



An
Coimisiún
Pleanála

Inspector's Report

PL-500211-LH-25

Development	22 residential units and all ancillary site development and construction works. Significant further information was received on 04 August 2025.
Location	Marlbog Road Haynestown, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560238
Applicant(s)	Hollywood Developments Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Hollywood Developments Limited
Observer(s)	Roxanne Black Fitzsimons Margaret Whyte Frank & Susan Kavanagh John Lynch Peter & Mary O'Flaherty

Bernadette Finnegan

Pat & Audrey Lynch

Robert Lynch

Colin Lynch

Date of Site Inspection

9th January 2026

Inspector

Aisling MacNamara

1.0 Site Location and Description

1.1. The proposed development relates to a 1.081ha site located at the outskirts of the Dundalk built up area. The site is south of Dundalk and west of Blackrock and is located east of the M1 motorway. The site is accessed from the L3167 Marlbog Road to the southern boundary of the site. The northern boundary is to agricultural lands. The western boundary adjoins the Connolly – Border / Great Northern Railway Main Line. The main part of the site is in agricultural use with the small portion at the western side along the railway embankment in natural vegetation. The front roadside boundary is marked in part by hedge/ bushes and the rear boundary is open. The eastern boundary adjoins a row of detached residential properties. Opposite the site, on the southern side of the L3167, there are residential properties. St. Fursey's National School, a childcare facility and McGeough GAA grounds is located to the east. The site is in proximity to WuXi Biologics Ireland industrial site.

2.0 Proposed Development

2.1. Permission is sought for the following:

- 22 no residential units
 - 2 no. detached two storey 4 bed dwellings
 - 20 no. semi detached two storey dwellings (11 no. 3 bed, 9 no. 4 bed)
- Car parking
- New access point from Marlbog Road to facilitate vehicular and pedestrian access
- Provision of internal access roads and footpaths
- Provision of residential public open space, landscaping, lighting, boundary walls, railings and fencing, ESB substation, site works for attenuation systems to include provision of a wastewater treatment system to connect to main wastewater network
- Ancillary site works

At further information stage, revised site layout proposals were submitted. The mix of units was revised as follows:

2 x 4 bed, two storey detached

13 x 3 bed, two storey semi detached

7 x 4 bed, two storey semi detached

3.0 Planning Authority Decision

3.1. Decision

By order dated 24th October 2025, the planning authority made the decision to refuse permission for the following reason:

1. The proposed development fails to provide a safe and complete pedestrian connection to the existing public footpath network along Marlbog Road. The applicant has proposed that Louth County Council deliver the remaining section of footpath required to connect the development to the existing network; however, the lands necessary for this infrastructure are not in the ownership of the Council, and the Council currently has no plans to carry out such works. In the absence of connectivity to the existing public footpath network, the proposed development would give rise to pedestrian safety concerns. The proposal is therefore contrary to the proper planning and sustainable development of the area and to Policy Objective HOU 22, which requires that residential development be designed to promote walkability and connectivity, and to Policy Objectives MOV 25 and MOV 28, of the Louth County Development Plan 2021–2027 (as varied), which seeks to ensure that pedestrian infrastructure is provided in a manner that supports safe, inclusive, and accessible movement for all users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- First planners report of 12/06/2025 recommends further information.
- Further Information requested on 12/06/2025 in relation to 18 items:

- (1) Site sections and finished floor levels for units 17 and 18 to assess cut and fill, in the interests of visual amenity, particularly in northwest corner of site;
- (2) Submit noise and vibration impact assessment to show how amenity of future residents will not be impacted by rail corridor, particularly units 17 and 18;
- (3) Address matters raised in observation by Iarnród Éireann in relation to proximity to Conolly-Border railway line;
- (4) Western site boundary appears to be encroaching onto railway lands including support zone of bridge structure – submit cross sectional drawings and boundary treatments in agreement with railway authority; requests revised boundary treatment;
- (5) IE require 2.4m solid block wall on applicants side of boundary in place of currently proposed gabion baskets;
- (6) No buildings are to be constructed within 4m of this boundary treatment – house 18 must be set back accordingly;
- (7) Demonstrate that proposed storm tech attenuation system is located min 5m from railway boundary and will not impact on railway drainage infrastructure, no development is to encroach railway without agreement, no deciduous trees along railway boundary, lighting to avoid glare;
- (8) Clarify western boundary treatment to railway in consultation with IE;
- (9) Submit flood risk assessment addressing pluvial flooding, show attenuation tanks have capacity for pluvial events and storm water retention of 30 year storm, will not risk flooding in surrounding area, accounts for site level changes;
- (10) Provide details in relation to on site wastewater treatment system – (a) provide justification for interim WWTS provision in context of sites location within serviced settlement – this approach is not acceptable in principle for development of this scale, (b) submit updated confirmation of feasibility from Uisce Eireann clarifying the status of required upgrade works to public sewer network and whether future connection can be facilitated in reasonable timeframe, (c) show complies with CDP in relation to development on

serviced land and avoidance of long term reliance on private wastewater infrastructure within settlement boundaries;

(11) (a) Development designed in accordance with DMURS however site is not within urban area and therefore submit revised proposals in accordance with Design Manual for Roads and Bridges (DMRB), (b) the visibility splay of 2.4mx49m at entrance to Marlbog Road does not comply with min 4.5mx75m per Table 13.13 of CDP - submit revised proposals ensuring visibility envelope is on lands within control of applicant, (c) the proposed footpath along site frontage does not connect with the existing pedestrian network east of site - submit revised proposals showing safe and continuous pedestrian connection to existing footpath or justification if not achievable, (d) sites vehicular entrance is directly opposite the access to cul de sac serving multiple properties – reassess location and submit revised proposals or submit road safety audit to show does not compromise road safety;

(12) Proposed parking of two spaces per dwelling exceeds maximum CDP standards – submit rationale for parking;

(13) Several third party submissions have raised concerns in relation to land ownership and have disputed applicants legal interest in lands. Submit evidence of ownership or third party agreements, to carry out development;

(14) Mature hedgerow and trees along site frontage is to be removed however retention is desirable and achievable – submit revised proposals showing hedgerow and trees retained in site layout, provide measures for protection during construction and beyond;

(15), (16), (17) Carry out archaeological assessment;

(18) Submit revised newspaper and site notices if required.

- The applicants further information response was submitted on 04/08/2025. The response includes a cover letter, revised site layout and drawings, land owner consents and folio details, noise impact assessment, flood risk assessment, engineers response to traffic and transportation matters, confirmation from Iannród Éireann that proposals are acceptable, method statement for removal of wastewater treatment system, archaeological

evaluation assessment. The response was deemed significant and new public notices were advertised.

- Second planners report of 27/08/2025 recommends clarification of further information.
- Clarification of FI requested on 29/08/2025 as follows:
 - (1) Site layout and amenity provision (units 17-22) - concerns remain in relation to proximity of units 17-22 to railway and cumulative impact of retaining structure, acoustic mitigation and the constrained topography – submit revised proposals, give consideration to landscaped buffer to railway, reduction in unit numbers may be necessary;
 - (2) Noise and vibration impact – concerns persist in relation to significant exceedance of internal and external noise thresholds identified in Noise Impact Assessment for units 17-22, clarification required regarding adequacy of proposed mitigation measures, give consideration to removal or relocation of units 17-22;
 - (3) CDP expressly requires new development to connect to public wastewater network and private treatment systems not typically allowed, provide clarification on items regarding items on the design, construction, operation and maintenance of the treatment plant – until Blackrock wastewater treatment plant is completed and direct discharge to this can be facilitated;
 - (4) Applicant has demonstrated footpath within their landholding and reliance that local authority will deliver the remaining section – the applicant is advised that the provision of a footpath in this location shall be developer led, submit proposals for connection to existing network to the east including necessary third party legal agreements, in the absence of providing this footpath it is unlikely that permission will be granted.
- The applicants response to the Clarification of FI request was submitted on 29/09/2025 containing cover letter, engineering drawing, letter from Kingspan re treatment plant, letter from Hollywood Developments re treatment plant, treatment plant installation guidelines, rebuttal statement from iAcoustics to address matters re acoustic levels in dwellings.

