



Development	Permission for the development of 45 residential units and all site works. A Natura Impact Statement (NIS) was submitted with the application.
Location	The Black Ridge, Townparks, Ardee, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560532
Applicant(s)	MRM Structural Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	MRM Structural Limited
Observer(s)	<ol style="list-style-type: none">1. Kostyantyn Anisimov2. Lisa Malone3. Lana & Ivo Ozolins4. Oisin & Lisa McGee5. Terry Flanagan

6. Phyllis, Jennifer & Peter McKenny
7. John McGee

Date of Site Inspection

12/02/2026

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1. The proposed site is located along the Black Ridge Road (LT-522292) to the north of Ardee town centre. The site is a greenfield site irregularly shaped and generally flat throughout. There is a mature boundary along the eastern boundary of the site. To the immediate west of the site is a single two storey dwelling.
- 1.2. To the south of the site is a terrace of nine bungalows and 8 two-storey semidetached dwellings known as McCrenors Terrace. Black Ridge Road also has a commercial garage and one-off residential units.
- 1.3. A drainage ditch runs along the sites northern boundary, while the northwestern boundary abuts several commercial properties interspersed with hedgerow. The site area is stated at 1.26ha.

2.0 Proposed Development

2.1. Permission for development to comprise 45 residential units as follows:

- a) Construction of 23no. two storey and 3no. three storey dwellings consisting of 20no. three bed units and 3no. four bed units;
- b) Construction of 22no. apartments consisting of 11no. one bed units and 11no. two bed units across 3no. blocks (Block A will comprise of 4no. one bed and 4no. two bed units over two storeys. Block B will comprise of 3no. one bed and 3no. two bed units over two storeys. Block C will comprise of 4no. one bed and 4no. two bed units over two storeys);
- c) Provision of associated surface level car parking via in-curtilage parking for dwellings and onstreet parking for apartments;
- d) Provision of electric vehicle (EV) charge points with associated site infrastructure ducting;
- e) Provision of associated surface level bicycle and bin storage facilities adjoining the apartment blocks;
- f) Creation of a new access points off The Black Ridge with associated upgrade d widening works to sections of the adjoining road to facilitate vehicular, pedestrian and cycle access to site;

- g) Provision of internal access roads and footpaths and associated works;
- h) Provision of communal open space areas to include a fenced off playground, all hard and soft landscaping works, public lighting, planting and new boundary walls, railings and fencing;
- i) Construction of new ESB substation;
- j) Internal site works and surface water attenuation systems including a pumping station; and
- k) Connection to all existing public infrastructure networks (foul sewerage, water, gas and electricity services)

The application is accompanied by:

- Planning Statement
- Appropriate Assessment Screening/NIS
- Architectural Design Statement
- Outline Construction Management Plan
- Geophysical Survey Report – Archaeological
- Preliminary Waste Management Plan
- Site Lighting Report
- Mobility Management Plan
- Site Assessment Report Irish Water
- Sunlight analysis report
- Site Specific Flood Risk Assessment
- SUDS design report
- Part V compliance
- Photo montage

3.0 Planning Authority Decision

3.1. The planning authority issued a Decision to refuse permission as follows:

1. It is considered that the proposed development would endanger public safety by reason of a traffic hazard. The proposal is located in an area served by public roads that are substandard in terms of width, junction alignment and visibility. The existing road network, including sections of Markethouse Lane, Old Chapel Lane and the full length of Blackridge Road, is significantly below the minimum standards required to safely accommodate the traffic generated by a development of this scale. There is insufficient scope to upgrade the road infrastructure to include active travel measures such as cycle lanes, buffers and footpaths. As such, the development would result in a traffic hazard for pedestrians, cyclists and vehicles and is considered premature pending substantial road improvements. The proposal is therefore contrary to the proper planning and sustainable development of the area and inconsistent with the Policy Objectives of the Louth County Development Plan 2021 – 2027 (as varied) relating to road safety and active travel.
2. The applicant has failed to demonstrate that the proposed SUDS has been designed in accordance with best practice and BRE Digest 365, as required under Policy Objective IU19 and IU20 of the Louth County Development Plan 2021 – 2027 (as varied). Accordingly, the Planning Authority is not satisfied that the proposed SuDS has been appropriately designed or that it could function effectively without creating a risk of localised flooding or groundwater contamination. The proposal would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the submitted NIS the Planning Authority is not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of European Sites, in particular the Dundalk Bay SAC and Dundalk Bay SPA having regard to their qualifying interests and conservation objectives. The NIS fails to provide sufficient and scientifically robust information regarding the adequacy of SUDS measures, hydrological

