phases and a period of c. 48 months. Details are included in the CEMP and Phasing Drawing included with the architectural plans which accompany the application. The EIAR sets out that the anticipated likely significant effects in the absence of mitigation on residential amenities relate to disruption due to increased construction traffic movements on the local road network, noise, dust and visual impact arising from plants necessary to deliver the development. No rock breaking has been identified as part of the development works. These impacts on residential amenity are expected to be localised, temporary, and of short-term duration, and of moderate significance. I am satisfied that the construction impacts are a necessary consequence of developing the site. I will address this matter in more detail in section 11.0 of this report.

8.3.11. With respect to concerns about the raising of ground levels I note the site survey drawings confirm that the properties on Bothar Maol were not surveyed. However, a review of the cross section drawings would indicate that only minor levelling out change are proposed at certain points and the levels change are not a blanket increase of 0.5 across the northern boundary. In this context, I am satisfied that these level changes are acceptable.

Conclusion

8.3.12. The Sustainable Neighbourhoods and Communities section within the LAP establishes a vision for Dundalk as a place where vibrant, inclusive, and well-designed communities thrive. It promotes the development of high-quality residential areas that foster a distinctive sense of place, ensure accessibility, and support the social and physical infrastructure needed for sustainable living. The proposed development aligns with the vision for sustainable neighbourhoods and communities by transforming an under-utilised greenfield site within Dundalk's built-up area into a high-quality residential community. It will deliver 502 residential units, including a diverse mix of housing types (1- to 4-bedroom homes) and 20% social or affordable housing,

meeting local housing needs and ensures residents have access to retail, services, and amenities, supporting the concept of a 10-minute neighbourhood.

The inclusion of a 120 child crèche addresses childcare demands within the area, while 4.67 hectares of public open spaces, including a central park and smaller greens, enhance accessibility and community interaction. The development's permeable layout, high-quality finishes, and universal design principles— applied to 34.3% of units as adaptable lifetime homes—create a safe, inclusive environment. Energy-efficient design achieving near-zero energy performance further supports environmental sustainability, contributing to a vibrant, equitable, and sustainable neighbourhood that enhances Dundalk's urban fabric.

It delivers a high-quality north-south active travel link through a central park, connecting to the proposed greenway network along Bóthar Maol and Blackrock Road, enhancing pedestrian and cyclist connectivity. Dedicated pedestrian and cycle paths, a new bus stop on Blackrock Road, will encourage a modal shift from private cars, supporting climate action targets. On balance, I am satisfied that the proposed design and layout is acceptable and in accordance with the LAP and relevant CDP criteria and the Compact Settlement Guidelines.

8.4. **Traffic and Transportation**

8.4.1. The third parties raise a series on concerns regarding traffic and transportation including that the scheme is heavily car dependent with poor access to public transport and footpaths are substandard. Concern is also raised that sightlines at the proposed entrance are insufficient and works including location of bus stop will impact sightlines of adjoining properties. Concern is also raised that the entrance may flood.

8.4.2. The Commission will note that a DMURS Statement and Stage 1 Road Safety Audit accompanied the application. The internal road layout is designed to control traffic speeds through the use of cul-de-sacs and subtle changes of alignment. These measures will act to slow vehicular traffic by decreasing the driver's perception of acceptable speeds and encourages the use of the roadway as a shared space for play. The layout is designed to provide a safe and secure arrangement of movement for the future residents.

<u>Access /Sightlines</u>

8.4.3. The Infrastructure Design Report accompanying the planning application set out that the site is accessed from the east, from the Blackrock Road (R172). A new entrance will be provided, with works to the design of the existing road proposed to facilitate safe turning movements. A new right hand turning lane is proposed into the site in addition the provision of an in-line bus stop on the western side of the R172 (an offline bus stop has also been proposed as an alternative on drawing C-0590). A horizontal and vertical road realignment of the R172 is proposed in order to facilitate the dedicated right hand turn lane to enter the proposed development. The road re-alignment works are also required to ensure the road is constructed above the 1 in 200-year flood Medium Range Future Scenario (0.5% AEP MRFS) event to guarantee access for emergency vehicles during a tidal flooding event.

8.4.4. A portion of the existing stone wall (to the northwest of the proposed development entrance) is being removed to facilitate the continuity of the realigned footpath. The portion of existing stone wall to be removed lies within the site boundary as outlined in red. Following the upgrade works to the R172 noted above, the Infrastructure Design Report sets out that 65m sightlines are provided in both directions at the development access and also for the neighbouring properties to the west as indicated on Engineering drawing C-0585 in accordance with DMURS Table 4.2 for a 60kph road on a bus route. I have included table 4.2 below for clarity.

SSD STANDARDS

Design Speed (km/h)	SSD Standard (metres)
10	7
20	14
30	23
40	33
50	45
60	59

Forward Visibility

Design Speed (km/h)	SSD Standard (metres)
10	8
20	15
30	24
40	36
50	49
60	65

Forward Visibility on Bus Routes

Table 4.2: Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds.

8.4.5. The PA in their assessment raised no concerns are regards sightlines and having regard to the provision of Table 4.2 of DMURS, I am satisfied that the proposed sightlines are acceptable in terms of traffic safety.

Connections - Footpaths

8.4.6. As regards concerns raised about the poor quality of footpath connections. A detailed assessment of pedestrian routes between the site and Dundalk to the north, and Blackrock Village to the south is presented in Section 3 of the Transport Assessment. This assessment includes the footpaths within 500m of the main entrance. The report states and I observed on site that continuous footways are present that link the site both to Dundalk to the north, and Blackrock Village to the south. The footways to the north of Bothar Maol, on the R172 and Hardy's Lane, are considered to be of a reasonable standard and width. The section of footway on the west side of the R172, to the north of Hardy's Lane, is slightly narrower, but this does not form part of the main walking route to Dundalk. The footways to the south of the proposed new site access junction on the R172 vary in width, and there is some localised narrowing, but overall form a suitable walking route between the site and Blackrock Village.

It is acknowledged that the section of footway on the south side of the R172, between Bothar Maol and the new proposed site access junction, is narrow for a distance of c.330m. Over this section, there is limited space available to widen the footway, due to the running width of the R172, a field boundary to the north, and private land to the south. In any case the site can avail of the existing footpath connections which currently exist and serve the area and wider community the upgrading of which is not within the remit of the applicant. The applicants contend that new pedestrian routes within the development will provide an attractive alternative to using this narrower section of footway, allowing pedestrians to walk remotely from the R172, I would agree and I am satisfied that the site will be adequately served by existing and proposed footpath connections.

8.4.7. The Commission will note that the documentation file sets out that two future cycle initiatives are proposed that could deliver improvements to pedestrian and cycle infrastructure in the area. These are:

▪ The proposed Blackrock to Dundalk Greenway, a section of which would be delivered as part of the Dundalk Flood Relief Scheme (FRS). The Greenway would run along the coast, along the route of newly constructed coastal defences. The FRS is being progressed by the Office of Public Works (OPW) and LCC, who appointed

consultants in 2021. Subject to the necessary consents, the scheme is expected to start construction in 2027.

▪ The National Transport Authority's (NTA) 'Cycle Connects: Ireland's Cycle Network' scheme, which intends to deliver a comprehensive cycle network across Ireland. Proposals for each of the 22 counties outside the Greater Dublin Area have been prepared, with an initial round of consultation finishing in November 2022. The NTA is planning to deliver these routes from 2023 onwards and will complete the network over the timescales of the National Development Plan 2021-2030.

8.4.8. The implementation of this initiative will further enhance the accessibility and attractiveness of the site. I am satisfied that the site is adequately served by existing and proposed connection to cater for the proposed development.

Car Parking

8.4.9. Car parking is provided on site, at the rate of 2 spaces per dwelling for 3-bed and 4-bed units, and 1 space per unit for 1-bed and 2-bed units. The proposed scheme also includes 24 no. visitor car parking space. 20 no. car parking spaces are proposed to serve the crèche, including 1 no. accessible space. All spaces will be ducted to allow for EV charging points. The quantum of car parking is deemed acceptable by the PA.

8.4.10. The site falls with Area 3 as set out in Table 13.10 Parking Tiers for County Louth of the CDP and consistent with Table 13.11: Car Parking Standards a maximum of 2 car parking spaces per unit in Area 3 is acceptable. Therefore, the proposed car parking is in accordance with the CDP standards having regard to the location of the site at this 'intermediary/ peripheral' location.

Public Transport

8.4.11. As regard accessibility to public transport, the first party set out that the site is served by route 169, operating Monday to Friday between 8.03 and 17.38 with 17 timetables busses throughout the day, 8 towards Dundalk and 9 towards Blackrock. It is set out that although there are no physical bus stops near the site, the bus stops on demand. The journey to Dundalk town centre takes about seven minutes.

8.4.12. I note the addition of a new bus stop fronting the site will enhance accessibility of the bus network for future residents, in addition to the wider Greenway plans for the area as set out above and the potential for the site to form part of an integrated Greenway

design. I further I note that the site benefits from direct access to Blackrock Road with direct access to Blackrock Village and Dundalk Town Centre.

8.4.13. In addition, Table 19 of the Transport Assessment shows the predicted trip generation of the development, by mode, based upon the proposed 502 units and CAP2024 mode share targets. Table 19 established that if the CAP modal split is realised (ensure that walking, cycling and public transport account for 47% of all journeys) there would be around 752 two-way trips by public transport. A portion of this demand would be made up of school children travelling by school bus. The assessment determined that the bus capacity survey which recorded a total of 1,215 spaces (589 towards Dundalk, and 626 coming from Blackrock), would be sufficient to cater for potential bus demand identified in Table 19. However, it is recognised not all of this demand would be to locations served by the existing bus route. It is further noted that the proposed Connecting Ireland 169 bus service will be operational by 2028, which will add to existing capacity between Blackrock and Dundalk. The new proposed DN4 service between Clarke Station and Blackrock, will also increase capacity.

8.4.14. In the context of the subject site, the existing pedestrian connections and bus service linking both Dundalk and Blackrock, the capacity survey and the future plans for enhanced Bus services locally, I am satisfied that the site will be adequately served by public transport.

Conclusion

8.4.15. Demand analysis included as part of the Traffic Assessment submitted suggests that the development is expected to generate 536 two-way person trips in the AM peak hour, and 421 two-way person trips in the PM peak hour. An analysis of local walking routes using the Climate Action Plan (CAP) modal split (i.e., public transport, walking and cycling trips accounting for 50% of all journeys) concludes that existing pedestrian facilities in the local area are suitable to accommodate the predicted pedestrian demand.

A Mobility Management Plan forms part of the Transport Assessment will assist in reducing the reliance on the private car. Over the course of a 12-hour day, there are expected to be just under 800 pedestrian trips and around 300 cycling trips generated by the development. In terms of cycling trips, assuming an average of 3 residents per household, this would equate to around 150 people cycling to and from one destination

each day, which would represent around 10% of residents.

The Transport Assessment concludes and I would agree that the application site is well-located for a residential development of this nature and will additionally benefit the sustainable travel initiatives planned in the future. The site layout has been designed to support the potential future development on the site to the south and will also deliver some of the cycle route permeability envisaged in the 'Cycle Connects' programme. I am satisfied that the proposed development is acceptable in terms of traffic and pedestrian safety.

8.5. **Drainage**

8.5.1. The third parties argue that the that the application is premature and does not address the previous reason for refusal issued by ACP as regards access to effective wastewater treatment. Concerns are also raised about the surface water generated and the risk of flooding.

Water Supply

8.5.2. The proposed development will connect to the existing water supply on the R172 Blackrock Road to the east of the development. Currently, the watermain featuring along the R172 Blackrock Road is 100mm diameter. Uisce Eireann have confirmed, in their Confirmation of Feasibility, that a connection is Feasible without infrastructure upgrade by Uisce Eireann.

Wastewater Drainage

8.5.3. In the first instance, the Commission will note that previous application ABP 319077-24 for the construction of 502 residential units, a creche and all associated site works was refused on the basis of the existing deficiencies in the capacity of the sewerage facilities, in particular, the capacity of Coe's Road pumping station in the absence of upgrade works. Historical deficiencies in the Dundalk WWTP are also cited by the third parties.

8.5.4. By way of background the Commission will note that Uisce Éireann has confirmed that it has major works planned for Dundalk, aimed at increasing the capacity of the wastewater infrastructure, among which is the installation of a new wastewater rising main between Coes Rd Wastewater Pump Station (WwPS) and Dundalk Wastewater

Treatment Plant (WWTP). This section should be read in conjunction with section 9.0, 10.0, 11.0, Appendix A and Appendix B of the report.

8.5.5. In the context of the current application consistent with the previous application wastewater will be collected on site and will discharge to an onsite wastewater pump station, located along the eastern boundary of the site, north of the carpark associated with the proposed creche. Wastewater will be pumped north along the Blackrock Road (R172) via a new rising main to Finnabair Crescent, where it will discharge to the existing wastewater drainage network which outfalls to the Coe's Road Wastewater Pumping Station and the Dundalk WWTP.

8.5.6. The application sets out that wastewater generated will discharge by gravity to a new 189m^3 Type 3 wastewater pump station (WwPS) with associated temporary storage and dosing measures prior to discharging via a pumped rising main to the existing public gravity wastewater network located to the north of the development site along Finnabair Crescent. Unlike the previous application and in advance of upgrade works to the Coe's Road WwPS, via an interim temporary solution wastewater will be subject to temporary storage in underground tanks at the site. The proposed development seeks to store wastewater until evening after the initial daily allowance of 61m^3 is reached for discharge between 7pm and 7am. This Commission will note that a Connection Agreement for 200 no. units to discharge wastewater to the Coes Road Pumping Station is already in place and paid for by the Client (UÉ Ref. No. CDS2200761301). This relates to the previous SHD permission on the lands.

8.5.7. I draw the Commissions attention to the Uisce Eireann report dated 28h August 2025 which sets out that '*upgrade works are required to increase the capacity of the existing wastewater network. Uisce Eireann currently has a project on our current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by Q1 2030 (this may be subject to change) and the proposed connection could be completed as soon as possible after these works….Where a connection is proposed in advance of the Coe's Road Project the following interim solution is required to confirm capacity flows from the pumping station constructed under Phase 1 of the development (serving 200 units) shall not be increased during daytime hours (i.e. 7am to 7pm). This would amount to approx. 61m^3 total volume pumped in these hours. The remaining balance of flow (serving 303 units) would be stored during the days then discharged in the night (7pm to 7am*).'

8.5.8. The daytime volume discharge appears to relate to the already agreed connection agreement relating to the 2019 SHD application (ABP Ref. ABP-304782-19). In the context of capacity and the controlled release of wastewater, I consider the UE submission is clear and sets out a controlled release for only 200 units of approx. 61m^3 total volume pumped during daytime hours (i.e. 7am to 7pm). The remaining balance of flow (serving 302 units and the creche) would be stored during the days then discharged in the night.

8.5.9. Table 5 of the Infrastructure Design Report sets out that the estimated peak wastewater loading generated by the proposed development as follows:

RESIDENTIAL						
Proposed Development Foul Flows						
Use Type	**No. of Units**	**Occupancy Rate (persons/ dwelling)**	**Population (P)**	**Loading (l/ person/ day)**	**Daily Loading (l/ day)**	**Daily Loading (l/s)**
Residential	502	2.7	1355	150	203310	2.35
Dry Weather Flow (1 DWF)						**2.35**
COMMERCIAL						
Proposed Development Foul Flows						
Use Type			**Population (P)**	**Loading (l/ person/ day)**	**Daily Loading (l/ day)**	**Daily Loading (l/s)**
Creche			142	60	8520	0.10
Dry Weather Flow (1 DWF)						**0.10**
Total Daily Foul Flow (1 DWF)						**2.45**
Total Proposed Peak Foul Flow (3 DWF)*						**7.36**

*Section 2.2.5 IW Wastewater Code of Practice IW-CDS-5030-03 - For Population from 1,001 to 5,000 Peaking Factor is 3.0

Total Daily Dry Weather Flow A daily loading of 2.45l/s equates to 8.82m^3/hour, this in turn equates to storage volume over a 12 hour period of c. 106m^3. The Design Wastewater Flow of 3DWF is 7.36 l/s (26.5 m^3/hour) based in a reduced peaking factor of 3.0 in accordance with Section 2.2.5 of the IW Wastewater Code of Practice IW-CDS-5030-03. This equates to 4.36l/s equates to 15.696m^3/hour which requires a storage volume of 189m^3 over a 12 hour period.

8.5.10. The proposed solution is an engineered response to the previous reason for refusal and while the 189m^3 Type 3 wastewater pump station (WwPS) would appear of sufficient capacity to accommodate peak dry flows, no details of the proposed storage tank appear to have been submitted including identification of sufficient headroom capacity. The documentation on file relates to typical cross-section engineering details only and not site specific details. This information is particularly relevant in the context

of this site owing to the identified deficiencies in the Coe's Road pumping station and the need to ensure the resilience of the tank in the context of the proximity to the site to Dundalk Bay and in proximity to a flood zone and the uncertainty around the delivering timeframe for the upgrade works required as identified by UE.

8.5.11. In the absence of design specification as regards the storage tank and given the scale of the development (502 no. units and 120 Capacity creche), the absence of site specific design specification, operational and maintenance details including the necessary controlled release of wastewater and the impact of this additional pressure of the existing network, the construction resilience cannot be determined nor the potential for blockage, rainwater ingress and structural failure. Having regard to the proximity of the site to Dundalk Bay and in proximity to a flood zone, the Commission cannot be satisfied that the proposed underground tank will not contaminate ground or surface water and would not be prejudicial to public health.

8.5.12. As regards the timeline for the delivery of the necessary upgrade would to Coe's Road. The Commission will note that under the previous planning application the completion date for upgrade works to the existing network was identified as 2027, the correspondence on file from Uisce Eireann now identifies completion date as 2030 and that this may be subject to change. In this regard, a review of the wastewater compliance Annual Environmental Reports (AERs) 2024-Louth-Dundalk on the UE website (reviewed 25/3/2026) sets out the following as regards specified improvements programmes:

4.2.1 SPECIFIED IMPROVEMENT PROGRAMME SUMMARY

A wastewater discharge licence may require a number of reports on specific subject areas to be prepared for the agglomeration in question. These reports are submitted to the EPA as part of the Annual Environmental Report. This section provides a list of the various reports required for this agglomeration and a brief summary of their recommendations.

Specified Improvement Programmes (under Schedule A and C of WWDL)	Description	Licence Schedule	Licence Completion Date	Date Expired? (N/NA/Y)	Status of Works	Timeframe for Completing the Work	Comments
D0053-SIP:01	Installation of nutrient removal (nitrogen and phosphorus) processes at WWTP	C	31/12/2013	Yes	Works Completed		
D0053-SIP:02	SW8 - Installation of 1,500 m3 storm water balancing tank at Coe's Road Pumping Station	C	31/12/2020	No	At Planning Stage	31/12/2032	

The 2024 report refers to completion dates for some works as 2032. Therefore, uncertainty remains around the completion date for the Coe's Road project.

8.5.13. The Annual Environmental Reports (AERs) 2024 published in 2025 for Dundalk Wwtp also sets out that based on the 'effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality of the Castletown Estuary and Inner Dundalk Bay. The discharge from the wastewater treatment plant may be contributing to the WFD status of the Castletown Estuary and Inner Dundalk Bay.'[1] The proposed development could compound discharges from the WwTP which at times is not meeting emissions standards, in addition to the uncertainty around the proposed delivery of necessary upgrade works to the wastewater infrastructure (including the Coe's Rd. project).

8.5.14. Having regard to the combination of factors as set out above, I am of the opinion that the proposed development remains premature and consistent with ABP 319077-24, the Commission cannot be satisfied a sufficiently developed commitment and specific timeframe has been provided that demonstrates the proposed development would have access to an effective wastewater treatment system. The proposed development would be premature by reference to the existing deficiency in the capacity of sewerage facilities and as such would be contrary to Policy Objective INF 4 of the LAP '*to require all new developments to connect to the public supply where public water and wastewater infrastructure is available, or likely to be available, and which has sufficient capacity'* and would set an undesirable precedent for other similar developments in the surrounding area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Surface Water

8.5.15. A number of concerns have been raised as regards surface water disposal and the impact on third party properties/land.

8.5.16. In the first instance regarding concerns raised about the method of surface water disposal, the relevant proposal for consideration by the Commission is that presented as part of this planning application. The surface water proposals proposed are generally as per the previous LRD application, with onsite attenuation, discharging to Dundalk Estuary.

8.5.17. Currently, no formal existing surface water infrastructure is located on and adjacent to

[1] https://www.water.ie/help/wastewater/compliance/annual-environmental-report - Annual Environmental Reports (AERs) 2024 -Louth-Dundalk (reviewed 25/3/2026).

the subject site of relevance to the proposed development except for a small open water course flowing south to north along the eastern site boundary. Surface Water run-off currently flows over-land in an easterly direction towards the small open water course and into the Dundalk Bay or soaks into the existing ground.