- Third planners report of 13/10/2025 recommends refusal for four reasons summarised as follows:

(1) The proposed development by reason of proximity of units 17-22 to elevated railway corridor, constrained topography and cumulative impact of retaining structures and acoustic mitigation measures would result in substandard level of residential amenity for future residents – contrary to section 5.3.2 and SPPR2 of Sustainable Residential Development and Compact Settlement Guidelines and chapter 13 of CDP.

(2) The proposed development by reason of location of units 17-22 adjacent to railway corridor would expose future residents to persistent and materially adverse noise levels – contrary to Hou17 and chapter 13 of CDP.

(3) The proposed development includes reliance on temporary private wastewater treatment system within a serviced settlement boundary without adequate justification or assurance of compliance with environmental or amenity standards – contrary to IU16, IU13 and section 3.20.1 of CDP.

(4) The proposed development fails to provide safe and complete pedestrian connection to existing footpath along Marlbog Road. The applicant has proposed Louth County Council deliver the remaining section of footpath however the lands necessary for this infrastructure are not in the ownership of the Council and the Council currently has no plans to carry out such works. In the absence of connectivity the application is premature and would give rise to pedestrian safety concerns. The proposal is contrary to HOU22, MOV25, MOV28 of CDP.

- Report of Senior Executive Planner of 21/10/2025 recommends refusal for one reason, as per the decision. The report highlights the following:
 - The applicant chose not to amend the layout but relied on acoustics report to justify acceptability of layout. The iAcoustics report of 25/09/2025 makes observations. Agree with the planners report in so far as reliance on shared open space as substitute for private amenity provision is not acceptable. Accept there will be loss of residential amenity through noise and vibration caused by passing trains, does not consider this to be unacceptable in an urban setting. Mitigation measures including planting and acoustic screen

could be secured by planning condition. The report confirms that there are no exceedance of internal thresholds in units 17-22. Recommended refusal reasons 1 and 2 are not justified and should be removed.

- In relation to temporary WWTS it is considered that the developer has demonstrated acceptable design, installation, operation and maintenance of the system until connection to upgrade Blackrock Wastewater Treatment Plant is available. The planning authority should enter legal agreement with developer to ensure proper installation, maintenance and decommissioning prior to connection to public network. This could be imposed by planning condition. A bond should be sought by planning authority to ensure that Council does not incur costs associated with the developer not fulfilling obligations on installation, maintenance and decommission. This can be secured by planning condition. Recommended refusal reason 3 should be removed.

- Recommended refusal reason no.4 is robustly justified and recommend it remains with minor modifications.

3.2.2. Other Technical Reports

- Placemaking and Physical Development (Senior Executive Engineer)

- Report of 29/05/2025 recommends refusal due to failure to design in accordance with DMRB, comments that sightlines to Marlbog road do not comply with Table 13.13 of CDP, there is no footpath connection to the existing footpath to east of site – refusal in the interest of safety, the proposed vehicular entrance to the development is located directly opposite existing vehicular entrance to a number of properties on cul de sac and is not acceptable in the interests of safety.

- Report of 19/08/2025 states the Council may not have the resources nor finances to provide footpath within the time frame stipulated so it cannot be guaranteed that a footpath will be put in place prior to occupation of houses and therefore still recommend refusal if footpath not provided, not acceptable to respond through FI that local authority will provide this infrastructure. No details are provided of positive outlet from storm tec attenuation system – this

matter could be conditioned. If permission granted, recommended conditions set out.

- Report of 09/10/2025 recommends refusal on grounds that required footpath section is not in ownership of Louth County Council and Louth County Council currently have no plans to provide footpath at this location. The proposal is premature until this infrastructure is provided.

- Environment Section – Environmental Compliance Section has no objection subject to conditions.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage
 - Report of 26/05/2025 recommends further information in relation to archaeological matters.
 - Report of 12/08/2025 – notes the submitted archaeological test report, no significant archaeology found on site, no further archaeological requirements in respect of proposed development.
- Iarnród Éireann - submission of 26/05/2025 sets out observations in relation to proximity to Connolly-Border railway line, ownership of lands, treatment of boundary, drainage, need for noise and vibration impact assessment etc.

3.4. Third Party Observations

A number of submissions were received at initial application stage and at further information stage. A summary of the issues raised, as identified in the planners' reports, is as follows:

- road safety and site access concerns due to location of site entrance and sightlines;
- impact on privacy and quality of life of existing residents – intrusive, headlights shine into dwellings;
- removal of hedgerow is detrimental to character of the area;
- opposition to temporary wastewater treatment plant;

- adverse concerns in relation to layout, open space, design;
- no connection to existing public footpath – traffic safety concerns;
- the submitted noise impact assessment is not adequate;
- failure to address issues raised in public concerns and in FI request, concerns regarding adequacy of the submitted documentation;
- lack of connectivity, cycle paths, footpath, public transport links;
- drainage, flooding issues, contamination of groundwater;
- legal ownership issues.

4.0 Planning History

Planning history relating to site:

PA19/640 – refused – permission for dwelling house and associated site development works.

PA08/796 – granted – permission for 10 no. 2 storey dwellings, each with separate entrance and access road and separate connection to public water mains together with construction of foul sewerage main and manholes and connection to existing public sewer

Other planning history in vicinity:

PA24/60213 (ABP321396-24- Appeal is dismissed) – Louth County Council grant permission for a new Effluent Balancing and Resource Recovery Plant on site of 7.88ha at Dundalk Science and Technology Park.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027 (consolidated to include amendments associated with variation no.1, no.2 and no.3).

Note: Variation no. 3 was made by the members on 20th October 2025.

Under the Louth County Development Plan (CDP) settlement strategy, Dundalk is designated a Regional Growth Centre.

Chapter 3 Housing

HOU 16 To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.

HOU 17 To support increased building heights in appropriate locations in the Regional Growth Centres of Drogheda and Dundalk.

HOU 18 To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

HOU21 To require a design led approach to be taken to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and any associated Design Manual, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods.

HOU22 To ensure that new residential developments are consistent, in so far as practicable, with the 'Guidelines on Sustainable Residential Development in Urban Areas' in creating attractive, sustainable, climate resilient and healthy communities.

HOU 23 To require residential developments to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.

HOU 28 To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

HOU 31 To seek that all new residential developments in excess of 20 residential units provide for a minimum of 30% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach' published by the Centre for Excellence in Universal Design.

Chapter 4 Social & Community

SC11 To require that all new residential development applications on lands greater than 1ha or for 100 units or more are accompanied by a Community, Social and Cultural Infrastructure Audit to determine if community facilities in the area are sufficient to provide for all future residents. Where deficiencies are identified proposals will be required to accompany the planning application to address the deficiency, either through direct provision on site or such other means, and in a manner acceptable to the Council.

Chapter 7 Movement

MOV 25 To support and work with the National Transport Authority in finalising and implementing the Rural Mobility Plan 'Connecting Ireland' in order to improve public transport connectivity and sustainable mobility between towns and villages in the County.

MOV 27 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 where appropriate/feasible.

MOV 28 To improve pedestrian and cycle connectivity to schools, third level colleges, major employment areas, bus and rail stations, and other public transport hubs.

Chapter 10 Infrastructure & Public Utilities

IU6 To require all new developments connect to the public supply where public water and wastewater infrastructure is available or likely to be available and which has sufficient capacity.

IU13 To require that all development taking place within an area served by a public wastewater treatment system connects to that system.

Chapter 13 Development Management Guidelines

13.8 Housing in Urban Areas

13.8.9 Residential Amenity

13.8.13 Dwelling Design, Size and Mix

13.8.15 Public Open Space

13.8.17 Private Open Space

5.2. **Dundalk Local Area Plan 2025-2031**

The Dundalk Local Area Plan (LAP) 2025-2031 came into effect on 17th April 2025.