connectivity and the potential for indirect effects on water quality within the River Dee catchment. Accordingly, the proposal is considered to be contrary to the requirements of Article 6 (3) of the EU Habitats Directive (92/43/EEC) and Section 177V of the Planning and Development Act 2000 (as amended). Furthermore, the proposal would materially contravene objectives NBG 4 and objective NBG 5 of the Louth County Development Plan 2021 – 2027 (as varied) and would therefore be contrary to the proper planning and sustainable development of the area.

4. Having regard to:

- a) The overall layout of the housing, including dwellings that side onto internal access roads and the presence of three- storey dwellings fronting Black Ridge Road;
- b) The proposed density of 47dph which is considered excessive for this location and inconsistent with the prevailing pattern of development; and
- c) The quality and surveillance of the proposed public open space

It is considered that the proposed development would result in a substandard form of development that would detract from the residential amenities of future occupants and the surrounding area. The proposal would be contrary to the provisions of the Louth County Development Plan 2021 – 2027 (as varied) and would therefore be contrary to the

3.2. Planning Authority Reports

3.2.1. There is a single Planning Report on file. The assessment closely follows the reasons for refusal. The report can be summarised as follows:

- Principle of Development considered acceptable
- Car parking provision considered acceptable owing to distance of site from the main street of Ardee
- Placemaking and Physical Development Sections have expressed concern that the existing public road serving the proposed development site are too narrow and have poor junction alignment and visibility making them unsuitable for additional traffic the development would generate. Sections of Markethouse

Lane, Old Chapel Lane and the full length of Blackridge Road are below the minimum required widths for a proper carriageway (5.5m) cycle lane (2.0m) buffer (0.5m) and footpath (1.8m) and there is little or no scope to upgrade or widen these roads to safely accommodate vehicles, cyclists and pedestrians. The Placemaking and Physical Development Section consider that the proposal to be premature until major upgrades are completed. Allowing the development would create a traffic hazard.

- The Sustainable Residential and compact Settlement Guidelines for Planning Authorities set out a density range of between 25 to 40 dph (net) shall generally be applied at suburban urban extension location. Within the LCDP Ardee is identified as a self sustaining growth town and a density range of 25-35 is recommended. Given the location of the site outside of the town core, the context of the site and prevailing pattern and immediate vicinity which is characterised by one and two storey dwellings and the existing traffic and transport conditions, the density of 47 units is considered too high for the proposed site.
- The site layout has not indicated pedestrian and cycle links however it is stated under section 4.2 of the Architectural Design Statement. The dwellings along the western boundary of the site (17 -23) are located at some distance from the proposed open space. Improved pedestrian connectivity should be provided.
- An ESB substation is proposed for the open space provision in the middle section of the site between dwellings 13 and 22/23. There are concerns regarding the functionality of the open space as provided.
- The proposed three storey dwellings along Black Ridge Road dwellings nos 1-8 would be out of character with the prevailing density and character of the area. Dwelling numbers 1 and 12 should be dual frontage rather than fronting directly onto the access road.
- The proposed dwelling units comply with SPPR's of the Sustainable & Compact settlement guidelines
- The apartments as set out comply with SPPR's of the Design Standards for Apartment Guidelines 2025.

- The open space to the rear of dwelling no 17 and side of no 16 along the southern boundary should be removed from the scheme as it is unlikely to provide and functional space and may give rise to anti -social behaviour. Although the quantum of open space exceeds policy requirements the overall quality of the space could be improved and the open space should be more centrally located to provide a greater level of natural surveillance.
- As per the report of Department of Housing, Local Government and Heritage and Archaeological Impact Assessment is required to be prepared and submitted.
- Surface Water – the submitted surface water design is wholly dependent on soil infiltration, which must comply fully with BRE Digest 365. The applicant has not demonstrated full infiltration characteristics across the site.
- As the applicant has not adequately demonstrated control of surface water run-off or that the entirety of the site is suitable for SUDS measures, there may be an indirect impact on nearest European Site as a result of surface water pathway.