8.5.18. Surface water generated by the proposed development will discharge at greenfield runoff rates via an existing drainage channel on the applicant's lands, with a separate discharge from the proposed access road to the existing nearby wetlands system and associated conveyance channels. The existing channel continues to flow north towards the surface water outfall location on the R172, traversing through third party lands before crossing the R172 (referred to as the eastern drainage channel). The surface water proposals proposed are generally as per the previous LRD application, with onsite attenuation, discharging to Dundalk Estuary.

8.5.19. It is proposed to collect and manage surface water at the site through a suite of Sustainable Urban Drainage System (SUDS) measures, prior to discharge to Dundalk Bay;

a) via a new headwall constructed along an existing drain to the north-east of the main site area, and,

b) to the existing drainage channel in the east of the site, at the proposed main entrance.

8.5.20. The surface water network has been designed to comply with these sub-criteria and prior to discharging to the public surface water network, the surface water runoff will be reduced to the existing Greenfield runoff rate, Qbar, of 64.5 l/s and 5.0 l/s for the northern and eastern outfalls respectively. In order to achieve this, it is proposed to limit the surface water runoff from the site via a proposed hydro brake flow control device fitted to the discharge manholes.

8.5.21. The design and management of surface water for the proposed development complies with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS). The design of the surface water network and SuDS measures within the application site includes a 20% climate change factor, in accordance with the requirements of Louth County Council Water Services.

8.5.22. The development aims to minimise hard surfaces and use Sustainable Drainage Systems (SuDS) to manage runoff. The SuDS treatment train includes filtration systems, nature-based measures (bio retention tree pits, bio-swales, detention basins), a detention system, and a class 1 bypass petrol interceptor. There will be no discharges to ground from drainage systems, with only rainfall on public open spaces infiltrating to the ground. The development will increase hardstanding areas, but the impact on groundwater flow will be minimal due to limited infiltration capacity and the site's proximity to the coast.

8.5.23. The SuDS treatment process which intercepts surface water runoff and treats the water by two stages of filtration and treatment through natural material and conveying this water to storage facilities. Surface water from the main residential area will be directed to a nearby drainage channel, while water from the access road will discharge to a nearby wetlands system and associated conveyance channels.

8.5.24. I am satisfied that surface water runoff from the proposed development will be managed in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS), CIRIA SuDS and the requirements of the Louth County Council Water Services Department (LCC WSD). The Surface Water management proposals shall serve to reduce the overall impact of the proposed development on the existing environment. The proposed surface water discharge rate from the development, equating to 67.50 litres per second (l/s) is 38.4 l/s less than the permitted rate of 105.9 l/s, and therefore comparatively reduces flows on the downstream receiving network.

8.5.25. Regarding objections to the use of this eastern drainage channel as an outfall for surface waters and concerns as regards the appropriate analysis of this channel. A hydraulic assessment of the existing channel, together with the pipework and culverts, has been completed by IE Consulting and is included in Appendix H of the IDR. The assessment of the channels states that ‘in the context of the occurrence of a 1% AEP (1 in 100 year) or a 0.1% AEP (1 in 1000 year) fluvial flood event these small predictive increases in flood levels in the northern drainage conveyance channel are imperceptible and immeasurable and would not result in an adverse impact to the existing hydrological regime or result in increased flood risk to adjacent lands or properties or result in an adverse impact to the existing hydrological regime of the area.’ I am satisfied that the suite of documentation accompany the application has

adequately considered the channel and I note the applicant sets out that the eastern and northern channels were surveyed at the location of surface water discharge in 2018 (Previous SHD application ABP Ref. ABP-304782-19) and observed in working condition in 2023 and 2025. Furthermore, regarding the traversing of the channel through third party lands, as set out above Section 5.13 of the Development Management Guidelines for Planning Authorities states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts.

Flooding

8.5.26. A number of concerns were raised about the risk of flooding and that the applicant's Flood Risk Assessment relies heavily on mitigation measures and does not adequately address long term climate impacts nor the impact of pushing flood waters onto adjoining properties.

8.5.27. Under the flood zoning contained within the LAP, all proposed residential units and the creche are located outside of any identified flood zone. However, the proposed access road to the development crosses through the Flood Zones A and B indicated in the LAP. This part of the site will be subject to tidal/coastal flooding during extreme flood events. Further to this, pluvial flooding has been found to occur in parts of the subject site due to the overland flows of surface water runoff. A Site Specific Flood Risk Assessment and Hydraulic Analysis accompanied the application.

8.5.28. A detailed assessment of tidal flood risk was undertaken. A 2-D tidal model has been undertaken in consideration of an extreme 0.5%AEP (1 in 200 year) and 0.1% AEP (1 in 1000 year) rainfall Present Day event and an extreme 0.5% (1 in 200 year) Mid-Range Future Scenario event. The analysis determined that the proposed access road may be at risk of tidal flooding. This was a specific concern raised by the third parties. The application sets out that the proposed road realignment works along the R172, will raise the R172 and the proposed development access out of the 0.5% AEP flood extents, and that these works will have no negative impact on the future Dundalk and Blackrock Flood Relief Scheme and shall be considered as part of the Flood Relief Scheme.

8.5.29. Pluvial flooding is predicted within the area of the site to be development including access roads which is due to localised ponding of rainfall. As set out above surface

water generated will be attenuate to greenfield run off rate and discharged to the field drain located beyond the north-eastern boundary of the site. The pluvial risk to the surrounding lands from run-off generated by the development is therefore considered to be low.

8.5.30. Further to this, the Infrastructure Design Report demonstrates that no pluvial "out-of-manhole" flooding occurs on the site for all storms up to and including a 1:100-year storm event, plus a 20% allowance for climate change. As noted above, the proposed Qbar's for the site are 64.5 l/s and 5.0 l/s. As the surface water run-off generated on site does not exceed Qbar there is no requirement for long-term storage to limit the impact on the receiving watercourse. Additionally, given the proximity of rock to ground level and the very poor or absence of surface water infiltration into the underlying subsoils witnessed as part of the 2018 ground investigations, long term storage will therefore not be achievable.

8.5.31. It is noted that the proposed access road embankment may result in increased pluvial risk to surrounding properties as it blocks the overland flow path. The assessment includes detailed modelling of tidal and pluvial flood scenarios. Mitigation measures are proposed to manage these risks. These measures are described below:

- Greenfield pluvial runoff shall be intercepted where it intersects the southern area of the proposed road embankment. The pluvial runoff shall be diverted in a northerly direction in a proposed 600mm diameter drainage pipe and will discharge to the existing drainage channel located to the north of the R172 road.
- Conveyance pipe culverts and 300mm (minimum depth) cut off drainage channels. These shall be constructed as follows: ▪ 3 x 450mm pipes, 23.8m in length, non-return valve (Tideflex or similar) on northern side of road. ▪ 2 x 450 pipe, 19.7m in length, non-return valve (Tideflex or similar) on northern side. ▪ 2 x 300mm pipes under field access entrance, 8.6m in length. ▪ 1 x 450mm pipe, 13.2m in length. ▪ Drainage channels along toe of embankment on north and south sides.
- It is further set out that these drainage measures do not conflict with the proposed surface water drainage.

8.5.32. This SSFRA found that the proposed development is considered to comply with the requirements of the Justification Test for development management. Additionally, the proposed development is not expected to result in an adverse impact to the

hydrological regime of the area or increase flood risk elsewhere.

Conclusion

8.5.33. I am satisfied that potential pluvial and tidal/coastal flooding has been appropriately mitigated against given the surface water drainage arrangements adopted and the location of the dwellings and creche within Flood Zone C. Given the works proposed to the R172 Blackrock Road, I am also satisfied that suitable emergency access/egress is achieved in the context of the dwellings/creche proposed, consistent with the requirements of the Guidelines for Planning Authorities: Planning System and Flood Risk Management (2009). As detailed in the Infrastructure Design Report, the bollards featuring at the pedestrian/cyclist access point to Bothar Maol can be removed to facilitate supplementary access to the subject site should an extreme flood event occur which renders access from the R172 Blackrock Road unavailable. In the context of the neighbouring property, I am satisfied that there is no increase in tidal/coastal or pluvial flood risk as a consequence of constructing the proposed access roadway/altering the vertical alignment of the R172 Blackrock Road and construction of the proposed dwellings/creche. Therefore, the proposed development does not create unreasonable additional flood risk for adjoining third-party properties

However, having regard to the recognised deficiencies in the existing wastewater network and the uncertainty around the timeline for the delivery of required upgrades, the proposed development would be premature by reference to the existing deficiency in the capacity of sewerage facilities and in the absence of site specific design specification, operational and maintenance details including the necessary controlled release of wastewater and the impact of this additional pressure of the existing network, the construction resilience cannot be determined nor the potential for blockage, rainwater ingress and structural failure, as such would be contrary to Policy Objective INF 4 of the LAP '*to require all new developments to connect to the public supply where public water and wastewater infrastructure is available, or likely to be available, and which has sufficient capacity.'*

9.0 Water Framework Directive

9.1.1. The impact of the proposed development in terms of the WFD is set out in Appendix B of this report. Table 11- 4 of the EIAR sets out that following *WFD Risk and Water Body Status* relevant to the site.

Waterbody Name	Water body; EU code	Location from Site	Distance from Site (km)	WFD water body status (2016-2021)	WFD 3rd cycle Risk Status	Hydraulic Connection to the Site
Transitional Water Bodies						
Inner Dundalk Bay	IE_NB_040_0100	East	c.0.03	Moderate	At risk	Yes, receives groundwater and surface water flow from the site. Also receives treated effluent from the Proposed Development via the Dundalk WWTP.
Castletown Estuary	IE_NB_040_0200	North	c. 2.75	Poor	At Risk	Yes, receives treated effluent from the Proposed Development via the Dundalk WWTP.
River Water Bodies						
HAGGARDSTOWN_010	IE_NB_06H080570	North	c. 0.01 / approximately 0.15	Poor	Review	Yes, receives surface water drainage from Finnabair Crescent (i.e., where the connection to the existing 600mm UE foul sewer is proposed)
Groundwater Bodies						
Louth Groundwater Body	IEGBNI_NB_G_019	Underlying	N/A	Good	Not at Risk	Yes, underlying the site
Coastal Water Bodies						
Outer Dundalk Bay	IE_NB_040_0000	Southeast	c.3.05	High	Not at Risk	Yes, downstream of Inner Dundalk Bay and Castletown Estuary transitional waterbodies.

9.1.2. The site of the proposed development is within the Newry, Fane, Glyde and Dee catchment, the Castletown_SC_020 sub-catchment, and the HAGGARDSTOWN_010 river sub-basin (EPA, 2025). There are no EPA recognised rivers or streams draining into the proposed site according to the EPA mapping resource (EPA, 2025). The nearest EPA recognised stream to the site is the MARSHES_UPPER (IE_NB_06H080570), a 1st order stream located adjacent to part of the long linear section of the Site that runs north along the R172 to join up with the local water mains. This waterbody is mapped as starting just east of the road, but may be culverted underneath it, from developed lands to the west. This stream flows east for ca.600m before it drains into the Inner Dundalk Bay transitional waterbody (IE_NB_040_0100). WFD status for the MARSHES_UPPER stream has been modelled as Poor for the assessment period 2016-2021 while the stream's risk of not meeting its Water Framework Directive (WFD) objectives is currently under review (EPA, 2025). The Inner Dundalk Bay transitional waterbody has been assessed as having Moderate

status for the assessment period and is At risk of not meeting its WFD objectives.

9.1.3. The site is situated on the Louth groundwater body (IEGBNI_NB_G_019), which is classified as having Good status. The aquifer type in the area is Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones (Pl). The groundwater vulnerability across the Site is mapped as having Extreme vulnerability to contamination from human activity, with areas of Rock at or near Surface or Karst in the west and north-east of the Site (GSI, 2025).

9.1.4. Localised dewatering or sump pumping may be required on a temporary basis during excavations. Where water is pumped from the excavations, it is considered that there will be a temporary drawdown of local groundwater. Mitigation measures associated with the proposed development should ensure that the underlying groundwater will continue to be of a high quality and will therefore not impact on the quality of downgradient surface water bodies. Residual Impacts such as loss of agricultural land / earthworks haulage & the risk of contamination of surface water are deemed to be of minor risk, as the proposal residential accommodation housing would not be seen as a potential high-risk development, post construction. As surface water drainage design has been carried out in accordance with the GDSDS, and SUDS methodologies are being implemented as part of a water quality treatment train approach (run-off from the development's impermeable areas is designed to be collected via a new stormwater network which incorporates attenuation storage systems and SuDS features to improve water quality in accordance with the principles of SuDS design with imperceptible effects on the water and hydrogeological environment arising from the operational phase. General pollution prevention measures are set out in the Outline CEMP accompanying this application.

9.1.5. To ensure protection of the downstream lands and watercourse on the eastern boundary there will be an installation of a silt curtain along the entire length of the boundary of the site where works are proposed; specifically, between the site works and the edge of the development site. The purpose of this membrane will be to prevent any sediment discharge from draining into the watercourse. These specific measures to include the silt curtain will be installed on-site at the preliminary Phase 1 stage of construction and remain in-situ and be adhered to until the development is complete.

9.1.6. The Commission will note that 'Urban Wastewater' has been identified as a 'Pressure' in the Inner Dundalk Bay (IE_NB_040_0100). As set out above UE Annual Environmental Reports (AERs) 2024 published in 2025 for Dundalk Wwtp sets out that based on the '*effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality of the Castletown Estuary and Inner Dundalk Bay. The discharge from the wastewater treatment plant may be contributing to the WFD status of the Castletown Estuary and Inner Dundalk Bay*.' The proposed development could compound discharges from the WwTP which at times is not meeting emissions standards.

9.1.7. I have outlined in section 8.5 above my concerns as regards the disposal of wastewater from the proposed development having regard to the existing deficiencies identified in the wastewater network serving the site. I have also set out my concerns as regards the interim solution to store wastewater on site for controlled discharge during specific hours and the construction, management and operation of same including duration. While the applicant argues that the proposed development includes the provision of standard practice construction and operational measures, the applicant is relying on a third party to deliver necessary, currently unbuilt infrastructure to provide the wastewater treatment needs of the proposed development and in the absence of design specification for the proposed underground, the risk of contamination to ground or surface water cannot be ruled out.

9.1.8. As set out in section 8.5 above, I consider the proposed development is premature pending upgrade works to the wastewater treatment network. Accordingly, I am not satisfied on the basis of objective information, the proposed development will not result in a risk of deterioration of the Inner Dundalk Bay (IE_NB_040_0100) either qualitatively our quantitatively or on a temporary basis and the cumulative impact of effluent generated from 502 units and the proposed creche on the existing deficient network will not jeopardise the Inner Dundalk Bay (IE_NB_040_0100) in reaching its WFD objectives.

10.0 Appropriate Assessment

10.1. The Commission will note that a number of third party concerns were raised as regards Appropriate Assessment including reliance on future mitigation and infrastructure upgrades and the failure to assess the cumulative and in-combination effects arising

from existing and permitted developments, in relation to the wastewater loading, nutrient enrichment and ecological pressure on Dundalk Bay SAC and SPA.

10.2. Introduction

The requirements of Article 6(3) 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 and associated documents

• Appropriate assessment of implications of the proposed development on the integrity of each European site.

10.3. 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).

10.4. Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix A of this report for further details). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, it has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of:

European Site	Site Code	Distance from Site
Dundalk Bay SAC	000455	Immediately adjacent to the site's eastern boundary
Dundalk Bay SPA	004026	Immediately adjacent to the site's eastern boundary

cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone

This determination is based on:

- the direct hydrological pathway via surface water run-off from the site;
- indirect hydrological pathway through foul water treatment at Dundalk WWTP which discharges into Dundalk Bay;
- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites. The possibility of significant effects on 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.

10.5. The Natura Impact Statement (NIS)

10.5.1. The application included an NIS prepared by Enviroguide Consulting which examines and assesses potential adverse effects of the proposed development on the Dundalk Bay SPA and Dundalk Bay SAC. Section 1.2 of the NIS outlines the qualifications and experience of the consultants, and I am satisfied that it has been prepared by competent experts. Section 2 of the NIS takes full account of the legislative and policy context. Section 3 (Methodology) outlines that the NIS has been prepared in accordance with relevant guidance.

10.5.2. A desktop study was carried out to collate and review available information, datasets and documentation sources relevant for the completion of the NIS. The desktop study,

completed in May 2025, relied mainly on sources from the NPWS, the EPA, and the GSI. A range of field surveys were completed between 2022 and 2025, including wintering bird species, winter bird surveys were conducted over the course of the 2022/23 and 2024/25 winters. During the 2024/2025 surveys, a core study area of 500m was also surveyed to further inform the assessment of potential disturbance impacts on waterbirds. During the December 2024 and January 2025 surveys, the coastline adjacent to the site to within 500m was surveyed for roosting/foraging waterbirds by the surveyor. (Section 3.4 of NIS).The relevant field survey results are sets out in section 4.23 of the NIS.

10.5.3. The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of other plans and projects. It concluded that, beyond reasonable scientific doubt, once the avoidance and mitigation measures are implemented, the proposed development will have no significant adverse effects on the QIs, SCIs and on the integrity and extent of Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). Accordingly, it concluded that the proposed development will not adversely affect the integrity of any relevant European site.

Having reviewed the documents, submissions and consultations included within the application and appeal file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Dundalk Bay SAC (000455)
- Dundalk Bay SPA (004026)

10.6. Appropriate Assessment of Implications of the Proposed Development

10.6.1. A description of the European Sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests has been set out in the NIS (section 4.3) and is summarised in below and in Appendix A of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

Table 2 – AA summary matrix for Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026).

Dundalk Bay SAC (000455)				
			Summary of Appropriate Assessment	
Special Conservation Interest (SCI)	**Conservation Objectives**	**Pathways**	**Potential Adverse Effects**	**Mitigation Measures**
1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of the SCI To maintain the favourable conservation condition of the SCI	Land/Air - Due to the proximity of the Site to this habitat. Hydrological connection - Construction Phase surface water containing pollutants/contaminants may inadvertently reach the estuary during the construction of the new surface water headwall in the north-east of the Site, and the main entrance and bus stop in the east of the Site.	Deterioration of water quality from pollution of surface and/or ground water during the construction and operational phases potentially reducing water quality in the SAC. Construction dust deposition or construction-related pollution events at the Site, potentially reducing water quality in the SAC.	• Mitigation measures are listed in Section 4.5 of the NIS and in the Outline Construction & Environmental Management Plan which accompanied the application. • The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.

1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1410 Mediterranean salt meadows (Juncetalia maritimi)	To maintain the favourable conservation condition of the SCI To maintain the favourable conservation condition of the SCI	There is an indirect pathway via the wastewater discharge from Dundalk Wastewater Treatment Plant (WWTP).	As outlined in Appendix A, section 8.5 and 9.0 above, the potential for wastewater effects cannot be excluded given the deficiencies in the wastewater infrastructure network.	• Implementation of appropriate dust control measures. • The application sets out that wastewater generated will discharge by gravity to a new 189m^3 Type 3 wastewater pump station (WwPS) with associated temporary storage and dosing measures prior to discharging via a pumped rising main to the existing network at a controlled rate.
1220 Perennial vegetation of stony banks	To maintain the favourable conservation condition of the SCI To restore the favourable	No impact pathway exists between the Proposed Development and recorded locations of this habitat due to the significant intervening distance involved (ca.15km). No impact pathway exists between the Proposed Development and recorded		No Mitigation required

1310 Salicornia and other annuals colonizing mud and sand	conservation conditions of the SCI	locations of this habitat. This habitat is located largely along the seaward side of the salt marshes of Dundalk Bay ca.205m east of the Site (offshore). The main threat to this habitat type is the spread of invasive common cordgrass (Spartina anglica) and erosion; neither of which will be exacerbated by the Proposed Development.		
Dundalk Bay SPA (004026)				
Special Conservation Interest (SCI)	Conservation Objectives	Pathways	Potential Adverse Effects	Mitigation Measures
Waterbird Species	To maintain the favourable conservation condition of the waterbird Special Conservation	Land/Air - Due to the proximity of the Site to this habitat. Hydrological connection - Construction Phase surface water containing	Construction related dust, noise and visual disturbance due to human presence during the Construction Phase. Surface water containing pollutants/contaminants could	• Mitigation measures are listed in Section 4.5 of the NIS and in the Outline Construction & Environmental Management Plan which accompanied the application.