The site is within the settlement boundary of Dundalk.

In the Dundalk Local Area Plan, the settlement has a housing allocation of 2447 units between 2021-2027 and a housing allocation of 1224 units between 2028-2030 with a projected population of 49,166 in 2030.

The site is zoned A1 Existing Residential. The LAP states that the policy objectives of the CDP are relevant and both documents should be read in tandem. Chapter 13 Development Management Guidelines of the CDP sets out the zoning objectives as follows:

Objective: To protect and enhance the amenity and character of existing residential communities.

Guidance: The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location.

1.9.1 Strategic Objectives

SO 2 To achieve sustainable growth and consolidation of the existing built environment of Dundalk through the delivery of the principles of compact growth, infill and brownfield development, the delivery of a suitable mix of quality housing in

appropriate locations, the creation of neighbourhoods where there is a sense of place and where housing is supported by the requisite physical and community infrastructure.

SO3 To promote and facilitate sustainable mobility, prioritising walking, cycling and public transport through the improvement of existing infrastructure, connectivity and the implementation of the Local Transport Plan.

Chapter 8 Movement

MOV13 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.

5.3. Other policy

National Planning Framework - First Revision, April 2025

Regional Spatial Economic Strategy for Eastern and Midland Region

Delivering Homes, Building Communities 2025-2030

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

Urban Development and Building Height Guidelines for Planning Authorities

Design Manual for Urban Roads and Streets

The Planning System and Flood Risk Management

Environmental Protection Agency Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels, 1999 – The purpose of this guidance is to provide guidance on the selection, operation and maintenance of small wastewater treatment systems (i.e. for population equivalents between 10-500).

5.4. Natural Heritage Designations

There are no sites designated for natural heritage at or within close proximity of the site. The closest sites designated for natural heritage include:

- The Dundalk Bay SPA located c 2.4km from the site.
- The Dundalk Bay pNHA located c 2.7km from the site.
- The Stephenstown Pond pNHA located c 2.5km from the site.

5.5. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal is received from the applicant. The grounds of appeal are summarised as follows:

- The appeal contains an overview of the development, the decision of the planning authority, the planning status and legislative context and then sets out information on the site context and background to the appeal and planning policy. Key points include:
 - The land is zoned Existing Residential – over arching objective is to protect and enhance the amenity and character of existing residential community. Section 3.16.1 supports development of underutilised infill sites in existing residential areas. The zoning provisions are supportive of the proposal.
 - In principle, the development is acceptable. Aligns with core strategy and zoning objective of the CDP.

- The proposal is acceptable in terms of density (21.8/ha), design, layout, open space, landscaping, height, materials, access, parking, site services, flood risk, in accordance with taking in charge procedures, archaeology, construction management, development management criteria – complies with the CDP.
- The proposal is in accordance with key policy including National Planning Framework First Revision 2040, Housing For All, Regional and Economic Strategy, Urban Development and Building Heights, Sustainable Residential Development and Compact Settlement Guidelines, Urban Design Manual, Design Manual for Urban Roads and Streets, National Sustainable Mobility Policy, Climate Action Plan, in terms of Habitats Directive has no impact on any Natura 2000 site.
- The site is in an outer suburban location with existing development low density detached dwellings being the dominant topology. The existing 35 no. units in the environs of the site do not have access to footpath.

The submission then sets out the grounds of appeal:

- Ground 1 Existing context

The decision to refuse is an inconsistent approach - existing developments in the area have been granted permission. The decision fails to support the delivery of homes on zoned lands with the local authority being a stakeholder in the process and which is a statutory and legal obligation under the provisions of the CDP and LAP as adopted. The decision by the local authority fails to recognise its statutory obligations as a roads authority. It incorrectly places an obligation on a private developer to install a footpath that is outside the site extent on third party lands. The decision in effect sterilises zoned lands by virtue of the local authority not meeting its responsibilities under the Roads Act.

- Ground 2 Provisions of the Roads Act.

The provision of roads and footpaths is the responsibility of the Council. Refer to section 13 of Roads Act 1993. It is a mandatory requirement that footpath for road users is the responsibility of the Council to provide. The expense for

the footpath section is provided for under the section 48 Development Contribution Scheme relating to infrastructure works. Wider infrastructural upgrades are the responsibility of the Council not the applicant. The lands were deemed appropriate to zone on the basis of existing roads and service infrastructure. The zoning and RZLT implications for not developing the lands outweigh any considerations in terms of transport infrastructure that lie outside of the site and beyond the control of the applicant. The decision effectively sterilises zoned lands by virtue of the local authority not meeting its obligations under the Roads Act.

- Ground 3 Zoning of the lands

A zoning objective has an enhanced status over that of other policies and objectives in a development plan. The approach of the local authority to refuse permission is contrary to the zoning objective which relates to the lands as the assessment has failed to recognise this is a zoned site and deemed appropriate for development as Tier 1 in its current state. To not grant permission is contrary to the zoning, particularly so when the only reason for refusal is a lack of footpath in the wider public realm and outside of the site.

- Ground 4 Objectives of the LCDP and DLAP

The Louth CDP and Dundalk LAP have objectives which mandate the local authority to facilitate and carry out works to roads and footpaths. Objectives highlighted include Louth CDP (MOV9, SS30, SS31, SS32, SS61); Dundalk LAP (MOV1, MOV2, MOV4, Table 8.3 Proposed Active Travel Complementary Measures ID 41 and 50, MOV7, MOV8). The objectives refer to the Council's obligation to 'support and carry out' works to roads and footpaths in the area. The Council is to adhere to its objectives. Refer to legal principles in Attorney General (McGarry) v Sligo County Council 1 I.R.99 in that the Council is to enforce the objectives of the CDP.

- Ground 5 Development Contributions Scheme

Wider infrastructure upgrades are the responsibility of the local authority and not the applicant, particularly when small scale works where no capacity issues exist such as traffic congestion or inappropriate road alignment or traffic safety issues arise.

Reference made to Louth Development Contribution Scheme.

Having viewed the planning register, note that permissions in the immediate and wider environs are levied with development contributions to facilitate infrastructure works such as footpath extension. However, footpath to subject lands or existing dwellings has not been provided. The available solutions are to either apply a standard section 48 contribution for the provision of a footpath extension under Table 8 of the Adopted Scheme or to apply a special contribution, to a permission. Either approach is appropriate for the required minor extension of footpath. The local authority has statutory powers to provide same under the Roads Act.

- Ground 6 Footpath connectivity and the way forward

DCE engineers drawing submitted at FI stage shows footpath layout from site boundary to existing footpath network to the east of the site to show works that can be provided by Louth County Council / NTA at some stage in the future. Footpath required for proposed and existing houses. There are no physical constraints hindering these works being carried out by local authority. The footpath is designed so that it does not encroach on any third party lands by crossing existing roadside boundaries. An appropriate crossing point has been designed. The footpath ties into the existing footpath at the junction to the east of the site. The applicant is proposing a footpath along the entire ownership of the applicants site. There is a design solution and way forward that can be implemented by local authority under the Roads Act and which the appellant is prepared to pay for via development contribution.

- Ground 7 Locational Principles

The site is 2km from nearest bus stop and 6.49km from town centre. Given this peripheral and outer suburban location the reality is that local journeys will be undertaken by car and this is too far removed for pedestrian comfort and connectivity. The site is too far removed from the town centre to be a location that is going to be dependent on pedestrian activity. The development is not dependent on a footpath connection. Reference made to Dundalk Local Transport Plan – less than 5% trips likely to be via walking and cycling.

- Ground 8 A planning condition can be attached to a permission that no residential units are occupied until a footpath connection is in place.

With the delivery of the first phase of residential units likely to be 24 months from date of permission there will be adequate time for the local authority to provide the short length of footpath thereby ensuring no pedestrian safety risks arise. This is such as scenario where a negative condition can grant permission but at the same time stipulate that infrastructure works to deliver a short stretch of footpath alongside a public road are delivered. This will ensure proper planning and delivery of family homes and also serve to improve the pedestrian connectivity for existing residents therefore achieving betterment of the area as a whole.