3.2.2. Other Technical Reports

- Placemaking and Physical Development Section-

Expressed concern that the existing public road network serving the proposed development site is too narrow and has poor junction alignment and visibility making them unsuitable for additional traffic the development would generate. Sections of Markethouse Lane, Old Chapel Lane and the full length of Blackridge Road are below the minimum required widths for a proper carriageway (5.5m) cycle lane (2.0m) buffer (0.5m) and footpath (1.8m) and there is little or no scope to upgrade or widen these roads to safely accommodate vehicles, cyclists and pedestrians. The Placemaking and Physical Development Section consider that the proposal to be premature until major upgrades are completed. Allowing the development would create a traffic hazard.

- Waste management & environment Section

No objection subject to condition

3.3. Prescribed Bodies

Department of Arts, Culture Heritage and the Gaeltacht – recommend further information seeking an Archaeological Impact Assessment Report

3.4. Third Party Observations

There are a number of third party observations on file. The issues raised are similar to appeal observations summarised under section 6.3 above. The issues can be briefly summarised as follows:

- Inadequate Road Infrastructure
- Inadequate Water Supply
- Existing Sewerage Infrastructure is at capacity
- The proposal will detract significantly from local residential amenity
- The density of the scheme is excessive for the local area. The scheme includes three storeys onto Blackridge road this will ultimately change the character of the whole area.
- There are significant works required to make the site suitable for the development. All these works will take sufficient time as well as the construction of the houses themselves. This will have a significant impact on residential amenity of the area.

4.0 Planning History

No planning history for the proposed site

5.0 Policy Context

5.1. Project Ireland 2040: National Planning Framework.

- 5.1.1. In developing a new region focused strategy for managed growth the National Planning Framework (NPF) acknowledges half of all growth will be focused on Ireland's large and smaller towns, villages and rural areas. This includes a major new policy emphasises on renewing and developing existing settlements rather than

‘... continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages’. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites.

One of the NPF’s National Strategic Objectives highlights consolidated growth as a means of managing the sustainable growth of compact towns and villages. The NPF sets out core principles for the delivery of resilient and diverse future housing including allowing ‘... for a choice in housing location, type, tenure and accommodation in responding to need’. It outlines a number of national policy objectives (NPO) aimed at providing an output of ‘...at least 25,000 new homes...’ between 2018 and 2040 per year to meet people’s needs for ‘... well-located and affordable housing ... ’ including:

NPO 3a: Deliver at least 40% of all new homes nationally within the built up footprints of existing settlements.

NPO 3c: Deliver at least 30% of all new homes in settlements other than the five Cities (Dublin, Cork, Limerick, Galway and Waterford) and their suburbs, within their existing built-up footprints.

NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.1.2. Section 4.5 of the NPF states a significant proportion of future urban development is targeted on sites within ‘... the built footprint of existing urban areas ...’ which is applicable to all scales of settlement, from the largest city to the smallest village.

5.1.3. The NPF acknowledges the challenges of greenfield development. It states planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well designed development proposals that can deliver upon the principles of compact urban growth and achieve urban development objectives within settlements of all sizes. National Policy

5.1.4. Objective 13 subsequently states:

NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.2. Regional Spatial & Economic Strategy 2019-2031.

The Eastern & Midland Regional Assembly's Regional Spatial & Economic Strategy (RSES) identifies several growth enablers for the region including promoting regeneration and revitalisation of towns like Ardee to ensure their viability as service centres and to bring vibrancy to their surrounding rural areas and dispersed populations.

In planning for future growth in rural places Section 4.8 of the RSES recognises that facilitating housing is paramount to ensuring the sustainability, vitality and viability of rural places within the Region as '... a viable alternative to rural one-off housing, contributing to the principle of compact growth'.

5.3. Quality Homes for Sustainable Communities – Best Practice Guidelines for Delivering Homes and Sustaining Communities (2020).