<table><tr><th>Site Special Conservation Interests (SCIs)</th></tr><tr><td>Light-bellied Brent Goose*</td></tr><tr><td>Greylag Goose*</td></tr><tr><td>Red-breasted Merganser*</td></tr><tr><td>Great Crested Grebe*</td></tr><tr><td>Oystercatcher*</td></tr><tr><td>Golden Plover*</td></tr><tr><td>Knot*</td></tr><tr><td>Dunlin*</td></tr><tr><td>Black-tailed Godwit*</td></tr><tr><td>Bar-tailed Godwit*</td></tr><tr><td>Curlew*</td></tr><tr><td>Redshank*</td></tr><tr><td>Black-headed Gull*</td></tr><tr><td>Shelduck</td></tr><tr><td>Teal</td></tr><tr><td>Mallard</td></tr><tr><td>Pintail</td></tr><tr><td>Common Scoter</td></tr><tr><td>Ringed Plover</td></tr><tr><td>Grey Plover</td></tr><tr><td>Lapwing</td></tr><tr><td>Common Gull</td></tr><tr><td>Herring Gull</td></tr></table> Wetland and Waterbirds [A999]	Interest species listed for Dundalk Bay SPA. To maintain the favourable conservation condition of the wetland habitat at Dundalk Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	pollutants/contaminants may inadvertently reach the estuary during the construction of the new surface water headwall in the north-east of the Site, and the main entrance and bus stop in the east of the Site. There is an indirect pathway via the wastewater discharge from Dundalk Wastewater Treatment Plant (WWTP).	inadvertently reach the habitats these waterbirds rely on for foraging and roosting, potentially affecting localised food sources. As outlined in Appendix A, section 8.5 and 9.0 above, the potential for significant wastewater effects cannot be excluded given the deficiencies in the wastewater infrastructure network including the resilience of the proposed wastewater storage tank.	• Surface and ground water protection measures as detailed Sensitive timing of the construction works to avoid disturbance of waterbirds is detailed • Construction Phase dust control is detailed • Operational Phase: No surface water or groundwater mitigation measures are required due to embedded SUDS measures included in the project design • The application sets out that wastewater generated will discharge by gravity to a new 189m^3 Type 3 wastewater pump station (WwPS) with associated temporary storage and dosing measures prior to discharging via a pumped rising main to the existing network at a controlled rate.

Mitigation Summary

Two broad approaches are being adopted to ensure the mitigation of impacts on Dundalk Bay SAC and Dundalk Bay SPA:

- Pollution/dust Control in the Construction Phase
- Prevention of Disturbance to SCI waterbird species during the Construction Phase.

These broad approaches to mitigation will be implemented through the following measures:

- A robust Construction Environmental Management Plan (CEMP).
- A waterbird sensitive Construction Programme.

In addition to mitigation, I note Section 4.6 Monitoring of the NIS includes the following:

Construction Phase

During the Construction Phase, the following monitoring will be carried out by the construction contractor to ensure the implemented mitigation measures are maintained effectively:

- Dust control measures will be checked on a weekly basis, and more often during dry weather, to ensure they remain effective.
- Surface water and groundwater protection measures will be checked weekly to ensure they remain effective, and more often during moderate to heavy rainfall events as appropriate.
- The results of the above monitoring will be made available to Louth CoCo on request and any remedial measures that are required based on the results of same will be agreed with the same if required.

Operational Phase

During the Operational Phase, no additional monitoring is recommended bar the standard maintenance checks that will be carried out to ensure all SUDS measures and the wastewater pumping station are operating correctly.

Overall Conclusion – Integrity Test

10.6.2. The AA Screening exercise has acknowledged the potential source-pathway-receptor (SPR) hydrological link with the European Sites including the indirect pathways via the foul water sewer to Dundalk Wastewater Treatment Plant (WwTP) which discharges into Castletown Estuary and Inner Dundalk Bay. However, section 5.4.3.2 Operational Phase Foul Water of the AA Screening Reprot 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.

10.6.3. The Commission will note that the RFI issued by the PA requested further evaluation of the possibility that discharges of inadequately treated foul water originating from the proposed development, via the Dundalk WwTP, might adversely affect the Qualifying Interests (QIs) and/or Conservation Objectives (COs) of the Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). The response form the applicant set that the Dundalk WwTP has more than adequate remaining treatment capacity (ca. 12,800 PE) to receive the proposed development's operational foul waters.

10.7. Regarding Effluent Quality Exceedances (ELV Breaches) it is set out that ELV breaches will not be affected by the proposed development should it be permitted. As these breaches are as a result of equipment failures and associated shortcomings in the plants capacity to remove nutrients prior to discharge, with the likely cause noted as "Inadequate Operational Procedures/Training" on the LEAP database for aforementioned ELV breach incident INCI030341 in April 2024. The applicant argues that these infrastructural issues at the WwTP are 'ongoing, internal, and separate from the Proposed Development and the foul waters it will generate if permitted.' With regard to discharges from the WwTP not meeting emissions standards, the applicant argues that this is a matter for UÉ and is not within the purview or control of the applicant and that UÉ are responsible for whether the receiving drainage infrastructure has the capacity to facilitate a development and also for ensuring that public

wastewater infrastructure is operating to a satisfactory level in terms of wastewater treatment.

10.7.1. I draw the Commission's attention to the submission from the DAU referring to the RFI issued by the PA regarding whether Dundalk WwTP has sufficient capacity to accommodate the additional loads of the proposed development and the response received. The DAU note that the response does not attempt to evaluate whether or not the observed deterioration in water quality within the Dundalk Bay Special Area of Conservation (SAC) and Dundalk Bay Special Protection Area (SPA) has had adverse effects on various Qualifying Interests (QIs) and Conservation Objectives for these European Sites. 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 , 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.'*

10.7.2. 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 and 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.

10.7.3. As noted in section 8.5 above and the CoF issued by UE (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 and that this may be subject to change. Therefore, the applicant is relying on a third party to deliver necessary, currently unbuilt infrastructure to provide

the wastewater treatment needs of the proposed development. I refer the Commission to section 8.5, 9.0 and Appendix A of this report and to the accompanying technical note prepared by the Inspectorate Ecologist which in addition to the above notes that the proposed interim solution of time restricted flows, and whether this approach will put pressure on existing infrastructure, has not been assessed in the application and concludes that 'In the absence of necessary infrastructure …there is reasonable scientific doubt as to the absence of adverse effects on European sites. Therefore, there in insufficient information for An Coimisiún Pleanála to complete the AA.'

10.8. **Appropriate Assessment Conclusion**

10.8.1. Following a detailed examination and evaluation of the Appropriate Assessment Screening Report and NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account submissions of third parties, I am not satisfied that the design of the proposed development, combined with the proposed mitigation measures adequately address the indirect pathway via the wastewater discharge from Dundalk Wastewater Treatment Plant (WWTP) during the operational phase of the development would prevent adverse effects on the integrity of Dundalk Bay Special Area of Conservation (SAC) and Dundalk Bay Special Protection Area (SPA) and in the absence of necessary infrastructure required to accommodate the proposed development and the uncertainty around the delivery of same, I conclude that there is reasonable scientific doubt as to the absence of adverse effects on European sites. Therefore, there in insufficient information for the Commission to complete the AA. Permission should be refused for this reason.

11.0 Environmental Impact Assessment (EIA)

11.1. Introduction

This section sets out an Environmental Impact Assessment of the proposed development and should be read in conjunction with the planning assessment and appropriate assessment (Section 8.5, 9.0 and 10.0 and Appendix A and B of this report, respectively). A number of the topics and issues addressed in the planning assessment/appropriate assessment concern environmental matters. Where relevant, I have cross-referenced between sections to avoid unnecessary repetition.

11.2. Statutory Provisions

11.2.1. The proposed development mainly involves the construction of 502 no. residential units/a creche.

11.2.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

11.2.3. The application site has an overall area of 18.54 hectares within a built-up area and therefore requires EIA.

11.3. EIA Structure

11.3.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

11.4. Issues raised in respect of EIA

11.4.1. Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

11.5. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

11.5.1. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Table 3 - Requirements of Article 94 and Schedule 6 of the Regulations

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirements	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).	Chapter 2 of the EIAR sets out the description of the site, design and scale of development, considers all relevant phases from construction through to existence and operation .
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).	Chapters 4-15 (Chapter 16 -Interactions, Chapter 17 Summary of Mitigation) of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional	Each of the individual sections in the EIAR outlines the proposed avoidance, remedial & mitigation measures. They include ‘designed in’ measures and measures to address potential adverse effects at construction and operational stages, including a Outline Construction and Management Plan (OCMP) incorporating a Framework Traffic Management Plan (FTMP). The mitigation measures comprise standard good practices and site-specific measures and are generally capable of

information referred to under section 94(b).	offsetting any significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).	Chapter 3 of the EIAR sets out an evaluation of the reasonable alternatives studied by the developer and states that 'The EPA Guidelines recognise that it is not always necessary or appropriate to consider alternatives which have already been addressed at a higher level i.e. at the plan making stage. The location of the proposed development has been determined by the policy framework set out in the Louth County Development Plan 2021-2027 (CDP)' and relevant policies and objectives. The on-going Judicial Review of the Dundalk LAP zoning also set out. Alternative locations are not considered given that the site is zoned land in the ownership of the applicant. The 'do nothing' alternative is not considered and alternative uses were not considered owing to the zoning. The EIAR outlines how several different design layouts were considered throughout the process and the final scheme design has been informed by the pre-application meetings with the Planning Authority. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment. While I note the concerns raised by the third parties as regards 'alternatives' considered, I am satisfied that the description is adequate to enable a decision on EIA.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6,	

Paragraph 2).	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the baseline/receiving environment which enables a comparison with the predicted impacts of the proposed development. I acknowledge that a significant duration of time has elapsed since the baseline assessments were carried out, but I am satisfied that they are still relevant and adequate for the purposes of this assessment. The receiving environment and adjoining context has remained relatively untouched in the intervening period.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	The EIAR outlines the methodology employed, consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed throughout this assessment.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	The EIAR acknowledges the need to consider major accidents and/or disasters. Where relevant, an assessment of adverse effects has been included. In addition to each chapter and addresses the potential risks of major accidents or disasters relating to the proposed development during the construction and operational phases. Having regard to the nature, scale, and location of the project, I consider the approach to be reasonable.

Article 94 (c) A summary of the information in non-technical language.	This information has been submitted. I have read this document, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report	The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report	Table 1.1 (Non-technical summary) of the EIAR outlines the EIAR Team. Details of competency, qualifications, and experience of the lead author of each discipline is outlined in the individual chapters.

Consultations

11.5.2. The application has been submitted in accordance with legislative requirements in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

11.5.3. The application was accompanied by surveys undertaken in support of the application. I am satisfied that the survey work carried out as part of the EIAR is acceptable. I am satisfied there is sufficient information on file to allow the application to be determined and that documentation submitted by the applicant including documentation submitted in response to further information request and matters relating to wastewater and biodiversity impacts as raised by the third party, provided information which is reasonable and sufficient to allow a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

11.5.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply

with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

Assessment of the likely significant direct and indirect effects

11.5.5. Details of significant direct and indirect effects arising from the proposed development are outlined in Chapters 4-14. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

11.6. Population and Human Health

Issues Raised

11.6.1. The submission from the third party raised concerns around the capacity of the existing infrastructure and services to accommodate the increased demand generated by the prosed development.

This section should be read in conjunction with section 8.2 above.

Examination, analysis and evaluation of the EIAR

11.6.2. Chapter 4 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context. Section 4.5 outlines the baseline environment is considered under a series of headings including : • zoning • Land Use • Transport and Accessibility • Populations and Demographic Profile • Deprivation Index • Households • Housing Delivery Typology • Employment and • Social Infrastructure. Section 4.9 outlines the potential impacts of the proposed development. It includes numerous references to other EIAR topics, and these effects will be addressed in more detail in the relevant sections of this report. The main construction effects are predicted to be related to traffic, residential amenity, risks to the health and safety of the public and local amenity. The operational phase is predicted to result in several significant long-term positive impacts relating to housing supply, services and amenities and employment.

11.6.3. I note reference in the EIAR that states the development 'will complement the new retail, commercial and community uses that are currently under construction on the adjoining Claremont site', this would appear to be an error. Notwithstanding, as detailed in the School Demand Assessment, Childcare Demand Report and Social Infrastructure Audit reports, which accompany the application, adequate capacity exists for existing social infrastructure within the locality such that it is anticipated that the proposed development will have a neutral, imperceptible, long-term impact on access for existing residents. Furthermore, the application includes a large two-storey childcare facility, which will have significant positive, long-term effects, through improving the variety and accessibility of the social infrastructure offerings in the area.

11.6.4. Section 4.9.3 sets out that the potential cumulative impacts. The cumulative impact of the proposed development, along with other permitted and existing developments in the vicinity, will be a further increase in the population of the wider area. This impact is likely to be long term and positive, having regard to the zoning objective for the subject lands, and their strategic location in close proximity to Dundalk town centre and the high level of demand for new housing in the area. With regard to human health, the cumulative impact of the proposed development in conjunction with other nearby developments and the ongoing development on the subject site will provide for the introduction of high-quality new housing stock in the area with a high level of accessibility and amenity. The EIAR acknowledges that there are numerous inter-related environmental topics described throughout the EIAR document which are also of relevance to Population and Human Health. Issues such as the potential likely and significant impacts of the proposed development on landscape and visual impact, biodiversity, archaeology, architectural and cultural heritage, air quality and climate, noise and vibration, water, land and soils, material assets including traffic and transport impacts, residential amenity etc. are of intrinsic direct and indirect consequence to human health.

11.6.5. Section 4.10 outlines mitigation measures. The construction stage measures are based on the OCEMP provisions including a dust minimisation, noise/vibration control, water protection, traffic management, and a monitoring regime. The operational stage measures relate to the proposed replacement landscaping and the improvement of walking, cycling including compliance with DMURS. The EIAR predicts that there will be positive residual impacts having 'regard to the delivery of much needed new homes

in a location that has the carrying capacity in terms of both services and amenities to support the population generated by the scheme. The proposed mitigation measures will avoid, prevent, reduce impacts on the human environment during the construction and operational phases of the proposed development, where no significant adverse residual effect have been identified. Allowing people to live in close proximity to their daily living needs together with access to public transport, employment locations and recreational areas are considered a significantly positive effect for population and human health.'

Assessment: Direct, Indirect, and Cumulative Effects

11.6.6. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors as discussed in Chapter 16 Interactions and Chapter 17 Mitigation Strategies of this EIA. I also acknowledge the potential impacts identified in Landscape & Visual (Chapter 5) ▪ Material Assets: Traffic &Transport (Chapter 6) ▪ Material Assets: Built Services (Chapter 7) ▪ Noise & Vibration (Chapter 12) ▪ Air Quality (Chapter 13) ▪ Climate (Chapter 14) Chapter 7 (Air Quality and Climate) and Chapter 8 (Noise and Vibration) and the potential interaction with population and human health. I consider that the predicted impacts and the associated mitigation measures are adequate to prevent any unacceptable impacts.

Conclusion: Direct, Indirect, and Cumulative Effects

11.6.7. I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan and a Traffic Management Plan.
- Positive socioeconomic effects at operational stage through the availability of additional housing, employment, services and amenities, open space and recreational improvements.
- The proposal will provide much needed residential accommodation and accords with National Policy on delivering Sustainable Residential Communities and is considered a positive permanent slight impact

11.7. **Landscape and Visual**

Issues Raised

11.7.1. The third parties contend that the development will be out of character in the area.

This section should be read in conjunction with section 8.3 above.

Examination, analysis and evaluation of the EIAR

11.7.2. Chapter 5 assesses the potential effects on the landscape and visual impact. The methodology for assessment is described, and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR. The Landscape and Visual Impact Assessment (LVIA) was informed by a desktop study and a survey of the site and its receiving environment.

11.7.3. The site comprises two large and irregularly shaped agricultural fields, divided by a fragmented hedgerow. It is bound by a row of detached bungalows along Bóthar Maol to the north, two detached properties situated off the Blackrock Road to the east and the lands of Dundalk Golf Club to the west. Some site clearance and construction works including haul roads and foundations for 5 no. dwellings were undertaken in December 2024 / January 2025. The site generally slopes down to the north and east towards the shoreline of Dundalk Bay from a height of approximately +24m to its south-west to +7m on its eastern edge towards the R172 Blackrock Road. There are no steep slopes or gradients. There are no watercourses or waterbodies on the site, with all fields naturally draining towards peripheral areas and ditches. No watercourses are shown on any historic OSI maps though land to the east and shoreline are noted as having a potential risk to flooding. The Blackrock Road (R172) is set between the site and the shallow shoreline of the bay.

11.7.4. The site is set on the urban / rural interface with approximately fourteen detached properties aligning Bóthar Maol to the north with rear gardens backing onto the site. Beyond Bóthar Maol are the lands of Finnibair Industrial Park. To the immediate west of the Application Site is Dundalk Golf Club (Established 1922), an 18-hole parkland course set in mature landscaped grounds.

11.7.5. The subject sites falls within the Landscape Character Area (LCA) classified as ‘Dundalk Bay Coast’ in Louth County Council’s ‘Landscape Character Assessment’, published in 2002. The subject site is not a protected landscape within any local

landscape policy. The Composite Map for Dundalk LAP 2025-2031 identifies the group of Sycamore and Ash Trees located at the junction of Bothar Maol and the Blackrock Road, which includes the trees featuring in the northeastern corner of the eastern field, as Trees & Woodland of Special Amenity Value (Reference No. DLK No. 42)

11.7.6. The Development Plan does not identify any protected structures on-site or in the immediate surroundings of the site. The site does not fall within an Architectural Conservation Area or in the vicinity of one. While the EIAR refers to 19 no. Views and Prospects as set out in the LCDP, the LAP identifies 17 protected Views and Prospects within the Dundalk (Table 10.6: Views and Prospects in Dundalk of the LAP) including DLK VP 17 -View of Dundalk Bay and Cooley Mountains from the Blackrock Road (east of Bóthar Maol junction). However, in this context the EIAR notes that a short transient view will be afforded for passing traffic but the extent of intervening vegetation near the Bóthar Maol junction and around “Mount Gerard” and “Mountain View” ensure these oblique views would not be sustained or of a significant nature. The key views along the coastline and towards the Carlingford mountains would be unaffected. The gently undulating nature of the landscape and extent of peripheral vegetation on the boundaries effectively disguise and mute the site’s influence in any mid to distant ground level views or from the vast majority of publicly accessible areas including towards Dundalk Bay. I am satisfied that the proposed development will not result in a detrimental impact on this viewpoint or any other viewpoint.

11.7.7. A series of 11 CGI’s and Verified Views have been prepared to assess the visual amenity impact of the proposed development (including proposed landscaping) from a variety of locations in the wider landscape. At local level the proposed residential development will constitute a significant intervention in the local setting replacing existing vacant field with a large residential development. However, in most cases the impact on local views is significantly mitigated by existing/planned development and vegetation. Immediate to the site, particularly from the adjoining residential development to the south, the visual change will be significant but ameliorated by the quality of the building design and landscaping. Within the wider landscape, views of the proposed development site are generally constrained by a combination of established development and existing mature vegetation. Where views of the proposed development are significant the design qualities associated with the proposed development in terms of positioning and heights of buildings and landscape

treatments, will serve to reduce the impact.

11.7.8. The proposed development is expected to have a temporary adverse effect on the visual resource during construction. Upon operation and into the future, the development is expected to range from slight to neutral to moderate in places for he most part with. Viewpoint 5 – R172 Blackrock Road and Viewpoint 11 – R172 Blackrock Road are considered to reflect a 'Major' change in view as the changes will be directly visible, appearing as the dominant and contrasting feature appearing in the foreground related primarily to the road junction and associated improvement. However, I do not consider this change of views to be negative.

11.7.9. During the construction stage of development any development on a large greenfield site would naturally result in significant visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. During the construction period hoardings are likely to be installed to the construction area to restrict access and views into the site. Publicity material may be displayed on the hoardings to inform the public and passers-by about the proposed development; Materials or rock excavated from the existing site will be crushed for re-use where possible thus negating the requirement for import of additional fill. All topsoil will be retained for use on site with much of it being reused in the retained open spaces. The works will also entail removal of trees on site suffering from Ash die-back disease. For retained trees, the recommendations given in BS5837:2012 Guide for trees in relation to construction will be adopted to ensure site and tree safety. Although valued features would be protected, the works would change the lands until they are re-made into the proposed neighbourhood. However, such impact is temporary. Mitigation measures to the construction phase will be dealt with in the construction management plan.

11.7.10. On completion the residential development will significantly alter the landscape from a vacant agricultural site to a large mixed residential estate. The character of the area will change from semi-rural to urban and which will integrate with the adjoining suburban areas existing and planned. The extensive planting of additional trees and shrubs throughout the site where possible will reduce the visual mass of the buildings, soften, and partially screens the development over time from various viewpoints, as identified in the assessment, thereby minimising the visual impacts. Landscape works

are proposed to reduce and offset of any impacts generated due to the proposed development, where possible. The planting of substantial numbers of new trees and other planting in the open spaces, the site boundaries, and internal roads, both native and ornamental varieties, will enhance the overall appearance of the new development and compensate for the removal of hedgerows and trees where needed for the construction works and increase the overall landscape capacity of the site to accommodate development. The development and landscaping will create new vertical emphasis throughout the currently vacant site. The provision of streets and open spaces will create a variety of views into and across the development.