- Ground 9 Pattern of development and precedent.

Refer to precedent in Dundalk environs where provision of upgrade work to footpaths / roads infrastructure outside of an application site were addressed by the local authority under the Roads Act – e.g. Earlsford SHD (308135-20) and Lisdoon LRD (320664). The Development Management Guidelines highlight the need for planning authorities to be consistent in decisions.

There is an established pattern of multi unit residential development not served by footpaths at the limits of Dundalk.

- The Commission has greater discretion and power to grant permission as no material contravention of the development plan has arisen. Note also legal judgements that the development plan is an ‘environmental contract between the planning authority, the Council and the community’.

6.2. Planning Authority Response

The planning authority has responded to the grounds of appeal. The appeal statement has been reviewed in detail. The planning matters therein have already been comprehensively addressed in the planning reports of the planning authority. The planning authority has no further comment. The planning authority is not satisfied that the proposed development accords with the provisions of the Louth County Development Plan 2021-2027 as varied and the proposal is not in

accordance with proper planning and sustainable development. Requests that ACP uphold the decision to refuse permission.

6.3. Observations

Nine observations were received from residents of the surrounding area. The key issues raised are summarised as follows:

- Support planning authority's refusal of the permission.
- Object to privately owned and operated proposed temporary WWTP - contrary to IU13 / IU6 of CDP (development in settlements to connect to public system), fails to align with National Planning Framework and EPA Code of Practice to promote environmentally robust public managed wastewater solutions, lack of adequate future management plan, potential impacts on groundwater, premature, there is planning precedent for refusing permission for such cases (*Baile Eamonn Teoranta v ABP*, 305404-19).
- Traffic and road safety concerns – hazardous junction, entrance location not safe, narrow road, poor sightlines - inadequate visibility near crest of hill, poorly lit, opposite a cul de sac road – not in accordance with policy SS59 of CDP (road safety objective), material intensification of traffic movements on constrained road. Unacceptable to rely on drawings only, need for on site assessment, consideration of road conditions, topography, lighting, boundaries / obstructions etc, vehicles often travel in excess of the 60km speed limit, need for road safety audit, comprehensive geometric design.
- Open space – The proposal to substitute private garden space with shared open space is not acceptable - fails to comply with SPPR2 of Compact Settlement Guidelines. Issues with functionality of private open space - rear garden to units 17-22 will be impacted by elevated noise. Issues with functionality of public open space - change in levels across shared open space, near busy road – not safe for children, object to location of WWTP within shared open space (requires fencing), attenuation in green areas will be subject to flooding. CDP includes principle that residential schemes are provided with appropriate private open space for amenity – material

contravention of development plan and national guidelines to provide safe accessible and high quality open space for residents use.

- Absence of safe pedestrian connectivity - Failure to provide footpath connection is contrary to HOU22 (walkability and connectivity) and MOV25 and MOV28 (pedestrian infrastructure). The applicant has not demonstrated that it has legal agreements for works on third party lands. Issues with footpath design – lack of public lighting, failure to account for existing drains. Failure to provide footpath results in isolation of the development, unsafe walking / cycling by residents, increased car dependency, discourages walking/ cycling, DCE designs only bring additional benefit to limited number of existing residents. Precedent for refusal of permission for similar developments (refer ABP321491-24, ABP322152-25).
- Lack of public transport and active travel provision – nearest stop is 2m away via unsafe unlit roads – inaccessible to residents, internal footpath network fails to integrate with existing infrastructure.
- Inadequate street lighting – removal and relocation of streetlight without replacement strategy poses risk to safety – fails to comply with TC17 of CDP and DMURS.
- Proximity to railway – noise, safety and boundary issues – residents exposed to excessive noise without mitigation, no detail on boundary treatment with railway, does not demonstrate compliance with building regulations regarding acoustic performance.
- Inadequate drainage and flood risk mitigation – lacks a site specific flood risk assessment, detailed modelling, reference to OPW maps, risk of displacing flood storage capacity is not addressed, contrary to CDP. Removal of drainage ditch from site entrance will create localised flooding.
- Pressure on public and community infrastructure – no assessment of schools capacity, health services, community facilities – overstretching of services.
- Housing mix – fails to provide suitable mix of houses, contrary to CDP and national policy.

- Incompatibility with character of area – design, scale and density out of keeping with the area, removal of natural boundaries erodes green character.
- Design and layout – failure to create sense of place and community – linear layout - internal overlooking, overbearing issues, substandard proposals for wastewater treatment / shared open space – poor placemaking.
- Overlooking of neighbouring properties – due to level differences, location opposite existing houses and separation distance – will result in overlooking of existing properties – line of sight into living spaces and garden, proposed boundary treatment offers no privacy.
- Negative impact of removal of natural hedgerows/ trees for sight lines at entrance.
- Submission from residents of property opposite the proposed site entrance – raise traffic safety concerns regarding location of entrance, glare of headlights disturbance of quality of life and privacy, drawings fail to show a pedestrian access point to existing house.
- Should permission be granted, recommend conditions be attached to address deficiencies in pedestrian infrastructure, traffic safety, drainage, flood risk, wastewater treatment, noise mitigation and community infrastructure.
- Lack of community engagement – lack of consultation with public.
- Requirement to comply with local and national policy.

6.4. **Further Responses**

None

7.0 **Assessment**

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

- principle of development

- footpath connection
- wastewater treatment and disposal
- development standards for housing
- entrance design and traffic safety
- flood risk and drainage

7.2. Principle of development

7.2.1. Zoning

7.2.2. It is proposed to construct 22 no. dwellings on a 1.08ha site located at the outer edge of the settlement of Dundalk. The site is zoned A1 Existing Residential in the Dundalk Local Area Plan (LAP) 2025-2031 where the objective is 'to protect and enhance the amenity and character of existing residential communities'. Residential development is permitted in principle. I am satisfied that the proposal for residential development on lands zoned 'existing residential' is acceptable in principle.

7.2.3. Site location and density

7.2.4. Under the A1 zoning objective guidance, infill developments will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.

7.2.5. Section 2.4.2 of the LAP sets out guidance in relation to density. It states that in suburban / urban extension areas, there is a recommended minimum density of 35/ha however any application should take into account the character of the area and the capacity of lands to accommodate development and in this regard a balance is required in achieving recommended densities and creating quality developments and attractive, sustainable neighbourhoods. I consider that this allows for some flexibility in the application of the minimum densities and allows for consideration of densities below the minimum standards where it can be shown that this is favoured having regard to the particular locational characteristics at a site.

7.2.6. Section 3.11 of the CDP sets out guidance on densities. The CDP states that the densities in the plan are informed by national and regional policy and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024). Recommended densities are set out in Table 3.2. The

recommended density at the edge of the settlement is min 35/ha. The CDP states the following: “Whilst all developments should strive to achieve the recommended densities, it is acknowledged that there will be cases where there are specific constraints (such as topography) that will restrict the scale of development that can be delivered. In such cases a lower density than that prescribed may be considered acceptable.” This site is a linear site located in proximity to the railway line which poses a constraint and allows for consideration of proposals below the minimum density.

7.2.7. The density of the proposed development is 21 units / ha which is below the recommended CDP minimum standard. The site is an undeveloped greenfield site near the very outskirts of the settlement. In the immediate vicinity of the site, the predominant development form is low density detached and semi detached housing with direct road frontage and access. There are also two small residential cul de sacs, including Caishlainn Street which is a small group of two storey semi detached houses. The proposed development is for a small linear development of two storey detached and semi detached houses with frontage towards Marlbog Road. The proposed development responds positively to the scale and form of the surrounding area, is in keeping with the character of the surrounding area and will have an acceptable impact on visual and residential amenities in the area. I consider that the lower density proposed is acceptable having regard to the established character of development in the area and that the proposal represents efficient use of infill lands and will contribute to compact urban development.

7.2.8. In conclusion, I am satisfied that the proposed development is in accordance with the zoning objective for the lands and the density provisions of the CDP.