The Department of the Environment, Heritage and Local Government's guidelines reiterate national policy objectives aimed at increased residential development densities within existing urban settlements as a means of achieving consolidated urban growth. Section 4.3.4, for example, notes higher residential densities can be particularly appropriate in developing sites, in proximity to town/city centres and public transport nodes. Section 4.3.4. also states: '... infill developments and urban redevelopment projects should respect the character of the existing neighbourhood. However, densities need not normally be restricted to comply with existing densities, where the latter are no longer appropriate having regard to the nature of the site location and transport accessibility. In the case of town and village extensions, development should consolidate the existing urban character and settlement pattern while realising the full potential of these sites'

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

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) recognise the need to achieve an efficient use of land through the appropriate and sensitive development of sites within established urban boundaries. Brownfield, inner suburban and infill sites are identified in the Guidelines as appropriate locations for increased residential densities. The Guidelines place an emphasis on facilitating development in cities, towns and urban areas, creating compact and integrated communities that support place-making and the growth of sustainable communities. Paragraph 3.3.4 of the Guidelines identifies the following key priorities for residential development and compact growth in small and medium towns such as Ardee¹

- realise opportunities for adaption, reuse and intensification of existing buildings and for backland, brownfield and infill development, and
- deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.

5.5. Table 3.1 of the Guidelines provides the following glossary of terms that may be applicable in describing the application site:

- Backland Site: Sites to the rear of existing property with no or limited street frontage.
- Infill: Serviced lands that are located within the existing built up footprint of settlements. May consist of Brownfield Sites or Greenfield Sites.
- Suburban: Low density car-orientated residential areas constructed at the edge of the town. Urban Extension: Greenfield lands at the edge of existing built-up footprints that are zoned for residential or mixed-use (including residential) development).

Such edge of settlement areas which remain within a town or city's settlement boundary are seen in the Guidelines as offering an alternative to persons who might otherwise construct rural one-off housing in the surrounding countryside. Table 3.7 of the Guidelines advises that the appropriate density of development in rural towns and villages should be tailored to the scale, form and character of the settlement and

the capacity of existing services and infrastructure such as public transport and water.

5.6. Planning Design Standards for Apartments - Guidelines for Planning Authorities (2025).

- 5.6.1. The Planning Design Standards for Apartments Guidelines recognises the increasingly critical role high quality high density multi-unit residential development proposals play in meeting the National Planning Framework's projected housing provision figures and securing '... sustainable and compact growth'. The Guidelines also state it is critical '... to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types and tenures ...', building upon experience to date.
- 5.6.2. The Guidelines state apartments are most appropriately located within urban areas. The scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors including existing public transport nodes or locations where high frequency public transport can be provided, proximity to sources of employment and a range of urban amenities including parks/waterfronts, shopping and other services. The Guidelines suggest development plans should reflect this in planning policies and objectives to achieve a sustainable increased housing supply and '... to ensure that a greater proportion of housing development takes place within the existing built-up areas of Ireland's cities and towns ...' to increase urban residential densities.
- 5.6.3. The Guidelines also set out spatial design standards regarding each unit's interior layout, size and configuration of apartment units and the layout, provision and functionality of the exterior spaces and communal facilities.

5.7. Louth County Development Plan 2021 – 2027

Sections 2.4.4 and 2.6.6 of the Louth County Development Plan (LCDP) sets out the prioritisation of targeted population growth for the Plan area and balanced patterns of consolidated growth '...realised through urban regeneration and infill/brownfield site development, which will contribute to sequential, sustainable and compact growth, revitalisation of existing settlements of all scales ...'. The County Plan provides a platform of various policy objectives that are relevant to the

scope and scale of proposed development. For example Objectives CS 2 and HOU 32 seek compact growth by delivering at least 30% of all new homes in the County within existing urban settlements.

5.7.1. Section 13.8.32 of the LCDP sets out the need to maintain a balance between preserving existing amenities and neighbourhood character whilst implementing the policy of compact development. It specifies a framework of perimeters for assessing development within infill and/or backland sites but also provides a caveat whereby development management standards

5.7.2. The application site is zoned A2 – New Residential (Phase 1) where the principal planning objective is:

‘To provide for new residential neighbourhoods and supporting community facilities’.