Assessment: Direct, Indirect, and Cumulative Effects

11.7.11. I have considered the impact of the development in relation to landscape and visual impact, and I have had regard to the urban design and placemaking aspects of the proposed development. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

Conclusion: Direct, Indirect, and Cumulative Effects

11.7.12. I consider that the main significant direct, indirect, and cumulative effects on Landscape are, and will be mitigated as follows:

- Changes to the landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

11.8. Material Assets: Traffic and Transport

Issues

11.8.1. Third party concerns were raised with respect to the development being car dependent, poor pedestrian and cycle connections and lack of public transport.

This section should be read in conjunction with section 8.4 above.

Examination, analysis and evaluation of the EIAR

11.8.2. Chapter 6 of the EIAR considers the impact of the development on the traffic and transport environment. The methodology is set out in section 6.4. The EIAR assessment has been informed by a site visit undertaken in December 2024. The following site surveys have been undertaken:

▪ Traffic surveys undertaken on 25th February 2025. These comprised JTC (JTC) surveys at eight junctions.

▪ An Automatic Traffic Counter that was in place on the R172, at the location of the proposed site access junction. The ATC was in place for a week in March 2023, and recorded traffic volumes and speeds.

▪ A Bus Capacity Survey that was undertaken in November 2023.

A Traffic and Transport Assessment accompanied this application.

11.8.3. As a greenfield site, existing footways are currently limited to the roads around the subject site. These include: ▪ A continuous 2m-wide footway alongside the western kerb of R172 Blackrock Road, which runs past the subject site, north towards Dundalk and south towards Blackrock Village. ▪ The lightly trafficked Bothar Maol, which forms the northern boundary of the subject site.

11.8.4. Future Transport Initiative -Two future cycle initiatives are proposed that could deliver improvements to pedestrian and cycle infrastructure in the area as set out in section 8.4 above. If constructed, they would greatly improve access for future residents of the development to both Dundalk and Blackrock Village.

11.8.5. Existing Public Transport - The site is also served by a local bus service .The closest stop to the subject site is at Beaupark, which is 220m north of the R172 / Bothar Maol junction. The journey time into Dundalk town centre is approximately seven minutes. with onward connections form Dundalk town if required. The Connecting Ireland Rural Mobility Plan is a major national public transport initiative developed by the National Transport Authority (NTA), with the aim of increasing connectivity, particularly for people living outside our major cities and towns including Dundalk and the implementation of this service will enhance bus frequency and capacity for residents of the development. Dundalk railway station is located to the west of Dundalk town centre, approximately 5km to the northwest of the subject site. The station can be reached by bus The rail station is approximately a nine-minute drive from the subject

site**.**

11.8.6. The Design Manual for Urban Roads and Streets (DMURS) 2019 sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. The road hierarchy has been developed in compliance with DMURS principles. Pedestrian and cycle links have been accommodated where possible in the interest of permeability.

11.8.7. All construction activities will be governed be governed by a Construction Traffic Management Plan (CTMP), the details of which will be agreed with the local road's authority prior to the commencement of construction activities on site. It is anticipated that the overall construction programme will commence in 2028 and take approximately 36 months to complete. Based on current plans and phasing, that there will be an average of 6 HGV vehicular movements per hour on average, during the working day totalling 40 HGV's a day, during the peak period of construction activity. It is anticipated outside of this peak period the average daily HGVs will reduce to 25 HGVs per day. In addition, based on current projections, the number of construction workers including sub consultants is expected to average 75-90 personnel a day. Based upon a typical vehicle occupancy of 3 workers per vehicle, this would result in up to 30 inbound, and 30 outbound, vehicle trips to the site. Impacts arising from construction traffic will be managed and mitigated through the agreement of suitable haul routes. There is no significant construction traffic impact arising in residential areas.

11.8.8. In determining the operational stage impacts, a person trip generation exercise for the proposed development was undertaken as part of the TA . This calculated the number of daily person trips likely to be generated across a typical weekday by the development. Resultant vehicle trips were calculated by applying the Census 2022 recorded mode share to the total number of person trips. The predicted vehicle trip generation of the development, based upon the proposed 502 residential units were as follows:

Hour Starting	Number of Vehicle Trips		
	Arrive	Depart	Total
07:00	29	124	153
08:00	54	203	257
09:00	53	65	118
10:00	45	58	102
11:00	49	54	103
12:00	58	55	113
13:00	59	58	116
14:00	60	71	131
15:00	160	72	231
16:00	123	67	191
17:00	133	69	202
18:00	113	68	181
TOTAL	**937**	**962**	**1,899**

11.8.9. The development contribution to the future year link flows on the wider local road network is shown in Table 6-7 of the EIAR. The figures in Table 6-7 indicate that the proposed development would not cause an increase in total traffic above 30% (IEMA Rule 1 Threshold) on any link in the study area. Four links are predicted to experience an increase in flow of 10% or more. These are:

- Link 3 – R172 between Inner Relief Road and Finnabair Crescent
- Link 4 – R172 between Site Access and Finnabair Crescent
- Link 5 – R172 between Site Access and Rock Road
- Link 6 – R172 between Rock Road and Sandy Lane
- Link 12 - Rock Road between R172 and Sandy Lane

11.8.10. The increase in traffic on the local network as a result of the development is below 10% on all roads in the study area, with the exception of:

- The R172 between the Inner Relief Road and Sandy Lane (10% to 13% increases)
- Rock Road between the R172 and Sandy Lane (10% increase)

A detailed assessment has been undertaken on these links, which has considered Severance (how much of a barrier the extra traffic will create), Driver Delay, Pedestrian Delay and Amenity (the 'pleasantness' of the pedestrian experience), and Accidents and Safety. These effects have been assessed as negative, likely, long-term, Slight and Not Significant in accordance with the EIA Directive.

11.8.11. Public Transport: The application included the provision of bus stop on Blackrock road adjacent to the site entrance.

Car Parking – Section 8.4 above addresses car parking provision. Car parking is considered acceptable an in line with standards.

11.8.12. The proposed mitigation measures include best practice measures for construction stage. The design of the site layout, roads and accesses in accordance with the relevant guidelines and codes of practice is likely to mitigate any potential impacts during the operational phase of the development. With the combination of the public bus service options and car reduction measures such as cycle lanes as they become widely used, the volumes of traffic on the surrounding network, generated from the proposed development, will have a minimal effect on the overall traffic volumes. The volumes of traffic generated from the currently proposed development will have a negligible effect on the highway network traffic volumes and can be considered within the norms for suburban/urban developments.

11.8.13. The proposed development incorporates a significant number of interconnected walking and cycling routes for commuting, circulating within the development and leisure. Internal routes connect to the local network and with planning improvements these facilities will provide attractive and safe routes for residents which will encourage residents and visitors to travel by more sustainable modes.

11.8.14. A Mobility Management Plan (MMP) has been prepared and will be implemented for all residents and live work sustainable community model and are expressly provided to reduce the need to travel by car the principles of the MMP. In co-ordination with the objectives of the sustainable community model the MMP ultimately seeks to encourage sustainable travel practices for all journeys to and from the proposed development.

11.8.15. The Haggardstown site is well-located for a residential development of this nature and will additionally benefit the future sustainable travel initiatives planned in the future: Bus and 'Cycle Connects', and the Blackrock to Dundalk Greenway. The Transport Assessment has found that the traffic impacts of the development are likely to be modest, and that the roads and junctions in the area can accommodate the predicted increase in traffic. The site layout has been designed to support the potential future development on the site to the south and will also deliver some of the cycle route

permeability envisaged in the 'Cycle Connects' programme.

Assessment: Direct, Indirect, and Cumulative Effects

11.8.16. The assessment is predicated on the zoned land designation that has already been subject to SEA as regards the capacity of the area to accommodate the increased demand.

11.8.17. The cumulative impact has been considered in the context of other housing and infrastructure developments in the Dundalk area at the time this application was made. The vehicle trips associated with this committed development were retrieved from the Traffic and Transport Assessment submitted as part of the development's planning application. These vehicle trips were included in the subject development's Traffic Model in order to assess the impact of the development on the surrounding network in addition to the subject development's impact.

Conclusion: Direct, Indirect, and Cumulative Effects

11.8.18. I consider that the main significant direct, indirect, and cumulative effects on Traffic and Transport will be mitigated as follows:

- The Construction & Environmental Management Plan (an Outline CEMP accompanies the application) and the associated Construction & Demolition Resource & Waste Management (Section 4), Construction Environmental Management (Section 5 which includes a Surface Water Management Plan) and finally Construction Traffic Management (Section 6) for the development will incorporate a range of integrated control measures and associated management initiatives with the objective of mitigating the impact of the proposed developments on-site construction activities.
- A Mobility Management Plan has been prepared for the proposed development which includes mitigation measures to reduce usage of private cars and increase the use by residents and patrons within the development of more sustainable modes of travel, such as including good cycle parking provision, will further promote the greater use of sustainable travel modes. Successful implementation of the Mobility Management Plan measures included will reduce the vehicular trip generation from the proposed development.
- Mobility Management has been provided for in the development master planning,

and the development provides for sustainable transport modes. The capacities of the existing vehicular, public transport and pedestrian / cycle networks have been assessed and have been found to be more than capable of accommodating the additional movements associated with the proposed development.

I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Roads and Traffic.

11.9. **Material Assets: Built Services**

11.9.1. Third party concerns have been raised as regards the disposal of effluent and surface water generated by the development. The Commission will note the submission from UE as set out in section 3.4 above.

This section should be read in conjunction with section 8.5, 9.0 and 10.0 above.

Examination, analysis and evaluation of the EIAR

11.9.2. Chapter 7 of the EIAR deals with Material-Utilities and Infrastructure. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems.

Transport Infrastructure: I have addressed this in section 11.8 above.

Foul Water: There is no existing wastewater drainage infrastructure on or in close proximity to the site of the proposed development. It is set out that the closest gravity wastewater network, as indicated by the Uisce Eireann (UE) GIS mapping, which is applicable for a connection from the proposed development, is located along Finnabair Crescent, approximately 0.8km to the north-west of the site. The applicant commissioned a Ground Penetrating Radar (GPR) and Topographical Survey of the area which have confirmed the location and invert level of an existing 600mm dia. Wastewater sewer as +3.00mOD. As set out above the proposed wastewater network

will collect effluent from the proposed development via a main wastewater drainage network which is located within the road network around the proposed development where it will discharge by gravity to a new 189m3 Type 3 Wastewater Pump Station (WwPS) to the east of the proposed development. A new 110mm internal diameter (I.D.) rising main will be installed along the public roads with scour and air valves as required and shall discharge to a new stand-off manhole prior to connecting to the existing gravity network along Finnabair Crescent.

During the construction phase Foul water discharge from the temporary welfare units at the site during the construction phase will be tankered offsite in accordance with waste management legislation. It is considered that any impact on the relating to wastewater during the construction phase will be 'neutral', 'imperceptible' and 'temporary'.

I refer the Commission to section 8.5, 9.0 and 10.0 in relating to concerns regarding wastewater disposal generated by the development.

Surface Water: During the construction phase, Surface Water shall be discharged to onsite settlement ponds prior to discharging to the open watercourses to the east of the site and onwards to the Irish Sea subject to agreement with Louth Co. Co. During the operational stage the proposed scheme shall incorporate SuDS treatment process which intercepts Surface Water runoff and treats the water by two stages of filtration and treatment through natural material and conveying this water to storage facilities. During the construction of the Surface Water drainage, the system shall be inspected and monitored for compliance with the design and relevant Louth Co. Co. and GDSDS standards in accordance with the Preliminary Inspection Plan. During the operational phase the proposed discharges from the development to the existing open water courses are limited to 64.50 l/s and 5 l/s, which are the permitted equivalent greenfield run-off rates.

The policies of Louth County Council (LCC) for the provision of separate Wastewater and Surface Water Drainage systems, together with sustainable drainage systems to treat and attenuate Surface Water discharge in all new developments, shall result in an equivalent stormwater discharge to the existing open watercourse in rainfall events, resulting in a neutral, long-term and imperceptible i.e. not significant effect. In addition, the proposed road realignment works along the R172, which will raise the R172 and

the proposed development access out of the 0.5% AEP MRFS flood extents, will have no negative impact on the future Dundalk and Blackrock Flood Relief Scheme and shall be considered as part of the Flood Relief Scheme.

Water Supply: Uisce Éireann have advised, through the Connection and Developer Services (CDS) confirmation of feasibility letter, which confirmed that connection from the proposed development to the existing Water Supply network can be facilitated through the connection of the proposed development's water infrastructure to an upgraded 150mm dia. watermain on the R172 Blackrock. Additionally, UÉ have provided a Statement of Design Acceptance in respect to the proposed Water Supply layout and design. As such, the impacts on the existing Water Supply network are considered to be neutral, not significant and permanent.

Electricity/Gas and Telecommunications: The application is accompanied by a Description Of The Proposed Utilities & Energy Sustainability Report. There are no existing telecommunications infrastructure within the subject site of the proposed development and all existing telecommunication cables in close proximity to the subject site are located in underground ducts within the adjacent roads

Electrical Supply - The proposed development will increase the demand on the electricity supply system. However, it is expected that infrastructural requirements for future development will be accommodated by ESB Networks. Therefore, the impact of the proposed development on the electricity supply network is expected to be neutral, not significant and permanent.

Gas Supply -There is no gas infrastructure on site, and it is not proposed to provide gas as a utility within the proposed development. Therefore, it is considered that the impacts on the existing gas network are neutral, imperceptible i.e. not significant and permanent.

Telecommunications - The proposed development will increase the demand on the telecommunications systems which may potentially lead to a reduction in the level of service to existing customers. It is expected that infrastructural requirements for future development will be accommodated by utility service providers. In the absence of mitigation measures, these potential impacts are considered to be adverse, not significant and permanent.

Construction related activities will require temporary connection to the local electrical supply network. The potential impact from the construction phase of the proposed development on the local electrical supply network is likely to be short-term and negligible.

Assessment: Direct, Indirect, and Cumulative Effects

11.9.3. In the absence of mitigation, potential impacts associated with the construction phase of the proposed development would be expected to include potential disruption to local natural and human material assets resulting in both short-term and long-term impacts. The implementation of the mitigation measures set out in this Chapter and other Chapters of the EIAR document will ensure that there will not be any significant residual impact during the construction phase. Therefore, impacts are likely to be temporary and neutral.

11.9.4. At operational stage the proposed development however, I am not satisfied that the proposed development will not result in detrimental impacts as a result of wastewater infrastructure deficiencies and the uncertainty as to the timeline for the delivery of the necessary upgrades to accommodate the proposed development or that these shortcomings have been adequately mitigated as part of the proposed development and the potential for cumulative impacts could result in significant effects on the environment.

11.9.5. There are no expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned.

Conclusion: Direct, Indirect, and Cumulative Effects

11.9.6. I am not satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets. As detailed 8.5, 9.0 and 10.0 above, I am not satisfied that the applicant has properly considered (or even adequately addressed) the deficiencies in the wastewater infrastructure proposed to serve the site and permission should be refused for this reason.

11.10. **Material Assets: Waste**

11.10.1. Third party concerns have been raised as regards construction activities associated with the development.

Examination, analysis and evaluation of the EIAR

11.10.2. Chapter 8 of the EIAR was prepared to assess the potential significant effects of the proposed development on waste management. This Chapter has been prepared having regard to the information contained in the Outline Construction Environmental Management Plan and Operational Waste Management Plan prepared for the proposed development. The methodology is set out in section 8.4.

11.10.3. Construction and Demolition Phase – There are 5 no. concrete foundations existing on the site which will be removed prior to the construction of the proposed development. There are no buildings on site requiring an asbestos survey. The proposed development will require excavation for the following non-exhaustive list of activities with associated approximate volumes of the materials to be excavated:

• Topsoil: 53,000m3

• Subsoils from reduced level excavations: 32,500m3

• Subsoils for main drainage and attenuation: 10,000m3

• Rock for main drainage and attenuation : 5,000m3

• Subsoils for site services: 10,000m3

The re-use of clean, inert / non-hazardous excavation material as landscaping or engineering fill will also be considered following appropriate material testing and risk assessment to ensure the material is suitable for its proposed end use. The following quantities are assumed to be reused in the proposed development:

• Topsoil : 28,000m3

• Subsoils from reduced level excavations: 6,500m3

• Rock for main drainage: 5,000m3

Where excavation material may not be re-used within the proposed works the Contractor will endeavour to send material for recovery or recycling so far as is

reasonably practicable or disposal to an appropriate licensed landfill in accordance with the Landfill Directive.

The following quantities are assumed to be removed offsite for reuse or to an appropriate licenced landfill:

- Topsoil: 25,000m3
- Subsoils from reduced level excavations: 26,000m3
- Subsoils for main drainage and attenuation: 10,000m3
- Subsoils for site services: 10,000m3

Potentially contaminated materials will be tested and classified as non-hazardous or hazardous. • Waste will be segregated on-site for reuse and recycling. • Excavated soil and stone will be stockpiled temporarily on-site. • Unavoidable waste removal will be sent to licensed waste facilities. Potentially contaminated materials encountered during construction will be tested and classified as either non-hazardous or hazardous. Waste generated on-site will be segregated to facilitate reuse and recycling. Excavated soil and stone will be temporarily stockpiled on-site, and any unavoidable waste removal will be sent to licensed waste facilities.

11.10.4. Operational Waste - An Operational Waste Management Plan (OWMP) has been prepared to provide a strategy for handling, storing, collecting, and transporting waste generated from the site. This plan aims to prevent issues related to litter and pollution. Residents will be required to separate waste into three main streams: Mixed Non-Recyclables (MNR), Dry Mixed Recyclables (DMR), and Organic (food) Waste (OW). Bins will be clearly labelled and color-coded to avoid cross-contamination, with restricted access to the bin store for residents only.

11.10.5. The implementation of the mitigation measures outlined in Chapter 8 will ensure that high rates of reuse, recovery and recycling are achieved at the site during the Construction and Operational Phases. It will also ensure that European, National and Regional legislative waste requirements with regard to waste are met and that associated targets for management of waste are achieved. The residual effects on waste management are considered to be considered slight, neutral, direct and short-term for the Construction Phase, which is overall not significant and neutral, direct and slight in the long-term for the Operational Phase, which is overall not significant.

11.10.6. If the material that requires removal from site is deemed to be a waste, removal and reuse / recycling / recovery / disposal of the material will be carried out in accordance with the Waste Management Act 1996 (as amended), the Waste Management (Collection Permit) Regulations 2007 (as amended) and the Waste Management (Facility Permit & Registration) Regulations 2007 (as amended).

11.10.7. Provided the mitigation measures detailed in section 8.9 are implemented, and a high rate of re-use, recycling and recovery is achieved, the likely effect of the Construction and operational phases on the environment will be neutral and im-perceptible in the long term. Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management

Conclusion: Direct, Indirect, and Cumulative Effects

11.10.8. No cumulative impacts will arise that would result in significant effects on the environment.

Conclusion: Direct, Indirect, and Cumulative Effects

11.10.9. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Resources and Waste Management.

- The proposed development shall be designed, constructed, and operated in accordance with regard to Irelands national waste strategy contained in the National Waste Management Plan for a Circular Economy 2024-2030.
- The construction phase of the development shall be managed in accordance with a Construction Waste Management Plan which will define how the segregation of construction wastes will allow for the maximum potential for recycling, re-use or recovery and to minimise the volume of waste sent for disposal.
- The operational phase of the development shall be managed in accordance with an Operational Waste Management Plan The development shall be designed and managed to provide residents with the required waste management infrastructure

to minimise the generation of un-segregated domestic waste and maximise the potential for segregating and recycling domestic waste fractions

11.11. **Land & Soils**

Issues Raised

11.11.1. None.

Examination, analysis and evaluation of the EIAR

11.11.2. Chapter 9 of the EIAR assess the potential significant effects of the proposed development on the receiving land, soils, and geology. The methodology is set out in section 9.4. A phased approach was adopted for this EIAR in accordance with the Environmental Protection Agency (EPA) and Institute of Geologists of Ireland (IGI) guidelines as set out above and is described in the following sections.

Element 1: An assessment to establish the project location, type and scale of the development, the baseline conditions, and the type of land, soils and geological environment, to establish the activities associated with the Proposed Development and to undertake an assessment and effect determination. This element of the assessment also included developing the Conceptual Site Model (CSM) for the Site and receiving environment.

Element 2: Involves direct and indirect site investigation and studies stage. The results of the site investigations, detailed in Section 9.4.5 of the EIAR and were used to identify and assess the land, soils and geology at the site.

Element 3: Evaluation of Mitigation Measures, Residual Effects and Final Effect Assessment. These mitigation measures were then considered in the effect assessment to identify any residual effects.

Element 4: Completion of the Land, Soil and Geology sections of the EIAR in this chapter which includes all the associated figures and documents.

11.11.3. Existing Environment - The soils at the site are varied and include different types depending on the location:

▪ Main Site Area: The soils here are primarily till derived from Lower Palaeozoic rocks, classified as deep, well-drained, and mainly acidic.