7.3. **Footpath connection**

7.3.1. The planning authority refused permission for a single reason relating to the lack of footpath connection between the site and the nearest existing footpath east on Marlbog road, which gives rise to safety concerns and is contrary to County Development Plan (CDP) objectives HOU 22 to design residential developments to promote walkability and connectivity and MOV25 and MOV28 to provide pedestrian infrastructure to support safe, inclusive and accessible movement for all users.

- 7.3.2. From a review of the CDP (consolidated including variations 1, 2 and 3), I note that HOU 22 is to ensure that residential development is consistent in so far as practicable with 'Guidelines on Sustainable Residential Development in Urban Areas'. These guidelines do promote connectivity and permeability in design. There are now new guidelines in place – the Sustainable and Compact Settlement Guidelines. I also note that the CDP includes HOU18 to promote sustainable developments that are accessible and HOU23 to require residential development to prioritise and facilitate walking, cycling and public transport and to include the provision of links and connections to the wider neighbourhood.
- 7.3.3. I note MOV25 of the CDP is to support the work of the National Transport Authority and MOV 28 is to improve connectivity. I also note MOV 27 which is to support permeability and connectivity throughout the plan and MOV13 of the Local Area Plan to support permeability and connectivity.
- 7.3.4. The Sustainable and Compact Settlement Guidelines sets out key indicators for quality urban design and placemaking. In order to reduce private car travel and increase active travel, it is necessary to design settlements to support a transition away from private car use and to support movement for pedestrians, cyclists and public transport. It is a key principle that new developments should connect to the wider urban transport network and improve connections between communities, to public transport, local services and local amenities. Active travel is to be prioritised so that pedestrians and cyclists feel comfortable.
- 7.3.5. Consideration is given to the accessibility of the proposed development site. In this regard, I note the following:
- The site is near the edge of the settlement located c 820m from the built up urban area (census 2022) of Dundalk, east of the site.
 - There are no footpaths on any side of Marlbog Road at the front of the site. The site is c 140m from the footpath at the Marlbog Road/ L7162 Haynestown junction to the east which links to the surrounding urban area, its communities, facilities and services.
 - The closest bus stop on the Dublin Road is c 2km /30 min walk from the site, accessed by travelling east on Marlbog Road.

- St. Furseys national school, creche, GAA club is c 700m /9 min walk, to the east on Marlbog Road.

- The neighbourhood centre / Supervalu on Dublin Road is c 2.4km / 30min walk, accessed by travelling east on Marlbog Road.

- 7.3.6. As part of the development proposal, it is proposed to construct a new footpath along the roadside boundary of the site. The applicant has submitted a design drawing (DCE drawing C01 submitted 04/08/2025) showing a footpath connection between the site and the existing eastern footpath and states that it is a matter for the local authority to construct the section between the site and the existing eastern footpath. However the Council do not agree to construct the section of footpath between the site and the existing footpath.
- 7.3.7. The report of the Council's Senior Executive Engineer (Placemaking & Physical Development) dated 09/10/2025 states that the lands required for the footpath are not in the ownership of the Council and that the Council currently have no plans to provide a footpath at this location and refusal is recommended as the proposal is premature until the infrastructure is provided and in the interests of traffic safety.
- 7.3.8. The applicant's DCE engineers report states that the required land is within the road and does not require third party property.
- 7.3.9. Notwithstanding whether or not the works impact on third party properties, the Council have been clear in their further information letters, that the footpath connection is required and that they are not agreeing to the construction of the footpath and that the footpath is to be provided by the developer. The further information letter of 29/08/2025 states that in the absence of providing this footpath that it is unlikely that permission will be granted for the development.
- 7.3.10. The applicant raises that the delivery of the footpath is outside of their control and that the Council is obliged under the Roads Act 1993 (as amended), to provide the required footpath section. In this regard, I consider that compliance with the Roads Act is a matter for the Council.
- 7.3.11. The applicant raises that the construction of the footpath can be funded by development contributions. The undertaking of works funded by the Council's section 48 development contribution scheme is a matter for the Council.

- 7.3.12. It is open to the Commission to attach a condition for a section 48(2)(c) special development contribution for the exceptional cost of the footpath section. However, the Council have not agreed to undertake the works and have not recommended or costed the works and therefore I do not consider that it is reasonable to attach such a condition.
- 7.3.13. The applicant has raised that there is a need for decisions to be consistent and raise that in other decisions in the Dundalk area, the local authority took responsibility for road upgrade works outside of the site. In the decisions referenced, the local authority agreed to undertake the works.
- 7.3.14. The applicant has raised that existing dwellings within the settlement have been constructed between 1980s and up to recent time without access to a footpath on road. Having regard to the number of houses being proposed in this application and to current planning policy, I am satisfied that a footpath connection is required.
- 7.3.15. The applicant has raised that the zoning objective has an enhanced status and to not grant permission is contrary to the zoning. In this regard, I take the view that decisions are based on a consideration of proper planning and sustainable development having regard to all provisions of the development plans which includes the zoning objective, Ministerial Guidelines, the provisions set out under section 34 of the Planning and Development Act 2000 as amended etc.
- 7.3.16. The failure to connect the 22 proposed house development to the existing footpath network would result in poor design that is contrary to the objectives to provide developments that are well connected and accessible by sustainable modes. Residents will be tempted to walk the 'un - footpathed' section of road to reach the existing footpath, presenting a safety risk.
- 7.3.17. In conclusion, I am satisfied that a footpath connection is required and without this connection being provided the proposal would result in unacceptable development of the site which fails to provide access to the surrounding area by sustainable modes, promoting car dependency. This would be an unsustainable form of development that is not in accordance with objectives HOU 18, HOU23, MOV27 of the CDP and MOV13 of the LAP and is not in accordance with the principles of quality design and placemaking promoted in the Sustainable and Compact Settlement Guidelines.

7.4. Wastewater treatment and disposal

- 7.4.1. Objective IU6 of the CDP requires all new development to connect to public wastewater infrastructure where it is available or likely to be available and which has sufficient capacity. Objective IU13 of the CDP requires development taking place within an area served by public wastewater to connect to that system. Third parties have raised that the proposal materially contravenes objective IU3.
- 7.4.2. The site is in an urban area served by an existing public sewer network that connects to the Blackwater Wastewater Treatment Plant (WWTP). As public infrastructure is available, the development is required to connect to this infrastructure.
- 7.4.3. The Uisce Eireann capacity register (www.water.ie) states that the Blackrock WWTP has no spare capacity for additional load. I note however that it does comply within the Emission Limit Values for its discharge licence (2024 and 2025). A project is currently planned for upgrade works to improve the aeration systems and energy efficiency of the plant.
- 7.4.4. The applicant has proposed to construct a temporary wastewater treatment system to serve the development, as an interim measure and to connect the development into the mains system once this is possible.
- 7.4.5. The UE Confirmation of Feasibility states that wastewater connection is feasible subject to upgrades. The upgrade works project is on their current investment plan, scheduled to be completed by 2030, but is subject to change. A connection can be completed as soon as the completion of the works. Prior to this, treated effluent meeting discharge limits of Biological Oxygen Demand 25mg/l, Total Suspended Solids 35mg/l and Ammonia 5mg/l will be accepted into the network. The applicant is advised to provide, operate and maintain a private on site wastewater treatment plant which should be decommissioned and bypassed once the upgrade of the existing WWTP is commissioned.
- 7.4.6. A letter is submitted from Kingspan (received 29/09/2025) confirming that the proposed wastewater treatment system is designed to meet the required discharge limits set out in the UE COF. The letter includes technical information to demonstrate that the system is designed to prevent odour. The applicant has stated that they will be responsible for the maintenance and operation of the on site treatment plant.

They will enter into a service agreement with Kingspan Klargester to ensure the system is maintained in accordance with the manufacturers guidelines. A method statement is submitted for the decommissioning of the system and for direct connection to the mains.