The purpose of this zoning, as described in Section 13.21.6 of the LCDP, is as the primary location for new residential neighbourhoods. Development is to have a high quality design and layout with an appropriate mix of housing and associated sustainable transport links including walking, cycling, and public transport to local services and facilities. It notes the density of the development ‘... shall be reflective of the location of the lands, with higher densities required on more centrally located areas close to employment or services, or in strategic locations along public transport networks’

5.7.3. The south-eastern most part of the application site is located within Ardee’s Zone of Archaeological Potential (ZAP 3) as depicted by the blue line on the Objectives Map below (see Figure 4 overleaf). Section 9.3.1 of the LCDP and Policy Objectives BHC 1 to BHC 6 (incl.) seek to protect known and unknown archaeology from adverse impact arising from new development. Policy Objectives BHC 7 and BHC 10 for example require development proposals within ZAPs to be accompanied by ‘... archaeological impact assessments, geophysical surveys, test excavations and monitoring, as appropriate ...’

5.7.4. Policy Objectives NBG 3, NBG 4, NBG 5 and NBG 6 of the LCDP seek to protect and conserve the Natura 2000 site network and ensure that development proposals are appropriately screened for potential impacts upon the integrity and qualifying interests of such sites.

5.7.5. Movement

- MOV 6 sets out to promote and support the principles of universal design ensuring that all environments are inclusive and are accessible to and can be used to the fullest extent possible by all users regardless of age, ability or disability.
- MOV 25 To support the retrospective provision of walking and cycling infrastructure in existing settlements, where feasible, to achieve growth in sustainable mobility and strengthen and improve the walking and cycling network.
- MOV 27 To promote walking and cycling as a safe, convenient, healthy, efficient, and environmentally friendly mode of transport for all age groups.
- MOV 28 To support improvements and upgrades to the road network in the County in accordance with the projects set out in Table 7.6 and any other project identified by the Council or included in any future updated Road Works Programme, subject to the availability of funding.
- Table 7.6 only identifies one project for Ardee and that is for road widening and footpaths and Sean O'Carroll Street

5.7.6. Chapter 13 - Development Management Chapter 13 of the County Development Plan sets out Development Management Guidelines. The following sections are of note:

- Section 13.8.4 relates to Density and Plot Ratio. Recommended densities and maximum plot ratios for Ardee are set out within Table 13.3. as follows:
- Minimum Density: Town/ Village Centre: 50 units per ha, Edge of Settlement: 35 units per ha
- Section 13.8.9 relates to Residential Amenity.
- In terms of privacy, the Development Plan sets out the following guidance: "Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible.

- A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings” There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis”.
- Section 13.9.15 outlines that Public Open Space within a development shall normally equate to 15% of the total site area. In developments where the standard of the open space is of a high quality due to its location, functionality and any additional detailing proposed e.g. paving, landscaping or surfaced play areas and equipment, a reduced rate of open space may be acceptable. Such a reduction will be assessed on a case-by-case basis.

5.8. Natural Heritage Designations

- Strabannan – Bragastown SPA Site Code 004091 –5.53km to the east of the site
- Dundalk Bay SPA Site Code 004206-12.2km southeast of the site
- Dundalk Bay SAC Site Code 000455- 12.2km southeast of the site

5.9. EIA Screening

See completed form 2 on file.

Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

The proposed development comprises the construction of 45 residential units on a greenfield site of 1.26ha. The site is located on zoned lands within the Ardee town

boundary. The site is adjacent to other zoned lands. As such, I am satisfied that the development does not fall within the identified classes of development and does not require mandatory EIA.

Having regard to: (a) the nature and scale of the development, (b) the location of the site with Ardee town boundary, (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. This is a first party appeal against the decision of Louth County Council to refuse permission for the construction of 45 houses. The appeal deals with the issues The Grounds of Appeal can be summarised as follows:

6.1.1. Road Network

- i. The decision to refuse is an inconsistent approach to how existing developments in the Ardree Town area have been granted permission
- ii. The decision fails to support delivery of homes on zoned lands with the Local Authority being a stakeholder in the process and which a statutory and legal obligation of the CDP and LAP as adopted
- iii. The decision of the Local Authority fails to recognise its statutory obligations as a Roads Authority. It incorrectly places an obligation on a private developer to regularise road and pedestrian access that is outside the site extents and in the wider public realm,
- iv. The decision in effect sterilises zoned land. The site is bordered to the North by undeveloped agricultural land, to the east by light industrial uses with one - off houses immediately to the east on the Black Ridge. Facing the site across the Black Ridge Road is a terrace of single storey dwellings, adjoining this is recently built housing developments, including two storey dwellings.