▪ Eastern Site Boundary (near Dundalk estuary): This area features beach sands and

gravels.

▪ Along R172 Blackrock Road and Finnabair Crescent: The soils are a mix of Irish Sea till, which is poorly drained and mainly acidic, and made ground.

The bedrock beneath the site is part of the Clontail Formation, consisting of various types of greywackes and sandstones. Although no bedrock outcrops were seen during the site walkover, they have been mapped across the site. There are no karst features within the site or nearby.

11.11.4. Bedrock Geology – A review of the GSI database for the subject lands gives the bedrock classification a Dark Limestone & Shale of the LUCAN formation. This bedrock formation is commonly known as the “Calp” Limestone Formation, and consists of dark grey to black, fine-grained, occasionally cherty, micritic limestones that weather paler, usually to pale grey, and limestones.

11.11.5. Radon - The majority of the site is mapped by the EPA (EPA, 2025) as being in an area where about 1 in 10 homes are likely to have high radon levels. Where the bedrock outcrops are present, the area of the site is mapped as ‘about 1 in 5 homes in this area is likely to have high radon levels’.

11.11.6. Site Investigations were undertaken by Core Environmental Consulting in 2018 (CES, 2018; included in Appendix 9-1 of the EIAR) and additional ground investigation was undertaken by IGSL in March 2023 (IGSL, 2023; included in Appendix 9-2 of the EIAR). The laboratory analytical results for samples collected indicated that the soil at one location had minor anthropogenic materials. However geochemical testing of the soils reported results below all applicable human health thresholds and frequently less than applicable laboratory limits of detection. The excavation and re use of soil onsite will be subject to control procedures which will include soil quality testing to ensure suitability for use onsite and in accordance with engineering and environmental specification for the proposed development. Therefore, the reuse of soils onsite will result in a ‘neutral’, ‘imperceptible’ and ‘permanent’ impact on the quality of shallow soils underlying the site and is considered non-significant in the context of the EIA Directive. In addition to soil analysis, ground gas monitoring was undertaken at three number wells. Based on the result of the ground gas monitoring, it was concluded by Core Environmental Consulting that the site presented a ‘very low risk’ for ground gas.

11.11.7. The importation of aggregate fill materials will be required for the construction of the

proposed development (e.g., construction of the piling mat and granular material beneath road pavement, under floor slabs and for drainage and utility bedding / surrounds). The potential impacts may include loss of attribute and changes in the geological regime at the source site. It is anticipated that the required aggregates identified for importation onsite will be 'indirect' and have a 'neutral,' 'imperceptible' and 'permanent' impact on the source site. In addition, the importation of aggregates and materials will be subject to management and control procedures which will include testing for contaminants, invasive species and other anthropogenic inclusions and assessment of the suitability for use in accordance with engineering and environmental specifications for the Proposed Development. Therefore, any unsuitable material will be identified prior to unloading / placement onsite.

11.11.8. It is anticipated that the main development characteristics effecting soils and geology comprise the following:

• General construction activities across most of the site.

• Excavations to facilitate construction of foundations, road construction, landscaping features and installation of services including drainage, utilities, stormwater storage and SUDS features.

• Changes to ground levels across the site to facilitate final development levels.

• Disposal of excavated soil off-site.

• Importation of construction materials to the site including incorporating same below the ground.

• Land take of c. 17.26 hectares from agricultural to a residential scheme, including houses, open space, roads and ancillary infrastructure.

• Removal of topsoil and subsoil to allow road construction, foundation excavation, services installation.

11.11.9. Taking account of the design of the proposed development, it is concluded that there will be no likely significant impacts on the receiving land, soil, or geological environment during the operational phase.
Given the nature of the ground (both the soil type and the topography of the site) it is considered unlikely that significant lateral or vertical migration would occur therefore there is not considered to be a risk to surface water courses in the area or the groun

dwaters within the underlying low quality aquifer. The predicted effects are considered to be imperceptible and not significant in the context of the EIA Directive. The design and construction of the proposed development will be in accordance with current Building Regulations will ensure that the site will be suitable for use for the operational phase as a residential development taking account of the geological site setting.

11.11.10. Earthquakes are not likely to occur in the vicinity of the site at a sufficient intensity to pose a risk for the Proposed Development. The GSI database indicates that the site is located within an area of low susceptibility to landslides. Furthermore, there are no potential ground stability hazards identified for the site. The predicted effects are considered to be imperceptible and not significant in the context of the EIA Directive. Overall, the impacts of geohazard risks due to the Proposed Development is considered to be 'neutral' 'imperceptible' and 'permanent' and not significant

Conclusion: Direct, Indirect, and Cumulative Effects

11.11.11. There cumulative impacts on land, soil, and geology during the construction phase are summarised in Table 9-8. Residual Impacts (Construction Phase) and in brief as follows:

▪ Excavated materials from the site will be sent to the same waste facilities as other local developments. All surplus soils and subsoils will be removed offsite according to regulations, resulting in an indirect 'neutral', 'imperceptible' and 'permanent' impact on land, soils, and geology and is considered non-significant in the context of the EIA Directive.

▪ Aggregates for the development will be sourced from reputable suppliers, ensuring sustainability and compliance with statutory consents. This will have an indirect, 'neutral', 'imperceptible' and 'permanent' impact on the geological environmental at the source site and is considered non-significant in the context of the EIA Directive.

There will be no other cumulative effects on land, soil and geology during the operational phase of the Proposed Development.

Conclusion: Direct, Indirect, and Cumulative Effects

11.11.12. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures

and through suitable conditions. The OCEMP address construction waste, construction environmental management (including a surface water management plan) and construction traffic management. The project specific CEMP will provide detailed construction phasing, waste management and methods to manage and prevent any potential emissions to ground and surface water with regard to the relevant industry standards (e.g., Guidance for Consultants and Contractors, CIRIA-C532', CIRIA, 2001). The project specific CEMP will take cognisance of measures outlined in the EIAR and OCEMP submitted with the planning application. The project specific CEMP will be implemented for the duration of the construction phase, covering construction and waste management activities that will take place during the construction phase of the proposed development.

11.12. **Water & Hydrology**

Issues Raised

11.12.1. Flooding was raised as a concern by the third party.

This section should be read in conjunction with section 8.5, 9.0 and 10.0 above.

Examination, analysis and evaluation of the EIAR

11.12.2. Chapter 10 of the EIAR assesses the potential impact of the proposed development on the receiving hydrology and hydrogeology (water) environment as well as identifying proposed mitigation measures to minimise any impacts.

11.12.3. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems and the Site-Specific Flood Risk Assessment was also submitted. This should be read in conjunction with section 8.5, 9.0 and 10.0 of this report. . A phased approach was adopted for this EIAR in accordance with the Environmental Protection Agency (EPA) and Institute of Geologists of Ireland (IGI) guidelines similar to that set out above

Hydrogeology -The bedrock aquifer of the Clontail Formation beneath the site is within the Louth Groundwater Body (GWB). The bedrock aquifer is classified by the GSI (GSI, 2025) as a Poor Aquifer (PI) which is generally unproductive except for local zones thereby indicating low capacity of the aquifer at the site to accept recharge via

infiltration of rainfall. Measured groundwater levels recorded between 3.1mbGL and 8.8mbGL across the site (GES, 2018 and IGSL, 2023). The GSI has a assigned a groundwater vulnerability rating of 'Extreme' (E) and 'Rock at or Near Surface or Karst' for the groundwater beneath the majority of the site (GSI, 2025). While a groundwater vulnerability rating of 'High' (H) has been assigned by the GSI (GSI, 2025) to the groundwater in the north of the site. There are 20 no. groundwater sources within a 2km radius of the site. Infiltration tests results indicate that the soil and subsoil are of low permeability with limited to no infiltration capacity from the ground surface to the underlying aquifer through the clay subsoils present at the site (IGSL, 2013). Based on the measured groundwater levels ranging from 3.1mbGL and 8.8mbGL across the site (GES, 2018 and IGSL, 2023), the groundwater flow direction is inferred to be eastward towards the Inner Dundalk Bay. The main groundwater discharges will be to the rivers and streams crossing the GWB, which reflect short groundwater flow paths

Hydrology -The site is located within the Newry, Fane, Glyde and Dee WFD Catchment (Catchment I.D.: 06), the Castletown_SC_020 WFD Sub-catchment (Sub-Catchment ID 06_12) and the Haggardstown_010 WFD River Sub-basin (EU Code: IE_NB_06H080570). The Inner Dundalk Bay transitional waterbody (EU Code: IE_NB_040_0100) is located approximately 0.03 km east of the site at its closest point. There are two (2No.) unnamed streams located at the eastern boundary of the site adjacent to the R172 Blackrock Road (i.e., at the entrance to the Proposed Development) and to the north of Bóthar Maol. Both streams ultimately discharge in a northeast direction towards the Inner Dundalk Bay transitional waterbody (EU Code: IE_NB_040_0100) approximately 0.12 km downstream of the site and the point at which the two unnamed streams converge.

11.12.4. The potential construction stage impacts are identified as including, topsoil stripping and cut/fill earthworks activities may cause an elevated silt load to the adjacent watercourses, hydrocarbons may be released into networks from accidental spills, excavation of soil and sub-soil layers may reduce the ability of the lands to recharge groundwater. Surface water runoff during the construction phase may contain increased silt levels (e.g. runoff across areas stripped of topsoil) or become polluted by construction activities. This has the potential to result in increased silt and pollutant levels into existing nearby watercourse. In the absence of mitigation, it is likely that

this activity would have a slight, adverse, temporary, residual impact on the watercourse.

11.12.5. It is anticipated that groundwater may be encountered during excavation for the construction of building foundations, foul water, and surface water drainage infrastructure. Excavations may intersect the measured groundwater level which was recorded between 3.1mbGL and 8.8mbGL across the site. Therefore, there may be a requirement for localised dewatering or sump pumping on a temporary basis during the excavations. Appropriate construction measures to enable working in the dry during excavations, and methods to minimise the volume of dewatering water generated that will require management will be considered in the detailed design and the contractors construction methods. Where water must be pumped from the excavations, it is considered that there will be a temporary drawdown of local groundwater levels during the dewatering operations. However, the extent of the impact is considered to be localised to the immediate area surrounding the excavations. Therefore, the potential impact on the groundwater levels and flow regime associated with the works will be 'negative', 'slight' and 'temporary'.

11.12.6. During the operational phase of the proposed development, there will be no discharges to ground from drainage systems, with only rainfall on public open spaces infiltrating to the ground. Surface water runoff will undergo a two-stage treatment process, including natural and proprietary SuDS, before discharging into nearby streams. This ensures a neutral, imperceptible (i.e., not significant), long-term impact on the quality of receiving hydrological receptors, including the Inner Dundalk Bay transitional waterbody. While foul water will be directed to the Dundalk Wastewater Treatment Plant (WWTP), and while interim proposals have been proposed, planned upgrades are required to accommodate the development in the long term there. As previously stated there have been exceedances in effluent discharge limits from the WWTP, therefore as set out in section 9.0 above, I cannot rule out on the basis of the information on file with the additional loading of the proposed development that the treated effluent will meet required standards and would not have adverse effects in on the receiving water quality and Water Framework Directive (WFD) status of the Fane Estuary transitional waterbody.

11.12.7. I refer the Commission to section commencing 8.5 as regards Flood Risk analysis. In summary, following the Site Specific Flood Risk Assessment, it has been determined

that all buildings within the proposed development are to be located within Flood Zone 'C' with low probability of flooding with an adequate freeboard above predicted flood levels.

11.12.8. The construction stage mitigation measures refer to the OCEMP and best practices to avoid water pollution, and water quality will be monitored throughout.

11.12.9. Regular operational monitoring and maintenance of drainage and Sustainable Drainage Systems (SuDS) measures will be part of the overall management strategy to ensure no impacts on water quality and quantity during the operational phase. The discharge of treated operational surface water from the proposed development to the two unnamed streams along the eastern and northern boundaries of the site, and ultimately to the Inner Dundalk Bay transitional waterbody, is considered to have negligible potential for significant effects on downstream sensitivities. This is due to the incorporation of SuDS measures and a petrol interceptor in the fundamental scheme design.

Assessment: Direct, Indirect, and Cumulative Effects

11.12.10. The surface water drainage network, attenuation storage and site levels are designed to accommodate a 100-year storm event (provision for 20% climate change included). Floor levels of houses are set above the 100-year flood levels by a minimum of 0.5m. For storms in excess of 100 years, the development has been designed to provide overland flood routes along the various development roads towards the surface water drainage outfalls and existing roads. This overland flood route also reduces the development's vulnerability to climate change.

I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to the groundwater and surface water network. At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the existing network will be designed in accordance with best practice requirements to satisfactorily address potential impacts. However, I reiterate my concerns raised as the disposal of wastewater generated and the potential impacts on the receiving water environment.

Conclusion: Direct, Indirect, and Cumulative Effects

11.12.11. I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage surface water discharges, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- However as set out in 11.9 above and throughout this assessment, I am not satisfied that the proposed development will not result in detrimental impacts as a result of wastewater infrastructure deficiencies and the uncertainty as to the timeline for the delivery of the necessary upgrades to accommodate the proposed development or that these shortcomings have been adequately mitigated as part of the proposed development and the potential for cumulative impacts could result in significant effects on the receiving water environment.

11.13. **Biodiversity**

11.13.1. Third party concerns regarding impact on biodiversity, disrupting protected bird species that use the site as an ex-situ foraging habitat. The loss of trees and open field areas would disrupt habitat including bats.

Examination, analysis and evaluation of the EIAR

11.13.2. Chapter 11 of the EIAR deals with Biodiversity. It highlights that this chapter should be read in conjunction with the Appropriate Assessment (AA) Screening Report, the Natura Impact Statement (NIS), the Infrastructure Design Report (IDR) and the Construction Environmental Management Plan (CEMP) submitted with this application. The methodology is set out in 11.4.

11.13.3. The potential impact on European sites is set out in the accompanying AA Screening Report, and I have addressed this in section 10 of my report. Desk studies were carried out to obtain relevant existing biodiversity information within the Zone of Influences (ZOI). The assessment also extended beyond the immediate development area to include those species and habitats that are likely to be impacted upon by the proposed residential development. Field surveys were carried out as outlined in Table 4.1 of Chapter 4 as set out below. All surveys were carried out in the appropriate seasons.

Table 4 – Field Surveys

Survey Type	2022	2023	2024	2025
Habitat/ Flora Surveys				
Habitats & Flora (incl. invasive species)	-	17th February 9th May	-	14th February
Mammal Surveys				
General mammal survey	-	9th May	-	14th February
Otter survey	-	-	7th February	14th February

Survey Type	2022	2023	2024	2025
Herptile Surveys				
Amphibian Surveys	-	-	-	25th February 10th March 24th March 1st April
Common Lizard Surveys	-	-	-	
Bird Surveys				
Breeding bird surveys	-	20th April 8th May 29th May	-	18th of April 8th of May
Winter Bird Surveys	18th October 2nd November 7th December	24th January 13th February 22nd March	4th November 12th December	28th January 21st February
Bat Surveys				
External ground-level roost assessment (trees and structures)	-	17th of February	-	14th February
Dusk Transect surveys	-	25th May 13th June 21st June	7th October	-
Emergence Surveys of two low roost suitability structures	-	30th May	-	-

I am satisfied that the surveys submitted are acceptable. I am satisfied that the surveys carried out are comprehensive and in line with best practice.

11.13.4. The EIAR establishes the potential zone of influence (ZOI) and notes that the ZOI will vary with different ecological features, depending on their sensitivities to an

environmental change. Where there was a potential for the ZOI to be influenced by drainage connections, natural biodiversity corridors e.g. rivers or woodland these were also take into account and the assessment was extended. It is considered that the potential ZOI extends beyond the site outline via the watercourse on site and the proposed foul and surface water drainage strategy.

Designated Sites - I refer the Commission to Section 10.0 and Appendix A of this report.

Hydrology/Hydrogeology - I refer the Commission to section 11.12 above, section 9.0 and Appendix B of this assessment.

Overview: The Site comprises a set of fields once planted as arable crops but since left unmanaged for a number of years, is largely covered in rank, dry meadow grassland, with low species diversity and a high ruderal component. Pockets of wet grassland and scrub are present in the west, with a marshy/wet woodland area located at the lowest point of the Site in the east (by the R172 Blackrock Road). Mature mixed broadleaf/conifer woodland, hedgerows and treelines associated with the Dundalk Golf Course to the west and private lands the north, south and east, make up the Site's boundaries. Only one invasive plant was recorded; Cherry Laurel (Prunus laurocerasus), located along the west and northern boundaries of the Site. This habitat is a common example of unmanaged agricultural land and exhibits limited floral diversity and as such it is considered to be of local importance (Lower value).

Trees & Hedgerows: A Tree Survey and Report was submitted as part of the application documentation. The assessment appears to be a Tree Inventory/hazard assessment rather than an Arboriculture Impact Assessment. The impact assessment of the report appears to be generic text and not site specific. A review of the wider documents identified that 63 trees, hedges and groups are to be retained with a total of 18 to be felled due to 'poor health and condition to facilitate the development.'. No site specific arboriculture impact accompanied the tree survey document, nor does the document include defined tree protection areas although TPA's have been identified on the landscaping drawing. In the absence of any TPA being identified by the arborist theses would appear to be arbitrary. Furthermore, no reference was made to the group of Sycamore and Ash Trees located at the junction of Bothar Maol and the Blackrock Road, which includes the trees featuring in the northeastern corner of the eastern field

identified as 'Trees & Woodland of Special Amenity Value (Reference No. DLK No. 42) in the LAP and while these are outside of the site, no consideration appears to have been afforded to these trees by the arborist. Therefore, I am not satisfied the documentation has adequately addressed the impact of the development on the trees/hedgerows on the site and that the applicant has complied with BS 5837:2012 Trees in relation to design, demolition and construction. I do not consider the development warrants a refusal for this reason having regard to the overriding concerns as regards wastewater.

Flora

Rare and Protected Flora - No species of protected flora have been historically recorded within the relevant tetrads and no such species were recorded at the Site of the proposed development during the surveys of same.

Invasive Flora - An invasive alien species survey was undertaken at the site in July 2021 by INVAS Biosecurity (INVAS, 2021). This survey recorded no evidence, at that time, of any Invasive Alien Plant Species as listed on the 'Third Schedule' of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.1.477 of 2011) or the Invasive Alien Species Regulation (EU) 1143/2014 being present on the Site.

Birds: The site is considered to be of local importance to breeding birds due to the number of species recorded and the presence of 5 red-listed species within or over the Site. The site provides suitable foraging and nesting habitat for the majority of species recorded; through its various hedgerows and treeline boundaries and rank grassland, as 37 out of 43 species recorded were either confirmed, probable or possible breeders. The site supported only one target species foraging on the site during the winter bird surveys; a Common Snipe (Gallinago gallinago) and thus is not considered to be an important ex-situ site for wintering birds. However, wintering birds are considered as locally important at the site, due to the potential for disturbance effects on waterbirds using the shore in the vicinity of the proposed development.

Due to the recorded presence of wintering waterbirds using lands within 300m of the proposed development (disturbance range for waterbirds as per Cutts et al., 2009), specifically the proposed construction works along the R172 (bus stop installation and services), there is the potential for wintering waterbirds to be disturbed by these works

in the absence of mitigation. Wintering waterbirds are therefore considered to be of local importance (Higher value) in the assessment.

Should any vegetation clearance take place within the breeding bird season (within period March 1st to August 31st inclusive), there is the potential for harm/mortality to nesting birds and their eggs/young. This would represent a short-term, adverse, significant effect to breeding birds at the local scale in the absence of mitigation.

Terrestrial Ecology*:* No signs of protected species such as Badger (Meles meles), Otter (Lutra lutra), Irish Hare (Lepus timidus hibernicus), Hedgehog (Erinaceus europaeus) or pygmy shrew (Sorex minutus) were found on site, although it supports suitable habitat for Badger and the latter three species in the scrub and grassland present at the site, and otter foraging habitat in the marsh habitat in the east of the Site. Common Frog (Rana temporaria) were recorded breeding in a small pool at the Site. No signs of Common Lizard (Lacerta vivipara) were recorded however some marginally suitable habitat does occur in the scrub, grassland and marshy areas of the Site.

Noting the concerns raised as regards Otters, it is set out that this application was prepared on the understanding that otters use the areas along the R172, as evidenced by the 2023 otter road death noted within the DAU's submission. The verges of either side of the road along the swamp are permeable and animals including otter could therefore cross at any location. The presence of an otter spraint by the existing culvert opening may indicate that otter already use the culvert to access the swamp, as well as potentially crossing the road above ground. The culvert between the northern drainage channel and the swamp is understood to form a direct route between these areas, and as noted during the otter survey it appears to be running clear and unobstructed, although survey access to the southern end of the culvert was not possible due to it being within private lands. The utility of a new otter underpass is considered and dismissed below. No otter underpass is proposed within this application. None is considered necessary or appropriate.