- 7.4.7. As there is insufficient certainty about the timeline for the completion of the upgrade works to the Blackrock WWTP, I consider that there is insufficient certainty to attach a condition restricting commencement and occupation of the development pending the upgrade works to the plant.
- 7.4.8. I consider that in principle, the proposal to provide a temporary on site wastewater treatment plant which will be decommissioned within a reasonable period to allow for connection to the public network, to be acceptable and in accordance with objectives IU6 and IU3 of the CDP and would not result in premature development.
- 7.4.9. Regard is to be paid to the guidance set out in the 'Environmental Protection Agency's Wastewater Treatment Manual: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999'. Table 4 sets out recommended distances from treatment systems. There should be a buffer zone around wastewater treatment systems to avoid odour and noise nuisance. The Manual states the following: "Residential developments should not occur within the buffer zone except in exceptional circumstances and in no case should residential development be undertaken within the distances outlined in Table 4." Table 4 states that a system serving 21-25 houses should be 37m from existing development. The treatment system is c 16.5m from the proposed dwelling to the north and c 30m from the existing house to the south. The proposed development does not meet the required buffer distances. I am not satisfied that the matter can be addressed by condition. As the proposal does not comply with the EPA Treatment Manual I consider that the proposed on site wastewater treatment plant would be prejudicial to public health.
- 7.4.10. Should permission be granted, it is recommended that the Commission attach conditions for connection agreement with Uisce Eireann, the setting up of a management company for the management of the treatment plant while in operation and a bond to be agreed with the local authority to secure the satisfactory completion and decommissioning of the plant.

7.5. Development standards for housing

7.5.1. Layout and design

- 7.5.2. Objective HOU21 of the CDP is to require a design led approach to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 and design manual, to ensure quality, attractive, well connected residential areas.
- 7.5.3. The submitted Planning Statement sets out how the proposal complies with the key threads of quality design and placemaking as set out in the Guidelines in relation to sustainable and efficient movement, mix of uses, open space, landscape and heritage and built form. The Planning Statement also sets out how the proposal complies with the development management standards set out in the Louth County Development Plan. A Quality Housing Report Assessment is submitted.
- 7.5.4. The layout of the houses, roads and open space is legible. All houses have a functional and visual relationship with the open space. The development fronts towards Marlbog Road. The form, scale and finish (c 8.7m ground to ridge height, finished in red brick and plaster, slate roof and traditional suburban two storey detached and semi detached) of the houses is acceptable and in keeping with the area. Existing trees and hedges on the railway embankment and north east boundary are to be retained. Existing hedgerow along Marlbog Road is to be retained and reinforced (behind sight lines for entrance) with section required for sightlines removed and replaced with a 900mm wall and railings. The road layout complies with the Design Manual for Urban Roads and Streets. All houses are connected by footpath and crossings to the public open space and the main access to the public road. Having regard to the site layout and the design and orientation of the houses, I am satisfied that residents would be afforded a good quality of residential amenity which would not be compromised by overlooking, overbearing or overshadowing. I am satisfied that the layout and design will provide an acceptable quality of residential amenity and a 'sense of place' for future residents and will integrate visually into the surrounding area.
- 7.5.5. As set out above, beyond the site, the development does not provide a footpath connection to the existing footpath east of Marlbog Road which links to the wider

urban area. Therefore the development is not accessible to the surrounding area and fails to allow for 'efficient movement'.

7.5.6. Overlooking

7.5.7. Third party observations from the residents of the existing houses in the vicinity raise concerns that their property will be overlooked.

7.5.8. Section 13.8.9.1 of the CDP sets out guidance in relation to privacy and residential amenity. Residential developments shall be designed to take account of the amenities of the existing residents.

7.5.9. Due to the separation distance between the proposed houses and the existing houses to the front of the site, which is a minimum of c 45.7m between opposing elevations, including the orientation of the houses and intervening road and existing and proposed boundary, I am satisfied that there will be no overlooking of these properties. Furthermore, I do not consider that the privacy of existing houses would be unreasonably impacted by reason of cars exiting from the new entrance onto Marlbog Road.

7.5.10. Proposed unit 1 is located adjoining the existing house to the east. Having regard to the proposed Hay 01 design and to its location and orientation, there will be no overlooking of this house.

7.5.11. I am satisfied that the proposed development will not adversely affect the amenity of existing properties by reason of overlooking.

7.5.12. SPPR1 of the Sustainable and Compact Settlement Guidelines relates to separation distances. I am satisfied that the development is in accordance with these requirements.

7.5.13. Amenity of private open space

7.5.14. Section 13.8.17 of the CDP states that an area of functional private open space is an important aspect of creating a quality residential environment that provides a safe and secure outdoor area for children and adults. New dwellings shall be provided with a functional area of open space as set out in Table 13.4 and where not provided, consideration may be given to the provision of semi private open space in lieu of private open space as per table 13.4. Table 13.4 states that a three bed unit is

to have minimum private open space of 40sqm and that a four bed unit is to have a minimum private open space of 50sqm.

- 7.5.15. Third party observations raise concerns that the amenity of the proposed gardens will be compromised by reason of noise from the railway and that the development materially contravenes design guidance.
- 7.5.16. The applicant has submitted a noise impact assessment which considers the noise levels of external space to all proposed units. The rear gardens of units 17-22 are exposed to elevated noise levels that exceed the desired threshold. It is stated that this is mitigated by the access of residents to quieter public open space.
- 7.5.17. Having regard to the CDP design guidance, I consider that whilst public open space is provided, no semi private open space is proposed and accordingly, private open space is required to be functional within the site.
- 7.5.18. The planning authority suggests that noise from trains can be accommodated in an urban setting where noise is limited to passing of a train and measures such as additional planting and acoustic screening can mitigate impact and could be addressed by condition.
- 7.5.19. I note that all units 17-22 are served by private open space which is safe and secure and which ranges in size from 74sqm to 206sqm and is well above the minimum size standards. As the private open space will be subject to elevated noise, should permission be granted, a condition should be attached for the introduction of new physical mitigation measures to reduce the noise in the gardens.
- 7.5.20. In conclusion, I am satisfied that subject to a condition for the installation of physical noise mitigation measures to be agreed prior to development, that units 17-22 will be provided with functional private open space in accordance with the CDP requirements in section 13.8.17.
- 7.5.21. SPPR2 of the Sustainable and Compact Settlement Guidelines relates to minimum private open space. I am satisfied that the development is in accordance with these requirements.
- 7.5.22. Internal acoustic design
- 7.5.23. The submitted iAcoustics noise report state that mitigation measures are required across the site to mitigate internal noise levels. The recommended mitigation

measures include acoustically rated glazing, acoustically rated ventilation systems. The report concludes that subject to the implementation of the identified design measures, that the proposed development should not give rise to significant adverse effects from environmental noise and that residential amenity will be adequately protected.

7.5.24. Based on the technical information provided, I am satisfied that internal noise levels for future residents will be acceptable and that a satisfactory level of residential amenity will be provided. Should permission be granted, it is recommended that a condition be attached for the implementation of noise mitigation measure and the certification of works.

7.5.25. Housing mix

7.5.26. The CDP contains objectives relating to housing mix. Objective HOU28 requires the provision of an appropriate mix of house types and sizes and HOU 31 requires a minimum of 30% universally designed units in schemes over 20 units. Section 13.8.13 states that schemes in excess of 25 units shall endeavour to provide an appropriate mix.

7.5.27. The drawings provided at further information stage show that it is proposed to construct 13 no. 3 bed and 9 no. 4 bed units. The 13 no. 3 bed units are Type Hay 04 units which are designed to allow for easy future adaptation in line with universal design principles.