- v. It is submitted that the provisions of the Road Act both require and provide that it is the local authority roads section who are required to facilitate road user existing and proposed road access. The act is mandatory in this regard. There is no other means by which vehicular access can be provided other than by the council

6.1.2. Zoning of lands/ Density

The development plan and zoning provisions are supportive of the proposal, further supported by objectives in both the CDP and LAP. The proposed greenfield site is located to the north of Black Ridge Road to the east. The lands on which the main housing element is proposed is currently zoned A2 New Residential Phase 1 in the current Louth County Development Plan 2021 – 2027. The site area is 1.26ha was proposed for this new housing development allows for 35.5 dwellings per ha.

The CDP and LAP state that the local authority shall be proactive in delivering infrastructure such as roads and footpath to service zoned lands. Within the judicial review case Michael Redmond V An Bord Pleanala – states a zoning objective enjoys an enhanced status over that of other policies and objectives under a development plan. The approach the planning authority has taken in this instance is therefore contrary to the zoning objective.

The Louth CDP have objectives that mandates the Local Authority to facilitate and carry out works to roads and footpath. These objectives state “to support and carry out” works to roads and footpaths, there is therefore a statutory requirement for adhering to same as an obligation of the local authority.

- 6.1.3. Regarding SUDS measures the scheme was designed in accordance with current design standards and best practice. It was based on the examination of the development site and its location and all development works relating to the application as proposed. The SUDS measures proposed are designed to the BRE digest standard.

The results for the soakpit design indicate that during extreme storm events there is sufficient capacity within the system to adequately manage surface water.

- 6.1.4. The NIS submitted with the application provided by EHP services provided a suitable analysis of the Geology and Hydrogeology of the Study Area.

6.2. Planning Authority Response

- None

6.3. Observations

There are seven observations on file in relation to the proposed development. Some of the issues raised overlap with each other and will be grouped together for the purposes of conciseness.

6.3.1. Inadequate Road Infrastructure

- The only access routes to the site are narrow, single-lane and one-way. These roads are already under significant strain from local traffic and cannot accommodate heavy construction vehicles, machinery or the daily traffic that would result from the proposed development. The finished developed would increase the traffic load by approximately 90 vehicles.
- The footpaths servicing the site are very narrow and unsafe.

6.3.2. Water Supply

The existing water supply infrastructure is already under significant strain. The current system requires the replacement of pipes over a length of 300m.

6.3.3. Sewerage Infrastructure

The planning documentation provided indicates that the current sewerage infrastructure is currently at capacity and requires an additional pumping station.

6.3.4. Detract from local amenity

The proposed development will significantly alter the local area in particular the cul-de-sac. The opening of the lane to connect to Potters Lane will lose the identity of the local area.

6.3.5. Deficiencies of the appeal

There is significant deficiencies in the appeal as presented. The appeal does not provide new data, modelling or independent verification to resolve any issues raised in the planning authority refusal reason.

6.3.6. Design/ Layout and local character.

The density of the scheme is excessive for the local area. The scheme includes three storeys onto Blackridge road this will ultimately change the character of the whole area.

6.3.7. Local impacts from Construction

There are significant works required to make the site suitable for the development. All these works will take sufficient time as well as the construction of the houses themselves. This will have a significant impact on residential amenity of the area.

6.4. Further Responses

- None

7.0 Assessment

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

- Zoning/ Principle of Development
- Roads/Infrastructure
- Design/ Layout/ Density
- Surface Water
- Other Matters
- Appropriate Assessment

7.2. Zoning/ Principle of Development

7.2.1. The subject site is located on lands zoned “New Residential A2”, where the stated zoning objective is “To provide for new residential neighbourhoods and supporting community facilities.” The zoning objective clearly supports residential development as the primary land use. Accordingly, the principle of residential development on the site is established, subject to compliance with relevant design, amenity and infrastructure standards.

7.2.2. Policy Context and Principle of Development

Ardee is identified within the County Development Plan Core Strategy (Section 2.6.6) as a Key Town within the settlement hierarchy. Policy Objective CS2 supports sustainable growth within designated settlements in accordance with the Core Strategy.

The proposal contributes to:

- Delivery of housing within the settlement boundary
- Consolidation of serviced lands
- Efficient use of zoned residential land
- Implementation of the Core Strategy housing allocation

The provision of 45 units is consistent with the zoning objective and represents an appropriate residential density for A2 lands.