Irish Hare, Hedgehog and Pygmy shrew may utilise the grassland, scrub and hedgerow habitats at the Site. The Proposed Development may result in the injury/mortality of these species during the vegetation clearance works if carried out during the hibernation period for Hedgehog in particular. This could result in short-

term, adverse, significant effects to small mammals at the local scale, in the absence of mitigation. The proposed landscaping will result in the loss of existing grassland at the Site and its conversion to smaller sections of open space grassland, hardstanding and fenced garden habitat. This will result in a permanent, adverse, moderate (not significant) effect to small mammals at the local scale, through a loss of connectivity or access to areas of the Site to forage. The external boundaries of the site will however, continue to provide habitat connectivity around the site and into adjoining lands. There will likely be noise disturbance to local fauna at the Site during the construction works. This will represent a short-term, adverse, slight (not significant) impact at the local scale.

Bats - No bats were observed emerging from either of the low roost potential structures surveyed on the 30th May 2023. A total of 5 bat species/species groups were recorded during the surveys. While the Commission will note that the survey were carried out in 2023 I am satisfied that the site conditions have not altered in the intervening period and the 2023 is satisfactory.

Bats use the western and south-western field boundaries as a commuting foraging route, linking in with the adjoining lands. The southeastern section of the Site provides foraging and commuting habitat in the form of marsh, grassland and scrub, with good connectivity with the mature woodland along the Site's eastern and north-eastern boundaries. Some limited activity was recorded along the central north south hedgerow but activity along the northern boundary of the Site was minimal. The Site is considered to be of local importance (Higher value) to local bat populations, with the Site observed as providing suitable foraging and commuting habitat; through its various connected hedgerows and treeline boundaries and area of wetland habitat in the east of the Site.

The construction works will affect local bats through the loss of some sections of hedgerow, for example the north-south central hedgerow. This will be offset by the proposed landscaping at the Site including additional hedgerow planting. Commuting and foraging habitat will largely remain as it currently exists, with linear vegetation continuing to run along the Site's boundaries, providing habitat connectivity with the surrounding lands. The loss of agricultural grassland habitat will be offset by the provision of higher diversity planted habitats via the gardens and open space areas, and night-time lighting will be the main determining factor in terms of how much habitat

is accessible/lost to bats at the Site. Therefore, physical habitat loss represents a permanent, adverse, slight (not significant) effect on bats at the local scale.

11.13.5. Dust Related Effects - Due to the proximity of the Site to sensitive ecological receptors such as the Dundalk Bay coastline (including the pNHA and Ramsar Site), there is the potential for dust generated during the Construction Phase to deposit and adversely affect the ecology of these protected sites. In taking a precautionary approach, the 400m, 250m and 100m impact zones are used to assess the potential for construction dust related effects on Dundalk Bay designated sites. However, it should be noted that the Proposed Development is a construction project and not a long-term minerals extraction facility, and so its capacity for dust related effects will be much lower. It was therefore deemed that effects as a result of Construction Phase dust deposition at Dundalk Bay pNHA and Ramsar site would be short-term, adverse and slight (not significant) in nature, at the local scale i.e., the areas of the designated sites within 100m of the Proposed Development, in the worst-case scenario and in the absence of suitable mitigation.

11.13.6. The following habitats and species were considered as KERs as part of the EcIA of the Proposed Development: ▪ Marsh (GM1) ▪ Wet Willow-alder-ash Woodland (WN6) ▪ Immature Woodland (WS2) ▪ Mixed Broadleaf/Conifer Woodland (WD2) ▪ Hedgerows (WL1), Treelines (WL2) and Stone Walls (BL1) ▪ Small mammals i.e., Irish Hare, Hedgehog and Pygmy Shrew ▪ Breeding Bird Assemblage ▪ Wintering Bird Assemblage ▪ Bat Assemblage ▪ Common Frog and Viviparous Lizard. I refer the Commission to Table 11-13 Evaluation of Designated Sites, Habitats, Flora and Fauna recorded within the Site and the surrounding area of the EIAR.

11.13.7. Section 11.9.2 of the EIAR gives a summary of the best practice development standards and mitigation measures to be implemented during the Construction Phase of the Proposed Development. Section 11.9.33 relates to Operational mitigation measures. Table 11-19 Summary of Construction Phase Effects Post Mitigation. Table 11-20 Summary of Construction Phase Mitigation and Monitoring. Table 11-21 Summary of Enhancement and Embedded Mitigation and associated Monitoring . With the implementation of appropriate mitigation measures no significant impacts on are likely. The risk of a major accident and/or disaster on site is considered extremely low, but suitable mitigation measures have been included to address any such events.

11.13.8. With regard to potential cumulative effects, the EIAR outlines that the scale and nature of these effects are difficult to describe given the lack of information available for the Dundalk FRS, however, the contribution to cumulative effects of disturbance to wintering birds along the coast associated with the Proposed Development would be short-term in nature given the nature of the works proposed along the R172 (bus stop installation and service connections), regardless of the duration of the Dundalk FRS works. In the worst-case scenario, the cumulative disturbance effect could therefore be moderate (not significant) to wintering birds should they be present, although short-lived.

Assessment: Direct, Indirect, and Cumulative Effects

11.13.9. I would concur with the EIAR that no significant effects are likely from any cumulative impacts.

However, as outlined in Section 10.0 above following a detailed examination and evaluation of the Appropriate Assessment Screening Report and NIS, I am not satisfied that the design of the proposed development, combined with the proposed mitigation measures adequately address the indirect pathway via the wastewater discharge from Dundalk Wastewater Treatment Plant (WWTP) during the operational phase of the development would prevent adverse effects on the integrity of Dundalk Bay Special Area of Conservation (SAC) and Dundalk Bay Special Protection Area (SPA).

Conclusion: Direct, Indirect, and Cumulative Effects

11.13.10. I consider that with the exception of wastewater the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as detailed in Table 11-19 Summary of Construction Phase Effects Post Mitigation, Table 11-20 Summary of Construction Phase Mitigation and Monitoring and Table 11-21 Summary of Enhancement and Embedded Mitigation and associated Monitoring. However, in the absence of necessary wastewater infrastructure required to accommodate the proposed development and the uncertainty around the delivery of same, I conclude that there is reasonable scientific doubt as to the absence of adverse effects on European sites.

However, in the event that the Commission is minded to grant planning permission, I recommend a condition relating to a comprehensive Arboriculture Impact Assessment

with appropriate accompanying drawings be submitted prior to the commencement of any development.

11.14. **Noise & Vibration**

Issues Raised

11.14.1. Concerns raised as regards construction impacts on local residents.

Examination, analysis and evaluation of the EIAR

11.14.2. Chapter 8 of the EIAR deals with noise and vibration. The methodology for assessment is described.

11.14.3. The primary noise impacts associated with the proposed development are likely to be due to: • Site clearance works; • Building construction works; • Vehicles entering and existing the site; • Plant and equipment; and • Traffic along local road network.

11.14.4. Baseline noise monitoring has been undertaken by RSK Ireland Limited (2023). A full copy of the Inward Noise Impact Assessment can be found in Volume 3 – Appendices of the EIAR. The baseline survey completed previously is considered sufficient to inform the design for this chapter. The assessment is based on worst case noise impact using lower background noise levels, based on data from the TII (2017) the average rate of growth on Irish roads is 3.9%. Assuming linear growth of 3.9% over the next 10 years an increase in noise levels from road traffic of 3dB would be expected. Therefore, measurements taken in 2023 are likely to be very slightly lower than any taken in 2025 which leads to a worst-case assessment.

11.14.5. Data collected from these surveys provides a baseline assessment for the site and is used to assess any future noise-related impacts of activities associated with the proposed development. The survey was conducted in general accordance with ISO 1996: 2017: Acoustics – Description and measurement and assessment of environmental noise. Pre-existing noise levels were found to be typical of a rural location with relatively low baseline noise levels measured across the site.

11.14.6. Construction activities are predicted to generate noise levels that may exceed acceptable limits at nearby sensitive receptors. This includes noise from various equipment and activities during the substructure and superstructure stages of construction. Vibration impacts are expected mainly during the substructure and

superstructure stages of construction when operations such as piling, or earthworks are likely to occur.

Table 4-1 Summary of Construction Phase Likely Significant Effects in the absence of mitigation.

Quality	Significance	Duration	Type
Negative	**Slight**	**Short-Term**	**Noise**
Neutral	**Imperceptible**	**Short-Term**	**Vibration**

11.14.7. Louth County Council have not outlined specific construction noise limits within the Louth County Council Noise Action Plan 2019, or the Draft Noise Action Plan 2024-2028, therefore noise limits outlined in BS5228-1:2009+A1 have been adopted as the criteria for this project. BS5228-1 takes into consideration the impact of the ambient noise at the noise sensitive receptor. Based on the figures outlined in Section 12.8.4.5 of the EIAR the construction phase of the development is expected to contribute minimal traffic volumes in the area. The increase in traffic related noise levels over baseline figures is predicted to be less than 1dBA Leq.

The Louth County Council Noise Action Plan does not contain guidance relating to vibration limits. Best practice guidance is taken from British Standard BS 5228-2:2009 + A1 2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites - Vibration. BS 5228-2:2009 + A1 2014 recommends that for a soundly constructed residential property and similar structures (in good repair), the threshold for minor or cosmetic (i.e. non- structural) damage should be taken as a Peak Particle Velocity (PPV) (in frequency range of predominant pulse) of 15mm/s at 4Hz increasing to 20mm/s at 15Hz and 50mm/s at 40Hz and above. Vibration impact is not anticipated for most of the construction stage; some vibration is expected to be generated during the substructure stage where piling operations or earth works are likely to occur. During this phase, compliance with vibration criteria is evaluated using a combination of measured data and general estimates, as predicting vibration impacts over distance is challenging due to variations in soil composition and ground conditions. While precise predictions are difficult to achieve, general estimates based on measured vibration levels at specific distances, as outlined in BS5228-2, provide a practical method for assessing potential impacts

Operational Phase

Building Services Plant - The operational external mechanical plant and equipment associated with the residential units is not available at this stage. In the absence of information regarding the operational plant during planning stage the approach has been taken to determine suitable operational noise emission limits based on the measured background noise levels at the closest sensitive receptors.

Additional Traffic on Public Roads - The Design Manual for Roads and Bridges (DMRB) states that it takes a 25% increase in traffic flows in order to get a 1dBA increase in traffic noise levels. Traffic flow increases associated with the proposed development will be significantly less than 25% and hence traffic noise level increases will be significantly less than 1dBA.

Communal Amenity Space Noise - The operational phase of the proposed development will feature noise from the usage of external amenity spaces located around the development. A noise model has been created to predict the operational noise levels from the proposed amenity spaces on the nearest noise sensitive locations. For the purpose of the model, it is assumed that the amenity spaces will be operational during the hours of 16:00hrs-01:00hrs, with 1 in 3 talking. Additionally, the creche has been assessed for 3 hours of external play during the hours of 08:00hrs-18:00hrs during the week. The creche is assumed to not be operational during the night-time period. Based on the review of the noise sources and the BS 4142 assessment it is predicted that the noise emanating from the proposed development will likely not have an adverse impact.

11.14.8. Assuming the above developed mitigation measures are properly incorporated into the development design, the magnitude of noise impact would be considered both minimal and minimised as far as practicable.

Assessment: Direct, Indirect, and Cumulative Effects

11.14.9. The cumulative impact has been considered in the context of other housing developments in the vicinity of the site at the time this application was made. In terms of construction noise, given the layout of the nearby receptors in comparison with the proposed construction sites, it is expected that the construction noise from the proposed development will dominate the noise levels at the local residential receptors and there is unlikely to be any significant cumulative construction noise effect given the distance to the other identified developments.

I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the noise and vibration potential. Having regard to third party concerns raised, I acknowledge that there will be impacts on some adjacent residential properties. However, these are temporary in nature, and any inconvenience will be short lived. On balance, I am satisfied that the proposed mitigation measures are acceptable and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

Conclusion: Direct, Indirect, and Cumulative Effects

11.14.10. Table 12.37 outlines the recommended site-specific noise mitigation measures. I consider that the main significant direct, indirect, and cumulative effects on Nosie and Vibration are, and will be mitigated as follows:

- Construction stage, which will be mitigated by standard good practice construction stage measures including a Construction & Environmental Management Plan.
- Operational stage noise from the plant will be mitigated by the design of the building, noise barriers and landscaping.

11.15. **Air Quality**

Issues Raised

11.15.1. None

Examination, analysis and evaluation of the EIAR

11.15.2. Chapter 13 of the EIAR assesses air quality. The methodology is set out in section 13.4. The EIAR notes that this chapter should be read in conjunction with the Population and Human Health, Land and Soils, Biodiversity, Climate and Traffic Chapters.

11.15.3. In terms of air monitoring and assessment, the proposed development site in Dundalk is within Zone C (EPA, 2022). The nearest air monitoring station which continuously measures NO2, PM10 and PM2.5 is Dundalk monitoring station (ca. 3 kilometres north-west of the site). Based on EPA background concentrations for 2022 and 2023 at Dundalk monitoring station, the estimated current background NO2, PM10 and

PM2.5 concentrations in the region of the proposed development is 8.8 µg/m3, 12.8 µg/m3 and 14.35 µg/m3, respective.

Construction Phase

11.15.4. The risk of dust impacts has been assessed separately for earthworks, construction and trackout and the dust emission magnitude has been classified for each of the three activities. The dust emission magnitude is based on the scale of the anticipated works and is classified as small, medium and large (Step 2 A). The sensitivity of the area was determined for dust soiling and human health impacts, respectively, as per the guidance (this is known as 'Step 2B' of the dust assessment). In accordance with the Institute of Air Quality Management (IAQM) guidance, the dust emission magnitude (Step 2A) and sensitivity of the area (Step 2B) have been combined and the risk of impacts from demolition, construction, earthworks and trackout have determined (before mitigation is applied) (this is known as 'Step 2C' of the dust assessment). This risk has then been used to inform the selection of appropriate mitigation measures.

Table 13-22 of the relates to Dust Emission Magnitude for the Site and sets out :

Activity	Dust Emission Magnitude
Earthworks	Large
Construction	Large
Trackout	Medium

Table 13-23 details the risk of dust impacts for earthworks, construction and trackout activities. The Unmitigated Risks are summarised as follows:

Potential Impact	Sensitivity	Magnitude		
		Earthworks	Construction	Trackout
		Large	Large	,Medium
Dust Soiling Impacts	High	High Risk	High Risk	Medium Risk
Human Health Impacts	Low	Low Risk	Low Risk	Low Risk
Ecological Impacts	High	High Risk	High Risk	Medium Risk

There is also the potential for traffic emissions to affect air quality in the short-term over the construction phase, particularly due to the increase in HGVs accessing the site. However, the construction stage traffic will not change by more 1,000 AADT or

200 HDV AADT and does not meet the above scoping criteria. As a result, construction stage traffic emissions has been scoped out from any further assessment as there is no potential for significant impacts to air quality.

Operational Phase

11.15.5. Operational Phase traffic associated with the proposed development has the potential to affect local air quality due to increased vehicle movements. The TII scoping criteria were used to identify affected road links, resulting in a detailed air quality modelling assessment for four road links where traffic is expected to increase by more than 1,000 AADT. The model predicted road traffic contributions to ambient ground level concentrations at sensitive receptors using generic meteorological data. Overall, the TII significance criteria have identified neutral impacts due to increases in NO2, PM10 and PM2.5 annual mean concentrations which are less than 5% of the annual mean ambient air quality standards (and the annual mean concentrations are less than 75% of the air quality standard). This equates to a potential effect of the proposed development on ambient air quality, and human health, in the operational stage according to the EPA guidelines (EPA, 2022) which is considered direct, long term, negative and not significant.

11.15.6. In terms of receptor sensitivity to dust soiling, for the purpose of determining local air quality impacts, 8 receptors were included in this modelling assessment and are identified in Figure 13-6. The receptors modelled will represent the worst-case location in the vicinity the proposed development and was chosen based on proximity (within 200m) to the road links affected by the proposed development (Table 13-14 Sensitive Receptors of the EIAR, Sections of the Dundalk Bay SAC (Site Code: 000455) and Dundalk Bay SPA (Site Code: 004026) are within 200m of the link roads impacted by the proposed development). The TII REM was used to calculate the NOX and NH3 concentrations and N deposition and acid deposition rates within the sections of the identified ecological sites that are within closest proximity to the road alignments. Pollutant concentrations will be greatest closest to the road, with concentrations decreasing with increased distance from the road. In accordance with the EPA Guidelines (EPA, 2022) the ecological impacts associated with the operational phase traffic emissions are overall direct, long-term, negative and slight during the Operational Phase, which is overall not significant.

11.15.7. I note best practice mitigation measures will be implemented for the construction phase of the proposed development which will focus on the pro-active control of dust and other air pollutants to minimise generation of emissions at source. The mitigation measures that will be put in place during construction of the proposed development will ensure that the impact of the development complies with all EU ambient air quality legislative limit values which are based on the protection of human health. Therefore, the impact of construction air emissions on human health will result in a neutral, imperceptible, and short-term effect.

Assessment: Direct, Indirect, and Cumulative Effects

11.15.8. According to the IAQM guidance (2014) should the construction phase of the proposed development coincide with the construction phase of any other developments within 500m then there is the potential for cumulative construction dust related impacts to nearby sensitive receptors. However, provided the mitigation measures outlined in Section 13.9, are implemented throughout the construction phase of the proposed development significant cumulative dust impacts are not predicted resulting in a negative, not significant and short-term effect. The cumulative impact on air quality during the operational phase of the proposed development and other developments when operational will result in a negative, imperceptible and long-term effect.

Conclusion: Direct, Indirect, and Cumulative Effects

11.15.9. When the mitigation measures detailed in Section 13.9 of the EIAR are implemented, the impact of the proposed development on local air quality will have a negative, not significant and short-term effect. Emissions from vehicle movements associated with the development will not exceed air quality standards., The predicted operational phase impact to air quality with mitigation as a result of increased traffic will result in a negative, not significant and long-term effect. Emissions of air pollutants during the operational phase are will not exceed ambient air quality standards limit values which are based on the protection of human health. The predicted impacts on human health with mitigation will result in a neutral, not significant and long-term effect.

I consider that the main significant direct, indirect, and cumulative effects on Air Quality will be mitigated as follows:

- Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures

outlined in the Outline Construction Environmental Management Plan.

11.16. **Climate**

Issues Raised

11.16.1. Third party concerns were raised that the development did not have appropriate regard to climate change.

Examination, analysis and evaluation of the EIAR

11.16.2. Chapter 14 of the EIAR assesses climate impacts. The methodology is set out in section 14.4. The impact assessment included the following:

• The potential greenhouse gas emissions during the construction and operational phases of the development.

• The vulnerability of the project to climate change, including considerations for increased rainfall and other projected climate impacts.

• The design measures to enhance the project's resilience to future climate risks, such as incorporating drainage systems for increased rainfall.

Greenhouse Gas

11.16.3. During the construction phase the reference study period, i.e. the assumed building life expectancy, for the purposes of the assessment is 50 years. Embodied carbon refers to the sum of the carbon needed to produce a good or service. It incorporates the energy needed in the mining or processing of raw materials, the manufacturing of products and the delivery of these products to site. This engagement aims to ensure carbon savings are made and to assist in aligning the project to Ireland's CAP goal of Net Carbon Zero by 2050.

11.16.4. The building Life Cycle Assessment (LCA) was assessed in line with EN15978 and European Level(s) methodologies. The assessment has also followed RICS Whole Life Carbon Assessment for the Built Environment Guidance V1, which is comparable with the European Level(s) methodology, but it has been adapted to accommodate a 50 year service life for the building to coordinate with European Level(s) methodologies. The Glenveagh LCA concluded that a figure of 500 kgCO2e/m2 for total carbon (A – C stages, total lifecycle - lifecycle stage terminology consistent with widely used industry standards (based on BS EN 15978:2011, BS EN 15804:2012))

can be used in EIAR assessments for typical house types. The LCA found that a reduction of 21% of total embodied carbon emissions (A – C stages) can be utilised for the biogenic carbon associated with the Glenveagh house types. This will be a carbon saving or negative carbon figure, e.g.-105 kgCO2e/m2, within the climate impact assessment.

11.16.5. The TII Carbon Tool was utilised to calculate the embodied carbon associated with the non-building elements of the development including construction wastes; site clearance works; worker travel to site; and construction materials. The GHG emissions associated with the proposed development are predicted to be a small fraction of Ireland's 2030 carbon budget of 27.7 MtCO2e. The proposed development will incorporate a number of mitigation measures as well as sustainable policy measures from the project developer, the proposed development is aligned with Ireland's GHG trajectory to net zero by 2050.