7.5.28. I am satisfied that the mix is acceptable and is in accordance with CDP requirements.

7.5.29. Public Open space

7.5.30. Section 13.8.15 of the CDP sets out public open space standards.

7.5.31. Third party observations raise concerns in relation to the adequacy of the space.

7.5.32. The CDP states that public open space in the range of 10-15% of the site area shall be provided. The proposed open spaces of 1101sqm, 355sqm and 182sqm equal a total size of 1638sqm which equates to 15% of the site area. The area of public open space is within the required range. It is overlooked and has a visual and functional relationship with the proposed houses. It is of acceptable form to facilitate children's play. The boundary to the Marlbog Road is to be treated with new boundary wall and

railings which allows for safe play. The wastewater treatment system is to be located in this open space. In the interests of safety, it should be fenced. Due to the small size of the treatment system and its temporary nature, I do not consider that this significantly compromises the amenity of the space. Subject to standard best construction practice, attenuation tanks within the public open space would not result in flooding issues. Should permission be granted, it is recommended that a standard condition be attached for the levelling, contouring and landscaping of the open space in accordance with the requirements of the planning authority.

7.5.33. I am satisfied that it would provide a functional, safe, conveniently located and attractive space for residents and that the proposal is in accordance with the design standards of the CDP.

7.5.34. Pressure on public and community infrastructure

7.5.35. Third party observations raise concerns in relation to the impact of the development on community and school services.

7.5.36. SC11 requires new residential development on lands greater than 1ha to be accompanied by a Community, Social and Cultural Infrastructure Audit.

7.5.37. The applicant has submitted a Planning Statement setting out consideration of community infrastructure, schools and childcare. The assessment shows there is a range of shopping, community, sports and recreation services and facilities within a 3km radius. There are 21 no. childcare facilities within 3km radius and 23 no. primary and post primary schools within 5km radius of the site.

7.5.38. Having regard to the small scale of development proposed and the availability of social and community facilities in the area, I am satisfied that the scheme can be accommodated by existing social infrastructure in the area.

7.6. Entrance design and traffic safety

7.6.1. Third parties have raised concerns in relation to the location and design of the proposed entrance on the public road.

7.6.2. The design submitted at further information stage, on foot of the report of the Council's engineering section, shows the entrance located between two existing cul de sac roads on the southern side of the Marlboog Road, in a staggered junction

formation in accordance with the Design Manual for Roads and Bridges and the requirements of the CDP.

- 7.6.3. In accordance with the requirements of the Council's engineering section, sightlines are provided complying with the minimum of 4.5m x 75m as per Table 13.13 of the CDP. The sightline drawing takes account of a topographical survey of the road showing roadside features including boundaries and the carriageway. Vehicles waiting on the public road to turn right into the entrance will have a clear line of sight of oncoming vehicles in accordance with the sightline standard and at this location on the road at the entrance, there is no obstruction of sightline due to the hill.
- 7.6.4. The internal road design is in accordance with the Design Manual for Urban Roads and Streets.
- 7.6.5. The submitted Outdoor Lighting Report shows proposed lighting within the estate and on Marlbog Road.
- 7.6.6. I am satisfied that the proposed entrance location and design is acceptable and would not result in traffic hazard.
- 7.6.7. I am also satisfied that having regard to the modest scale of development proposed and to the condition, width and alignment of Marlbog Road and surrounding roads, that the existing road network and junctions can accommodate the additional traffic movements associated with the development.

7.7. Flood risk and drainage

- 7.7.1. The OPW CFRAM flood maps indicate that the subject site is not at risk of flooding from fluvial, pluvial or tidal flood. There are no rivers or streams on the site or in close proximity.
- 7.7.2. The Engineering / Services Design Report sets out the proposals for surface water infrastructure which is to be designed as Sustainable Urban Drainage System with reference to Greater Dublin Strategic Drainage Study and BRE Digest 365. Rain water from dwellings will be discharged directly to ground via soak pits in the rear of each property. Rain water from roads and footpaths will be collected to a Storm-Tech attenuation system to infiltrate to ground. On site storage is on the basis of the 1 in 30 year storm and 1 in 100 year storm plus 20% for climate change. Trial holes were excavated to measure the percolation rate.

- 7.7.3. A stage 2 Flood Risk Assessment Report is submitted applying the Planning System and Flood Risk Management Guidelines for Planning Authorities. It concludes that there is no indication of flooding from coastal, pluvial, fluvial or groundwater sources.
- 7.7.4. The assessment considers pluvial flood risk. It found that there are existing piped sewers in the road and that during intense rain road gullies can be overwhelmed leading to ponding. However this is expected to be shallow and will convey towards the river. There is no risk of overland flooding as proposed site levels are above road level. Finished floor levels will be over 200mm above road gully levels. Ponding beneath the railway bridge will not impact on the development which is at higher level. There is no evidence of groundwater flooding on the site at present. Trial holes found no water table was encountered at depth of 2m. The report concludes that there is no risk of pluvial flood waters affecting the proposed development.
- 7.7.5. Third parties raise that the footpath on the Marlbog Road will impact on existing drainage on the road. Should permission be granted, final designs showing drainage measures can be submitted for agreement with the planning authority. This matter can be addressed by condition.
- 7.7.6. In conclusion, I am satisfied that the development will not result in an unacceptable flood risk to existing or future development.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). This is attached as an appendix to this report.
- 8.2. I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Dundalk Bay SAC and the Dundalk Bay SPA and on any other European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required.
- 8.3. This determination is based on:
- the scale and nature of the development,
 - distance from European site,

- the information provided in the submitted screening report,
- the lack of impact mechanisms that could significantly undermine the conservation status of qualifying interests,
- No mitigation measures were required to reach the conclusion.

9.0 Water Framework Directive Screening

- 9.1. I have considered the proposed development in light of the requirements of the Water Framework Directive (WFD). A screening assessment is attached as an appendix to this report.
- 9.2. The site is in the Newry, Fane, Glyde and Dee WFD catchment and the FANE_SC_020 WFD sub catchment.
- 9.3. The site overlays the Louth groundwater body (good status, not at risk). The site is c 477m from the Fane river (moderate status, at risk). The Blackrock WWTP discharges to the Inner Dundalk Bay transitional waters (poor status, at risk).
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and ground water bodies in order to reach good status and to prevent deterioration.
- 9.5. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any water bodies either qualitatively or quantitatively.
- 9.6. The reason for this conclusion is as follows:
- the low risk status of the Louth groundwater body
 - the separation distance of the site from the Fane river
 - the low risk of potential impacts having regard to the proposed drainage measures and mitigation measures as follows:
 - standard best construction and the submitted construction management plan,

- disposal of surface water on site via SUDS measures, soakpits with pollution controls,
- disposal of pre treated foul treatment via temporary on site WWTP to Blackrock WWTP in accordance with UE standards for treatment and discharge (which is operating within ELV limits set by EPA) and direct connection to this public network upon planned upgrades to the Blackrock WWTP to improve performance and capacity.

10.0 Recommendation

10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

12.0 1. The Louth County Development Plan 2021-2027 contains objectives HOU18 to promote sustainable developments that are accessible, HOU23 to require residential development to facilitate walking, cycling and public transport and to include provision for links and connections to the wider neighbourhood and MOV 27 to support permeability and connectivity throughout the plan area. The Dundalk Local Area Plan contains objective MOV13 to support permeability and connectivity throughout the plan area. The Sustainable and Compact Settlement Guidelines for Planning Authorities promotes 'sustainable and efficient movement' as a key indicator of good design and placemaking to ensure that places are well connected and accessible by sustainable modes. The proposed development would not be provided with a safe and efficient pedestrian connection to existing footpaths in the urban area. The proposal does not accord with the principles of good design. The proposed development would be contrary to objectives HOU18, HOU23 and MOV27 of the Louth County Development Plan, would be contrary to MOV13 of the Local Area Plan and would be contrary to the Sustainable Compact Settlement Guidelines for Planning Authorities. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is proposed to construct a temporary on site waste water treatment system. The 'Wastewater Treatment Manual: Treatment Systems for Small Communities,

Business, Leisure Centres and Hotels (Environmental Protection Agency, 1999)' sets out criteria and procedures for the design and operation of small wastewater treatment systems for the protection of the environment. Table 4 sets out recommended minimum distances between house and treatment systems which states that a treatment system serving 21-25 houses should have a buffer distance of 37m. As the proposed development fails to achieve this separation distance, the development would result in an unacceptable environmental risk. The proposed development would therefore be prejudicial to public health.

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

Aisling MacNamara

19th February 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	500211-LH-25
Proposed Development Summary	22 residential units and ancillary site works
Development Address	Marlbog Road, Haynestown, Dundalk, Co.Louth
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	500211
Proposed Development Summary	22 residential units and ancillary site works
Development Address	Marlbog Road, Haynestown, Dundalk
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<ul style="list-style-type: none"> - Proposed residential use is compatible with other uses in area, - Modest size and intensity of development - Localised impact on natural resources - Modest production of waste - No significant risk of pollution or nuisance - No significant risk of accidents / disasters to human health
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<ul style="list-style-type: none"> - Urban area - Local ecology only on site - No built heritage on site - No designated sites at the site - Localised impacts on streetscape
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the following: <ul style="list-style-type: none"> - nature and scale of the development, - lack of significant environmental sensitivities on the site, - absence of significant in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

x	
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	22 residential units and ancillary site works
Brief description of development site characteristics and potential impact mechanisms	<p>Main portion of site is undeveloped grassland.</p> <p>Western part of site is in natural woodland/ shrub.</p> <p>Natural hedgerow/ shrub along roadside boundary.</p> <p>Railway embankment to western boundary.</p>
Screening report	<p>Yes</p> <p>EHP Services ‘Appropriate Assessment Screening Report’ submitted. The report concludes the following:</p> <p><i>It is concluded that no negative impacts upon any Natura 2000 site will arise and that a finding of no significant impact (FONSI) can be reached. The proposed development therefore is not considered to necessitate or warrant progression to Stage 2 Appropriate Assessment (Natura Impact Statement).</i></p>
Natura Impact Statement	No
Relevant submissions	n/a – no significant AA matters raised
Planning authority	Planning authority AA screening report concludes that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site and stage 2 Appropriate Assessment is not required.
Step 2. Identification of relevant European sites within zone of influence using the Source-pathway-receptor model	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Dundalk Bay SAC		c. 2.6 km	No direct hydrological connection. Possible indirect hydrological connection - Discharge to Blackrock WWTP (no spare capacity) No ecological connections.	yes
Carlingford Mountain SAC		C 10.4 km	No hydrological or ecological connection	no
Dundalk Bay SPA		C 2.4 km	No direct hydrological connection. Discharge to Blackrock WWTP (no spare capacity) No ecological connections.	yes
Stabannan-Braganstown SPA		C 8.2 km	No hydrological or ecological connection	no

Step 3 Describe the likely effects of the project (if any, alone or in combination) on European sites

AA Screening matrix

Site name	Qualifying interests and conservation objectives	Possibility of significant effects (alone) in view of the conservation objectives of the site	
Dundalk Bay SAC 000455	<p>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 (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Conservation objectives – refer to NPWS Conservation Objectives Dundalk SAC and Dundalk SPA, Dept. Arts, Heritage and the Gaeltacht, 19 July 2011, version 1.0</p>	<p>Impacts:</p> <ul style="list-style-type: none"> -Construction related impacts from noise, light and dust emissions. - Surface water run off during construction and operational stage. - Waste water treatment and discharge to Blackrock WWTP with emissions. - Domestic noise and visual disturbance, - parking – hydrocarbon emissions - Removal of existing planting and new planting. - water supply via public mains 	<p>Effect:</p> <p>No direct physical impacts on the habitat. Due to distance, construction related emissions will not impact on habitat. There is no direct hydrological connection. Surface water will discharge to ground via soakpits to BRE365 design and with sediment and pollution removal. There is no risk to groundwater. Effluent is disposed to Blackrock WWTP to UE standard. Discharges from the Blackrock WWTP are compliant with ELVs set by the EPA. There is no risk to coastal waters. Water supply via public mains will not impact on the habitat. Due to distance, operational impacts via noise, visual intrusion, hydrocarbons will not impact on the habitat.</p>
		Likelihood of significant effects from proposed development (alone): No	
		<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects: The Screening report sets out the cumulative impact arising from the development and other plans or projects in Table 1 and Table 7. Extant permissions have either been screened out or NIS carried out and will result in no adverse impacts. The Louth CDP and Dundalk LAP have</p>	

		<p>been subject to NIR. The implementation of the plans will not have an adverse effect on a Natura 2000 site. It is not likely that there would be significant effects occurring in combination with other plans or projects.</p>	
<p>Dundalk Bay SPA 004026</p>	<p>Great Crested Grebe (Podiceps cristatus) [A005] Greylag Goose (Anser anser) [A043] 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] 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] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Herring Gull (Larus argentatus) [A184]</p>	<p>As above</p>	<p>No direct physical effects. Due to distance, construction related noise and visual intrusion would not impact on birds. The removal of vegetation on the site is not likely to significantly impact on birds feeding or nesting. Surface water will discharge to ground via soakpits to BRE365 design and with sediment and pollution removal. There is no risk to groundwater. Effluent is disposed to Blackrock WWTP to UE standard. Discharges from the Blackrock WWTP are compliant with ELVs set by the EPA. There is no risk to coastal waters</p>

	<p>Wetland and Waterbirds [A999]</p> <p>Conservation objectives – refer to NPWS Conservation Objectives Dundalk SAC and Dundalk SPA, Dept. Arts, Heritage and the Gaeltacht, 19 July 2011, version 1.0</p>		
		Likelihood of significant effects from proposed development (alone): No	
		<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects: The Screening report sets out the cumulative impact arising from the development and other plans or projects in Table 1 and Table 7. Extant permissions have either been screened out or NIS carried out and will result in no adverse impacts. The Louth CDP and Dundalk LAP have been subject to NIR. The implementation of the plans will not have an adverse effect on a Natura 2000 site. It is not likely that there would be significant effects occurring in combination with other plans or projects.</p>	
<p>¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report</p> <p>² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p>³if no connections: N</p>			

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Dundalk Bay SAC and the Dundalk Bay SPA and on any other European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required.

This determination is based on:

- the scale and nature of the development,
- distance from European site,
- the information provided in the submitted screening report,
- the lack of impact mechanisms that could significantly undermine the conservation status of qualifying interests,
- No mitigation measures were required to reach the conclusion.

Appendix 4: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING						
Step 1: Nature of the Project, the Site and Locality						
An Bord Pleanála ref. no.	500211	Townland, address	Marlbog Road, Haynestown, Co. Louth			
Description of project	22 residential units and ancillary site works					
Brief site description, relevant to WFD Screening	Undeveloped site within urban settlement No surface water features on the site.					
Proposed surface water details	On site via soakpits					
Proposed water supply source & available capacity	Public mains					
Proposed wastewater treatment system & available capacity, other issues	Temporary on site WWTP – pretreated effluent to be accepted into Blackrock WWTP (there is no disposal to ground). This temporary WWTP is to be decommissioned upon completion of upgrade works to the Blackrock WWTP and the development is to directly connect to the public system.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Water body name(s) (code)	Distance to (m)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	FANE_060	477m	Moderate	At risk	Agriculture	none

Groundwater	Louth (protected area)	underground	good	Not at risk	-	Surface water drainage to ground
Transitional	Inner Dundalk Bay (protected area)	Via public WWTP	poor	At risk	Urban waste water	discharge

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	Waterbody 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.
	Drainage to ground	Louth	underground	Pollution	Standard best construction; Construction Management Plan	No	Screened out

OPERATIONAL PHASE

	Effluent disposal to Blackrock WWTP	Inner Dundalk Bay	Discharge of effluent	pollution	Pre treated foul waste from temporary on site WWTP to UE standards is to be accepted to the Blackrock WWTP which is operating within ELVs. Blackrock WWTP is to be upgraded to improve	No	Screened out
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					performance and capacity. After upgrades the development is to directly connect to WWTP.		
	Drainage to ground	Louth	Storm water drainage underground	pollution	Drainage collection and disposal measures (silt collector / petrol bypass, SUDS measures to collect clean storm water)	No	Screened out
DECOMMISSIONING PHASE							
	N/A						