11.16.6. During the operational stage GHG emissions due to road traffic were assessed. Modelling of operational CO2e emissions from traffic associated with the proposed development on the surrounding road network was undertaken as per Transport Infrastructure Ireland (TII) 2022 guidance "PE-ENV-01104: Climate Guidance for National Roads, Light Rail and Rural Cycleways (Offline & Greenways) – Overarching Technical Document". It was concluded that traffic related CO2e emissions will not have a significant impact on climate due to the low level changes in emissions.

11.16.7. Similarity, regarding operational use of the proposed dwellings and creche, A Description Of The Proposed Utilities & Energy Sustainability Report was prepared (PEMP) in relation to the proposed development. The primary elements with respect to reducing climate impacts and optimising energy usage are summarised in Section 14.9.1 *Incorporated Design Mitigation* and are based on information provided within the Utilities & Energy Sustainability Report.

11.16.8. The operational mitigation will be achieved by design including Energy Efficiency - All proposals for development shall seek to meet the highest standards of sustainable design and construction with regard to the optimum use of sustainable building design criteria such as passive solar principles and also green building materials. The development will be in compliance with the requirements of the Near Zero Energy Building (NZEB) Standards and will achieve a Building Energy Rating (BER) in line

with the NZEB requirements. Following the implementation of these measures, any residual impacts are predicted to be imperceptible. The proposed development will be designed to include best practice climate mitigation measures to reduce the impacts on Climate. The predicted impact with mitigation relating to Greenhouse Gas emissions will result in a negative, imperceptible, long-term effect.

Table 14-13 sets out the following Summary of Post Mitigation Effects:

Likely Significant Effect in accordance with EPA Terminology	Quality	Significance	Extent	Probability	Duration	Type
GHG emissions from construction materials & activities and operational energy usage	Negative	Not significant (minor adverse as per Table 14.3)	National	Likely	Long-term	Direct
Climate change and related vulnerability of the proposed development	Negative	Not significant	Local	Likely	Long-term	Direct

Assessment: Direct, Indirect, and Cumulative Effects

11.16.9. The impact to climate as a result of a proposed development must be assessed as a whole for all phases. I acknowledge that the proposed development will result in some impacts to climate through the release of GHGs. TII reference the IEMA guidance which states that the crux of assessing significance is “not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050”. The proposed development has proposed some best practice mitigation measures and is committing to reducing climate impacts where feasible. As per the assessment criteria in Table 14.3 the residual impact of the proposed development in relation to GHG emissions is considered minor adverse, this equates to a direct, long-term, negative and slight, impact which is overall not significant in EIA terms.

Conclusion: Direct, Indirect, and Cumulative Effects

11.16.10. When the mitigation measures detailed in Table 14.14 and 14.15 of the EIAR are implemented, the overall predicted effect of the proposed development is not significant in relation to GHG emissions and climate change.

11.16.11. I consider that the main significant direct, indirect, and cumulative effects on Air and Climate are, and will be mitigated as follows:

- Impact on Climate will be mitigated through appropriate design measures including energy efficient buildings.

11.17. **Cultural Heritage**

Issues Raised

11.17.1. None

Examination, analysis and evaluation of the EIAR

11.17.2. Chapter 15 of the submitted EIAR addresses archaeology, architectural and cultural heritage.

Archaeology - There is one recorded monument partially within the redline boundary for the proposed development area, where it extends along the existing Hardys Lane, a souterrain (LH007-080) . There are an additional nine recorded archaeological sites within the 500m study area of the proposed development area.

Test Trenching

A review of the Excavations Bulletin (1970–2025) has revealed that the proposed development area was subject to a programme of geophysical survey (Nicholls 2018, Licence No. 18R0036), followed by archaeological testing, in 2018 (O'Connell 2018, Licence No. 18E0417). The geophysical survey identified a number of small-scale positive responses and weak trends that were interpreted as likely resulting from natural geological variation or modern disturbance. No anomalies that were definitively interpreted as archaeological were identified. A total of 15 test trenches were excavated across the proposed development area in order to target those geophysical anomalies that were interpreted as containing the most archaeological potential . No archaeological features were recorded during these investigations within the proposed development area.

In December 2024, a programme of archaeological monitoring was carried out over three days within the proposed development area, as part of permitted SHD residential development on the site. A haul road and house foundations in the southeast corner of the site were subject to topsoil stripping, all of which was monitored by an archaeologist. Topsoil ranged in depth from 0.25m to 0.6m and this sealed natural

subsoils, comprising mid-yellow orange clay with bandings of brown and greyish white clay, with gravel deposits and abundant sub-angular and angular stones. No features of archaeological potential were noted during the course of the works.

It remains possible that small-scale or isolated archaeological features may survive within the site, outside of the footprint of the excavated test trenches. Groundworks associated with the development may have a direct, permanent, negative effect on these remains. Effects may range from moderate to very significant, depending on the nature, extent, and significance of the archaeological remains that may be present. Effects have the potential to be significant in EIAR terms. A programme of archaeological testing, which will assess the remaining portions of the proposed development area and the route of the access road, will be carried out prior to the commencement of construction. The works will be undertaken by an archaeologist under licence to the National Monuments Service of the DoHLGH. Dependant on the results of the assessment, further mitigation may be required, such as preservation by record or in situ and/or archaeological monitoring. Any further mitigation will require approval from the DoHLGH. Following the successful implementation of the archaeological mitigation measures presented in Section 15.9 and prior to the construction phase, it is predicted that no further direct effects on the identified archaeological sites within the proposed development site will arise during the operational phase. The direct effects during the operational stage are imperceptible. There will be no direct impact on recorded or previously unrecorded archaeological remains.

Architectural Heritage - There are seven structures included on the RPS within 500m of the proposed development (Figure 15.1). All seven protected structures are also included in the NIAH Building Survey. The closest structures comprise The Square, Northsides 1-5 (RPS 012-004a-e, NIAH 13824001-3), which are located c. 416m south of the proposed development area. These will not be impacted upon by the proposed development. There will be no impact on Architectural Heritage. No Architectural Conservation Areas or demesne landscapes (recorded in the NIAH survey) are located within the proposed development area.

Cultural Heritage - There are no predicted effects upon the cultural heritage resource during the operational phase. Mountain View House and the stone wall along Blackrock Road are noted but neither are Protected. There will be no indirect effect on

cultural heritage.

11.17.3. Table 15-7 of the EIAR sets out a summary of possible significant effects during the construction phase of the proposed development before mitigation as follows:

Likely Significant Effect	Quality	Significance	Extent	Probability	Duration	Type
Impact on previously unrecorded archaeological remains as a result of excavations	Negative	Moderate to very significant (depending on the sensitivity of any remains uncovered)	Unknown	Possible	Permanent	Direct
Impact on stone boundary wall along Blackrock Rd	Negative	Slight	Defined	High	Permanent	Direct

Table 15-8 of the EIAR sets out a summary of likely significant residual effects during the construction phase of the proposed development following the application of mitigation measures as follows:

Likely Significant Effect	Quality	Significance	Extent	Probability	Duration	Type
Impact on previously unrecorded archaeological remains as a result of excavations	Negative	Slight	Unknown	Possible	Permanent	Direct
Impact on stone boundary wall along Blackrock Rd	Negative	Imperceptible	Defined	High	Permanent	Direct

Conclusion: Direct, Indirect, and Cumulative Effects

11.17.4. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology and Built Heritage has been appropriately addressed in terms of the application and subject to compliance with section 15-15 Mitigation and Monitoring of this chapter and condition requiring an archaeologist supervise all ground works associated with the development, I am satisfied that no significant adverse direct, indirect or cumulative effects are likely to arise.

11.18. **Interactions**

11.18.1. Chapter 16 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature. The interactions are summarised in the following table as presented in the EIAR:

Table 16.1 of the EIAR - *Table of interactions between the environmental factors:*

Table 16-1 Interactions with Potential for Significant Impacts Before the Implementation of Mitigation Measures

Interaction	Population & Human Health		Landscape & Visual		MA Traffic		MA Built Services		MA Waste		Land & Soils		Water		Biodiversity		Noise & Vibration		Air Quality		Climate		Cultural Heritage	
	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op	Con	Op
Popul + Human Health			✓	✓	✓	×	✓	✓	✓	×	✓	×	✓	×	×	×	✓	×	✓	✓	✓	✓	×	×
Landscape and Visual	✓	✓			×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Material Assets-Traffic	✓	✓	×	×			×	×	✓	×	✓	×	×	×	×	×	✓	×	✓	✓	×	×	×	×
Material Assets-Built Services	✓	×	×	×	×	×			×	×	×	×	✓	✓	×	×	×	×	×	×	×	×	×	×
Material Assets-Waste	×	×	×	×	×	×	×	×			×	×	×	×	×	×	×	×	×	×	×	×	×	×
Land & Soils	×	×	×	×	✓	×	✓	×	✓	×			✓	×	✓	×	×	×	✓	×	✓	×	×	×
Water	×	×	×	×	×	✓	×	×	×	×	×	×			✓	✓	×	×	×	×	×	×	×	×
Biodiversity	×	×	×	✓	×	×	×	×	✓	✓	✓	×	✓	×			×	×	✓	×	×	×	×	×
Noise & Vibration	✓	×	×	×	✓	✓	×	×	×	×	×	×	×	×	✓	×			×	×	×	×	×	×
Air Quality	✓	✓	×	×	✓	✓	×	×	×	×	✓	×	×	×	✓	×	×	×			✓	✓	×	×
Climate	×	✓	×	×	✓	✓	×	×	×	×	✓	×	×	×	×	×	×	×	✓	✓			×	×
Cultural Heritage	×	×	×	✓	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×		

Con. - Construction Phase | Op. - Operational Phase | ✓ - Potential Significant Interaction | × - No Significant Interaction

Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative but short-term in duration. Mitigation measures are proposed throughout the EIA Report to minimise any potentially negative impacts.

Examination, analysis and evaluation of the EIAR

11.18.2. The EIAR considers the potential for interactions between environmental factors as part of the assessment in each Chapter, and these are consolidated in Chapter 16 of the EIAR. The potential for interactions is summarised in table ref. 16-1 above. The Commission will note that the integration between Material Assets: Built Services – wastewater on Water and Biodiversity has been identified has having '*no significant interaction*'. Having regard to the foregoing sections 8.5, 9.0 and 10.0, I am not satisfied these interactions have been adequately considered in the EIAR.

Assessment: Direct, Indirect, and Cumulative Effects

11.18.3. Having regard to the foregoing assessment, I am satisfied that the potential for any significant adverse impact has been appropriate mitigated through the measures identified in each Chapter of the EIAR with the exception of wastewater. I have discussed this concern throughout this report. While I consider that the EIAR has

adequately identified the potential for interactive impacts with other environmental factors, I am not satisfied that the proposed mitigation measures combined with the recognised deficiencies in the wastewater network and in the absence of the required upgrades would not ensure that there will be no unacceptable interactive impacts.

Conclusion: Direct, Indirect, and Cumulative Effects

11.18.4. I am therefore not satisfied that the potential for interactive impacts has been adequately considered and identified and/or that there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

11.19. **Cumulative Impacts**

11.19.1. Each individual chapter provides an assessment of the cumulative impact of the development.

11.19.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the Dundalk Local Area Plan and Louth County Development Plan which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans, and its form and character would be similar to the development proposed in this application. The proposed development has the potential to give rise to environmental effects that were not envisaged in the relevant Development Plan that was subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed could have potential to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.20. **Mitigation & Monitoring**

11.20.1. Chapter 17 provides a summary of mitigation and monitoring measures.

11.21. **Reasoned Conclusion on the Significant Effects**

11.21.1. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

11.21.2. However, the environmental impacts which arise from the absence of the completion of necessary upgrades to the wastewater network required to service the site and the uncertainty as to the timeline for the delivery of the necessary upgrades to accommodate the proposed development have not been fully justified by the information contained in the EIAR and its accompanying documentation. Whilst I acknowledge the applicant's interim solution to provide a wastewater storage tank on site and the controlled release of wastewater, I do not consider the applicant has addressed the impact of this additional pressure on the existing network nor does the documentation on file adequate address the construction resilience of the storage tank, the potential for blockage, rainwater ingress and structural failure.

11.21.3. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, the report of the area planner and to the submissions from the prescribed bodies and observers in the course of the application and as part of the grounds of appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- the impact of additional wastewater generated by the proposed development on the receiving water environment, there is concern that the disposal of effluent generated, will have a significant negative impact on Dundalk Bay.

Having regard to the foregoing, I am not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

12.0 Recommendation

Having regard to the foregoing, I recommend that permission be refused for the proposed development for the reasons and considerations set out hereunder.

13.0 Recommended Draft Commission Order

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 25/60319

Appeal by:

- John Horan O/B Blackrock Tidy towns (Active)
- Aoife and John Henry (Active)
- Bothar Maol Residents Association
- Brian P. Hopper

against the decision made on the 3rd December 2025, by Louth County Council to grant permission for the proposed development.

Proposed Development:

The development will consist of :

• 502 no. residential units comprising 1, 2, 3 and 4 bed units in a mix of maisonettes, terraced and semi-detached units, with 1 no. detached bungalow unit. The total residential gross floor area is 51,440.5 sqm. The residential units are two and three storeys in height, excluding the 1 no. bungalow.

• Two storey Creche facility (570.7 sqm Gross Floor Area) with outdoor secure play area.

• New Access off Blackrock Road (R172)incorporating a new bus stop, with 2 no. pedestrian and cycle access points from Bóthar Maol, and provision for future access to lands to south provided for. • Infrastructure and services for the proposed development including surface water infrastructure, water mains and wastewater which will be pumped via a new rising main along Blackrock Road and Hardy's Lane to Finnabair Crescent where it will discharge to the existing wastewater drainage network.

• Associated public and private open space, landscaping and amenity areas including a large central park of c.2.7ha with public art, boundary treatments, public lighting, roads, cycleways, footpaths, car and cycle parking, infrastructure and services and all associated site and development works.

• To facilitate the proposed development, excavation, cut and fill, reprofiling of existing ground levels and removal of works completed under previously permitted SHD development including the foundations for 5 no. houses is required. The ruins of a former pumphouse will also be removed / demolished as part of the works and existing overhead electrical lines will be undergrounded

An Environmental Impact Assessment (EIAR) and Natura Impact Statement have been prepared and accompany this application.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

14.0 Reasons and Considerations

1. Having regard to the recognised deficiencies in the existing wastewater network serving Dundalk, the uncertainty around the timeline for the delivery of required upgrades including the Coe's Road Project, the proposed development would be premature by reference to the existing deficiency in the sewerage infrastructure required to adequately service the development. Furthermore, in the absence of site specific design specifications for the proposed wastewater storage tank, operational and maintenance details including the necessary controlled release of wastewater and the impact of this additional pressure on the existing network, the construction resilience cannot be determined nor the potential for blockage, rainwater ingress and structural failure, as such the proposed development would be contrary to Policy Objective INF 4 of the Dundalk Local Area Plan 2025-2031 '*to require all new developments to connect to the public supply where public water and wastewater infrastructure is available, or likely to be available, and which has sufficient capacity',* would set an undesirable precedent for other similar developments in the surrounding area and therefore would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the information provided in the Environmental Impact Assessment Report (including relating to the Water Framework Directive) and accompanying Appropriate Assessment Screening Report and NIS, all associated material submitted with the planning appeal as relevant, the Commission is not satisfied that the design of the proposed development, combined with the proposed mitigation measures adequately address the indirect pathway via the wastewater discharge from Dundalk Wastewater Treatment Plant (WWTP) during the operational phase of the development would prevent adverse effects on the integrity of Dundalk Bay Special Area of Conservation (SAC) and Dundalk Bay Special Protection Area (SPA) and in the absence of necessary infrastructure

required to accommodate the proposed development and the uncertainty around the delivery of same, there is reasonable scientific doubt as to the absence of adverse effects on European sites. Therefore, there in insufficient information for the Commission to complete the AA.

Similarly, the proposed development has the potential to compound discharges from the WwTP which at times is not meeting emissions standards and having regard to the uncertainty around the proposed delivery of necessary upgrade works to the wastewater infrastructure (including the Coe's Rd. project), the absence of site specific design details for the proposed wastewater storage tank on site, the risk to the water environment cannot be determined. Therefore, there is insufficient information of file for the Commission to complete a stage 2 WFD determination.

Accordingly, the Environmental Impact Assessment Report is incomplete, and the Commission is not satisfied that the proposed development would not pose an unacceptable risk of environmental pollution and as such the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion of 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.

Irené McCormack
Senior Planning Inspector
2nd April 2026

Appendix A – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination
1: Description of the project I have considered the Haggardstown LRD in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A full description of the development is set out in Section 2 of the Screening Report submitted by the applicant. The development involves the construction of 502 no. residential units comprising 1, 2, 3 and 4 bed units, Creche facility with outdoor secure play area together with all other associated site works. The subject site is a greenfield site on the outskirts of Dundalk. The development would be served by the public mains and wastewater system. Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) are located adjacent to the site's eastern boundary.
2. Potential impact mechanisms from the project <u>Zone of Influence</u> Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) are located adjacent to the site's eastern boundary have been identified with the Zone of Influence. The Stabannan Braganstown SPA is located within c. 10km of the subject site. Given the distance between the subject site and this SPA and the lack of a pathway between them, I am satisfied that this site can be screened out. Site specific conservation objectives (SSCO) have been compiled for the Dundalk Bay SAC (NPWS, 2011) and are outlined in Table 4 of the AA Screening Report. The SSCO have been compiled for the Dundalk Bay SPA (NPWS, 2011) and are outlined in Table 5. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, and I have also visited the site. The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the residential development. The proposed development will not result in any direct effects on any European Site.

The Project is located adjacent to and maintains ecological links with Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). Therefore, there is the potential for loss or alteration of QI listed habitats as a result of the Proposed Development. This could occur from:

- Habitat loss - The site is located adjacent to and maintains ecological links with Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). Therefore, there is the potential for loss or alteration of QI listed habitats as a result of the proposed development. The works along the R172 will be located along the road verge that is technically within the SAC/SPA boundary and so some minor loss of habitat could occur.
- Surface water runoff which has been contaminated with dust, silt, cement or other contaminants entering the watercourse / stream and travelling downstream to Dundalk Bay.
- Where an ecological / hydrological pathway exists, indirect impacts could negatively affect qualifying interests, species and habitats, that rely on water quality.
- Effluent generated by the development discharging to Dundalk Bay.

8. European Sites at risk

Using the source-pathway-receptor model, an indirect hydrological pathway exists between the subject site and the Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026).

Hydrological pathways

Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) are adjacent to the east of the Site boundary. An area of Phragmites swamp is known to be located to the east of the main Site area and outside of the Site's redline boundary. This area of habitat is located within private ownership and is also designated as part of the Dundalk Bay SAC.

A hydrological pathway via surface water run-off from the Site therefore exists to the various QIs of the Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). The construction of the proposed surface water outfall to the north-east, and the potential bus stop to the east of the Site, have the potential to cause contamination of the SAC/SPA in the absence of mitigation. This represents a direct impact pathway between the Proposed Development and the European sites located in Dundalk Bay. No other European sites are linked to the Site via hydrological means.

There is a potential indirect hydrological pathway through foul water treatment at Dundalk WWTP which discharges into Dundalk Bay.

Hydrogeological pathways

During groundworks and other construction activities, the ground will be exposed and any potential accidental discharges to ground could potentially migrate vertically downward to the underlying bedrock aquifer and laterally within the aquifer to the downgradient Dundalk Bay SAC (000455) and Dundalk Bay

SPA (004026). The construction of the main Site entrance in the east of the Site will require some limited works on waterlogged marshy ground. This could result in groundwater contamination and movement of same to the bay to the east in the absence of mitigation. This represents a direct impact pathway between the Proposed Development and the European sites located in Dundalk Bay and therefore requires further assessment. No other European sites are linked to the Site via hydrogeological means.

European Site	Habitats	Direct Hydrological Connection	Comment
Dundalk Bay SAC	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310]. Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Yes	There is a direct hydrological pathway via surface water run-off from the site. There is a potential indirect hydrological pathway through foul water treatment proposed (storage tank resilience)and at Dundalk WWTP which discharges into Dundalk Bay. Potential direct hydrogeological connection via groundwater migrating vertically downward to the underlying bedrock aquifer and laterally within the aquifer to the SAC during groundworks/other construction activities. There is a direct impact pathway via air and land exist given immediate proximity.
Dundalk Bay SPA	Birds: - Great Crested Grebe (Podiceps cristatus) [A005] - Greylag Goose (Anser anser) [A043] - White-fronted Goose (Greenland subspecies) (Anser albifrons flavirostris) [A395] - Turnstone (Arenaria interpres) [A169] -	Yes	There is a direct hydrological pathway via surface water run-off from the site. There is a potential indirect hydrological pathway through foul water treatment proposed (storage tank resilience) and at Dundalk WWTP which discharges into Dundalk Bay. Potential direct hydrogeological connection via groundwater migrating

	Goldeneye (Bucephala clangula) [A067] - Great Northern Diver (Gavia immer) - Red-throated Diver (Gavia stellata) - Light-bellied Brent Goose (Branta bernicla hrota) [A046] - Shelduck (Tadorna tadorna) [A048] - Teal (Anas crecca) [A052] - Mallard (Anas platyrhynchos) [A053] - Pintail (Anas acuta) [A054] - Common Scoter (Melanitta nigra) [A065] - Wigeon (Anas Penelope) [A050] - Red-breasted Merganser (Mergus serrator) [A069] - Oystercatcher (Haematopus ostralegus) [A130] - Ringed Plover (Charadrius hiaticula) [A137] - Golden Plover (Pluvialis apricaria) [A140] - Grey Plover (Pluvialis squatarola) [A141] - Lapwing (Vanellus vanellus) [A142] - Knot (Calidris canutus) [A143] - Dunlin (Calidris alpina) [A149] - Curlew Sandpiper (Calidris ferruginea) [A147] - Black-tailed Godwit (Limosa limosa) [A156] - Bar-tailed Godwit (Limosa lapponica) [A157] - Curlew (Numenius arquata) [A160] - Redshank (Tringa totanus) [A162] -		vertically downward to the underlying bedrock aquifer and laterally within the aquifer to the SAC during groundworks/other construction activities. There is a direct impact pathway via air and land exist given immediate proximity. There is potential for loss of infrequently used ex-situ foraging habitat (a single waterbird (Snipe) recorded using the site as an ex-situ foraging resource).

	Spotted Redshank (Tringa erythropus) [A161] - Greenshank (Tringa nebularia) [A164] - Black-headed Gull (Chroicocephalus ridibundus) [A179] - Common Gull (Larus canus) [A182] - Herring Gull (Larus argentatus) [A184] - Cormorant (Phalacrocorax carbo) [A017] - Ruff (Philomachus pugnax) [A151] - Wetland and Waterbirds [A999]		

Dundalk Bay SAC (000455) - Dundalk Bay, Co. Louth, is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula in the north, to Annagassan/Salterstown in the south. The bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. Saltmarsh vegetation occurs in four main areas. Shingle beaches are particularly well represented in Dundalk Bay, occurring more or less continuously from Salterstown to Lurgan White House in the south bay, and from Jenkinstown to east of Giles Quay in the north bay. The extensive sandflats and mudflats (over 4,000 ha) occur and are comprised of ecological communities such as muddy fine sand communities and fine sand community complexes. The site is internationally important for waterfowl.

Dundalk Bay SPA (004026) - The extensive sand flats and mud flats have a rich fauna of bivalves, molluscs, marine worms and crustaceans which provides the food resource for most of the wintering waterfowl. The outer part of the bay provides excellent shallow-water habitat for divers, grebes and sea duck. In summer, it is thought to be a major feeding area for auks from the Dublin breeding colonies. The bay is used at night for roosting by wintering flocks of Greylag Goose, Greenland White-fronted Goose and Whooper Swan from Stabannan/Braganstown (inland of Castlebelligham) and other inland sites. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest. The site is of international importance because it regularly supports an assemblage of over 20,000 wintering waterbirds. Dundalk Bay SPA is one of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds. Four species occur in numbers of international importance and a further 19 species in numbers of national importance. The regular occurrence of Golden Plover, Bar-tailed Godwit,

Red-throated Diver, Great Northern Diver and Little Egret is of particular note as these species are listed on Annex I of the E.U. Birds Directive. Dundalk Bay is a Ramsar Convention site, and parts of Dundalk Bay SPA are designated as Wildfowl Sanctuaries.

4.. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone'.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) relate to:

Habitat Loss and Alteration

The site is located adjacent to and maintains ecological links with Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). Therefore, there is the potential for loss or alteration of QI listed habitats as a result of the proposed development.

The works along the R172 will be located along the road verge that is technically within the SAC/SPA boundary and so some minor loss of habitat could occur. It is noted that storm and surface water arising from the Site will ultimately discharge to the SPA/SAC. The SUDS system has been designed to collect and attenuate storm/surface water arising from the Site and discharge same at the allowable greenfield runoff rate to the proposed outfalls alongside the R172. The outflow at the proposed main entrance to the Proposed Development off the R172 road will discharge to the receiving drainage channel north of the entrance at the greenfield runoff rate of 5.0 l/s. The discharge at the proposed north-eastern outfall to the SAC/SPA will be at the greenfield runoff rate of 64.5 l/s. Maximum discharges are limited to pre-development greenfield runoff rates, further reduced and diffused through the various nature-based solution measures designed upstream into the SUDS system.

Regarding Operational Phase Surface Water Scouring –Due to there being no proposed increase in the baseline discharge rates above the greenfield run-off rates to either of these two drainage channels, any increases in water levels in these two receiving drainage channels post-development are negligible and imperceptible (even during flood events). There will be no likely significant effects relating to erosion or scouring of habitats within the SAC/SPA.

Regarding the Qualifying Interest (QI) habitats present near to the outfall locations and their risk of scouring the AA screening sets out that the nearest QI habitat at the outfall location to the SAC – Atlantic Salt Meadows [1330]. This habitat is dominant and present throughout the SAC and as such Atlantic Salt Meadows habitat has no potential to be significantly affected in any way by surface water discharges from the proposed development. It is further states that the proposed discharge to the northern drainage channel will be to the

existing vegetated drainage channel in this location, at existing green-field run-off rates, into a salt marsh habitat that is not particularly sensitive nor vulnerable to scouring due to its semi-terrestrial and dynamic tidal nature. It is submitted that given the above proposed surface water arrangement and the nature of the receiving habitats within Dundalk Bay. This impact pathway can therefore be screened out at this stage. I would agree.

Regarding the hydrology of the downstream Phragmites swamp area, the SSFRA Report submitted notes that the existing flow path in the marshy area present at the proposed entrance will be maintained. This will ensure that the flows of surface water to the Phragmites swamp-like section of the SAC that exists to the north of the main entrance (along the western side of the R172) will be maintained into the future. There is therefore no potential for likely significant effects on Dundalk Bay SAC, and this impact pathway can therefore be screened out at this stage. Again, I would agree.

Dust- Much of the main body of the Site of the proposed development is more than 400m from the Dundalk Bay SAC/SPA (coastline), with some parts of the Site (i.e., the northern services arm, the surface water outfall and main entrance and bus stop off the R172) within the 250m and 100m ranges. Only a small amount of the SAC and SPA are located within the 100m zone. The Construction Phase for the proposed development is estimated to be 48 months which would be considered short-term in nature. There is the potential for likely significant effects as a result of Construction Phase dust deposition at Dundalk Bay SAC and SPA within the areas of the designated sites within 100m of the proposed development. As such, this impact pathway is screened in for further assessment

Habitat / Species Fragmentation

The proposed development will not result in the reduction and isolation of patches of these European sites as works will be focused along the existing road and its verge. As such, significant effects as a result of habitat fragmentation are not likely to occur as a result of the proposed development and this can be screened out.

Changes in Water Quality and Resource

Construction Phase -

There is the potential for the generation of suspended sediment in surface water runoff during the Construction Phase. Earthworks, the removal of vegetation and the stripping of soil/subsoil and the stockpiling of such material will be a potential source of sediment laden water. Construction phase activities can result in the release of suspended solids to surface waters which could affect the water quality of downstream receptors such as the QI listed habitats and species of Dundalk Bay SAC/SPA. In the absence of appropriate design safeguards and mitigation measures, the Construction Phase could result in emissions of potentially polluting materials to the Marshes Upper Stream, to the watercourse draining along the northern portion of R172 adjacent to the Site, via surface water flow, and via groundwater contamination. This could in turn result in likely significant effects relating to a reduction in water quality in Dundalk Bay SAC/SPA and as such this impact pathway is screened in for further assessment.

Operational Phase –

Surface Water - The potential for Operational Phase surface water discharges to lead to likely significant effects at downstream European sites (i.e., Dundalk Bay SAC and SPA) is deemed to be negligible based partly on the suite of SuDS measures that have been included in the project design as per best practice and local policy requirements. As such the potential for likely significant effects in this regard is screened out at this stage. Notwithstanding SUD's measures proposed, the risk to the water environment cannot be determined in the absence of design specifications for the proposed wastewater storage tank to ensure the appropriate resilience of the tank against accident leakage, capacity headroom and overspill etc..

Wastewater - Wastewater from the proposed development will eventually be treated at Dundalk Wastewater Treatment Plant (WwTP). The AA Screening Report refers to the AER (UÉ, 2023) which established that treated effluent discharged from discharge point TPEFF2100D0053SW001 was non-compliant with emission limit values (ELVs) for total Phosphorous (as P) mg/l. Ambient monitoring upstream and downstream showed that results did not meet the required environmental quality standards (EQS) (the EQS relates to the Oxygenation and Nutrient Conditions set out in the Surface Water Regulations 2009). Based on the above and the effluent compliance results, UÉ conclude in the AER that the discharge from Dundalk WwTP may be having an observable negative impact on the water quality and the WFD status of the Castletown Estuary and Inner Dundalk Bay. I have reviewed UÉ's 2024 AER (reviewed 27/3/2026) which notes that based on the '*effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality of the Castletown Estuary and Inner Dundalk Bay. The discharge from the wastewater treatment plant may be contributing to the WFD status of the Castletown Estuary and Inner Dundalk Bay.*'

While the applicant, notes that the proposed development is expected to generate 1,355 PE of wastewater once fully operational and that this amount can be facilitated within the overall remaining treatment capacity at the WwTP which in response to the RFI issued by the PA the applicant states that Dundalk WwTP currently has a capacity of 71,000 PE and that the current load is about 58,200 PE, therefore there is approximately 12,800 PE headroom still currently available.'. With regard to discharges from the WwTP not meeting emissions standards, it is argued that 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. The AA Screening states 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. The AA Screening Reprot concluded that 'potential for likely significant effects on European Sites in Dundalk Bay as a result of foul water generated by the Proposed Development has therefore been screened out.' I do not agree.

The refer the Commission to section 8.5 and 9.0 of the main report above. I have set out my concerns as

regards the cumulative impact of the proposed development on the wastewater infrastructure and the deficiencies in the network and documentation submitted and including failure to update the AA screening report as noted above. In the context of section 8.5 and 9.0, I do not consider the cumulative effects involving foul water generated by the proposed development can be screened out having particular regard to the recognised deficiencies in the sewerage infrastructure network. I refer the commission to the accompanying report from the Inspector Ecologist which concludes;-

'*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 in insufficient information for An Coimisiún Pleanála to complete the AA.'*

Disturbance and / or Displacement of Species

The site surveys confirmed very little usage of the Site of the Proposed Development by species listed as SCIs for nearby SPAs. However, given the proximity to the Coastline, there is some potential for disturbance effects (e.g., lighting, construction noise, visual stimulus) to roosting/foraging waterbird species along this stretch of coastline during the construction phase of the Proposed Development in the absence of mitigation. Due to the recorded proximity of foraging and roosting waterbirds to the Site of the Proposed Development, the potential for likely significant effects relating to Construction Phase noise and visual disturbance cannot be ruled out. As such, this impact pathway is screened in for further assessment.

The Site is comprised of high sward, rank grassland and tall ruderal species, and is not considered overly suitable as ex-situ waterbird habitat. No likely significant effects involving loss of ex-situ habitat are therefore envisaged and this impact pathway can be screened out at this stage.

Changes in Population Density

The potential for water quality impacts, habitat loss and species fragmentation/disturbance owing to the Proposed Development, direct or indirect, may be envisaged. As a result, adverse effects on the SCI species, vegetation, and plant community structure of the habitats of the relevant European sites are possible in the absence of mitigation. Therefore, the potential for likely significant changes to population densities of QI/SCI species within the relevant European sites cannot be ruled out.

Conclusion

Table 8 of the AA Screening Report set out the following 'Summary of Impact Assessment On European Sites as a Result of The Proposed Development'

Site	Habitat Loss / Alteration	Habitat or Species Fragmentation	Disturbance and/or Displacement of Species	Changes in Population Density	Changes in Water Quality and/or Resource	In-combination effects	Stage 2 AA Required
SAC							
Dundalk Bay SAC (000455)	Yes	No	No	Yes	Yes	No	**YES**
SPA							
Dundalk Bay SPA (004026)	Yes	Yes	Yes	Yes	Yes	Yes	**YES**

Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) are linked to the Proposed Development via hydrological (including wastewater pathways), air and land pathways that could potentially lead to likely significant effects on QIs/SCIs in the absence of appropriate mitigation measures. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would have a likely significant effect 'alone' on the Special Conservation Interests of the Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026)

The impact pathways identified can be summarised as follows

- Construction Phase surface water pollutants e.g., silt, sediments and/or other contaminants entering Dundalk Bay SAC & SPA via receiving surface water network.
- Construction Phase dust deposition within the sections of the Dundalk Bay SAC and SPA within 100m of the Proposed Development.
- Construction Phase disturbance to wintering waterbirds using lands along the coast in proximity to the Site of the Proposed Development.
- Operational Phase wastewater storage (tank resilience) and discharges from Dundalk WWTP into Dundalk Bay SAC and SPA.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

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

Appendix B - Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	**323966-25**	**Townland, address**	Haggardstown and Marshes Upper, Dundalk, Co. Louth
Description of project		7 year permission for the development of 502 no. residential units comprising 1, 2, 3 and 4 bed units, Creche facility with outdoor secure play area together with all other associated site works.	
Brief site description, relevant to WFD Screening,		The site of the proposed development is within the Newry, Fane, Glyde and Dee catchment, the Castletown_SC_020 sub-catchment, and the HAGGARDSTOWN_010 river sub-basin (EPA, 2025). There are no EPA recognised rivers or streams draining the Proposed Development Site according to the EPA mapping resource (EPA, 2025). The nearest EPA recognised stream to the Site is the MARSHES_UPPER (IE_NB_06H080570), a 1st order stream located adjacent to part of the long linear section of the Site that runs north along the R172 to join up with the local water mains. This waterbody is mapped as starting just east of the road, but may be culverted underneath it, from developed lands to the west.	

Proposed surface water details	The surface water proposals proposed are generally as per the previous LRD application, with onsite attenuation, discharging to Dundalk Estuary. Currently, no formal existing surface water infrastructure is located on and adjacent to the subject site of relevance to the proposed development except for a small open water course flowing south to north along the eastern site boundary. The surface water proposals proposed are generally as per the previous LRD application, with on-site attenuation, discharging to Dundalk Estuary. Attenuated surface water from the proposed main residential area of the site will discharge to an existing nearby drainage channel, with a separate discharge from the proposed access road to the existing nearby wetlands system and associated conveyance channels. The proposal will entail the provision of a range of SUDS and attenuation measures to ensure that there is no impact to adjacent lands.
Proposed water supply source & available capacity	There are a number of existing 100mm dia. watermains in close proximity to the site of the proposed development. Uisce Eireann completed an upgrade of the existing watermain along the R172 to the east of the lands in 2024 to support future growth and development in the area. A new 200mm dia. looped watermain with 150mm and 100mm dia. spurs as required shall be installed on site along with a new bulk water meter. The 200mm main will connect to the upgraded 150mm dia. Water Supply on the R172 Blackrock Road to the east of the development in accordance with the requirements of

	the UE CoF. The Confirmation of Feasibility (CoF) is included in Appendix C of the Engineering Report accompanying this application.
Proposed wastewater treatment system & available capacity, other issues	The proposed wastewater network will collect effluent from the proposed development via a main Wastewater drainage network which is located within the road network around the proposed development where it will finally discharge by gravity to a new 189m3 Type 3 Wastewater Pump Station (WwPS) to the east of the proposed development. A new 110mm internal diameter (I.D.) rising main will be installed along the public roads with scour and air valves as required and shall discharge to a new stand-off manhole prior to connecting to the existing gravity network along Finnabair Crescent which discharges to the Coe's Road Wastewater Pump Station and ultimately Dundalk Wastewater Treatment Plant. I refer the Commission to section 8.0, 9.0 and 10.0 of the accompanying report.
Others?	• Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) are located adjacent to the site's eastern boundary. • The Site Specific Flood Risk Assessment identified no hazards to development on the site.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Waterbody Name	Water body; EU code	Location from Site	Distance from Site (km)	WFD water body status (2016-2021)	WFD 3rd cycle Risk Status	Hydraulic Connection to the Site
Transitional Water Bodies						
Inner Dundalk Bay	IE_NB_040_0100	East	c.0.03	Moderate	At risk	Yes, receives groundwater and surface water flow from the site. Also receives treated effluent from the Proposed Development via the Dundalk WWTP.
Castletown Estuary	IE_NB_040_0200	North	c. 2.75	Poor	At Risk	Yes, receives treated effluent from the Proposed Development via the Dundalk WWTP.

River Water Bodies						
HAGGARDSTOWN_010	IE_NB_06H080570	North	c. 0.01 / approximately 0.15	Poor	Review	Yes, receives surface water drainage from Finnabair Crescent (i.e., where the connection to the existing 600mm UE foul sewer is proposed)
Groundwater Bodies						
Louth Groundwater Body	IEGBNI_NB_G_019	Underlying	N/A	Good	Not at Risk	Yes, underlying the site
Coast Water Bodies						
Outer Dundalk Bay	IE_NB_040_0000	Southeast	c.3.05	High	Not at Risk	Yes, downstream of Inner Dundalk Bay and Castletown Estuary transitional waterbodies.

The Commission will note the Urban Wastewater has been identified as a Pressure in the Inner Dundalk Bay (IE_NB_040_0100).

Step 3: 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	Site clearance / construction	Dundalk Bay transitional waterbody (IE_NB_040_0100) Castletown Estuary IE_NB_040_0200	Surface water runoff	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP .	No	Screened out

2	Site clearance / construction	HAGGARDSTOWN_010 IE_NB_06H 080570	Surface water runoff	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened Out
3	Groundwater	Louth Groundwater Body IEGBNI_NB_G_019	Pathway exists via drainage characteristics	Siltation, pH (Concrete), hydrocarbon spillages. These pollutants could affect nearby watercourses, through runoff or lateral migration into the underlying aquifer	Standard construction practice CEMP	No	Screened out
4	Site clearance / construction	Outer Dundalk Bay IE_NB_040 _0000	Pathway exists via drainage characteristics	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP and dilution effect	No	Screened out

				OPERATIONAL PHASE				
	5	Effluent Disposal	Dundalk Bay transitional waterbody (IE_NB_040_0100) Castletown Estuary IE_NB_040_0200 Outer Dundalk Bay IE_NB_040_0000	Receives treated effluent from the Proposed Development via the Dundalk WWTP.	The proposed development could compound discharges from the WwTP which as times is not meeting emissions standards. *Urban Wastewater has been identified as a Pressure in the Inner Dundalk Bay (IE_NB_040_0100	On site wastewater storage for controlled release to wastewater network	Yes –timeline around network upgrades uncertain.	Uncertain - upgrade works to Coe's Rd. pumping station, concerns around discharges from the Dundalk WwTP which as times is not meeting emissions standards and that the required wastewater infrastructure upgrade works will be carried out within a reasonable timeframe.
	6	Surface water run-off	Dundalk Bay transitional waterbody (IE_NB_040_0100) Castletown Estuary	Pathway exists via drainage characteristics	Hydrocarbon spillage	SUDs features	Design mitigation measures address potential impacts on surface water quality, incorporating a Sustainable Urban	Uncertain - The risk to the water environment cannot be determined in the absence of design specifications for the proposed storage tank.

			IE_NB_040 _0200 Outer Dundalk Bay IE_NB_040 _0000	Leakage from proposed effluent storage tank	Structural failure of effluent storage tank		Drainage System (SuDS) Yes – tank resilience		
	7	Discharges to ground	Louth Groundwater Body IEGBNI_N B_G_019	Pathway exists via drainage characteristics Leakage from proposed effluent storage tank	Contamination risks arising from development use / leaking pipes / contaminated surface water runoff. Structural failure of effluent storage tank	SUDs features mitigation	No discharge to ground is proposed. Yes – tank resilience	Uncertain - The risk to the water environment cannot be determined in the absence of design specifications for the proposed storage tank,	

	DECOMMISSIONING PHASE								
5.		NA	NA	NA	NA	NA	NA	NA	
		Summary The Annual Environmental Reports (AERs) 2024 published in 2025 for Dundalk Wwtp sets out that based on the '*effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality of the Castletown Estuary and Inner Dundalk Bay. The discharge from the wastewater treatment plant may be contributing to the WFD status of the Castletown Estuary and Inner Dundalk Bay.*' (Source: https://www.water.ie/help/wastewater/compliance/annual-environmental-report - Annual Environmental Reports (AERs) 2024 -Louth-Dundalk (reviewed 25/3/2026). The proposed development has the potential to compound discharges from the WwTP which at times is not meeting emissions standards and having regard to the uncertainty around the proposed delivery of necessary upgrade works to the wastewater infrastructure (including the Coe's Rd. project), the absence of site specific design details for the proposed wastewater storage tank on site, the risk to the water environment cannot be determined. Therefore, there is insufficient information of file to carry out a stage 2 WFD determination. Permission should be refused for this reason.							