- 7.2.3. The applicant submits that the site aligns most closely with the definitions of an Infill, Suburban, or Urban Extension site, as set out in Table 3 of the 2024 Sustainable Residential and Compact Settlement Guidelines. The lands are located within the settlement boundary and adjoin existing residential development, distinguishing them from backland or isolated peripheral sites.

Having regard

- The A2 zoning objective supporting new residential neighbourhoods
- The site's location within Ardee's established settlement boundary
- National policy objectives promoting compact growth (NPO 3a and NPO 33)
- The Core Strategy and Policy Objective CS2 of the Louth County Development Plan
- The Sustainable Residential Development and Compact Settlements Guidelines 2024

I am satisfied that the principle of residential development on the subject lands is acceptable. The proposal represents the sustainable consolidation of zoned lands within the urban envelope of Ardee and is consistent with the statutory development framework.

7.3. Road Infrastructure

- 7.3.1. The Planning Authority refused permission on the basis that the road infrastructure serving the site—namely sections of Market House Lane, Old Chapel Lane and the full length of Blackridge Road—is significantly below the minimum standards required to safely accommodate the traffic likely to be generated by a development of this scale. It was determined that there is insufficient scope to upgrade these roads to incorporate active travel measures, including cycle lanes, buffers and footpaths, and that the proposal would therefore be premature pending substantial infrastructure improvements. The third-party observations all have made reference to the inadequacy of the road infrastructure to facilitate the development.
- 7.3.2. The applicant contends that the condition and upgrading of the surrounding road infrastructure is a matter for the Local Authority in its statutory capacity as Road Authority. It is further submitted that the refusal effectively places an unreasonable obligation on a private developer to regularise road and pedestrian access arrangements outside the red line boundary of the site. The applicant maintains that the development should not be precluded on the basis of deficiencies in public infrastructure beyond their control. Furthermore, the applicant asserts that the planning authority decision effectively sterilises the remainder of the landholding.
- 7.3.3. The relevant policy framework is set out in the Louth County Council Development Plan 2021–2027 (as varied). The Development Plan contains clear objectives in respect of movement, accessibility and sustainable transport, including:
- MOV 6 – To promote and support the principles of universal design, ensuring that all environments are inclusive and accessible to all users regardless of age, ability or disability.
 - MOV 25 – To support the retrospective provision of walking and cycling infrastructure in existing settlements, where feasible, to strengthen and improve sustainable mobility networks.
 - MOV 27 – To promote walking and cycling as safe, convenient, healthy and environmentally friendly modes of transport for all age groups.

- MOV 28 – To support improvements and upgrades to the County road network in accordance with projects identified in Table 7.6 and any future Road Works Programme, subject to funding availability.

Table 7.6 of the Plan identifies one specific road project in Ardee, namely road widening and footpath improvements at Sean O’Carroll Street – south of the application site. There are no identified or programmed improvement works for the junction of Market House Lane, Old Chapel Lane and Blackridge Road. Accordingly, while the Development Plan supports the enhancement of sustainable mobility infrastructure and road improvements generally, there is no plan-led commitment to upgrade the critical junction serving this site.

- 7.3.4. On site inspection, it was noted that the subject lands are currently accessed via a single vehicular route to Blackridge Road, which terminates in a narrow cul-de-sac. At the point where Blackridge Road meets the site, the carriageway measures approximately 3 metres in width. While a narrow footpath is provided to the north fronting existing residential units, the overall carriageway width and alignment are constrained.

The applicant has indicated within the application proposals to remove the site boundary along Blackridge Road to facilitate localised widening and the provision of a new footpath. The submitted site layout illustrates how such improvements could interface with the development, including a new central access point with visibility splays of 2.4 metres by 49 metres. While this demonstrates some capacity for enhancement at the immediate site frontage, no DMURS statement has been submitted to demonstrate compliance with national urban street design principles. (A DMURS, Traffic and Parking Strategy has been submitted, but no detail in relation to compliance with DMURS has been submitted). The absence of DMURS statement for the development is of concern. It is not clear from the layout provided how the units to the front of the site will interact with the Black Ridge Road. It appears that each unit numbers 1-8 will have two cars that will have direct access onto Blackridge Road. I consider a DMURS statement is required in order to adequately assess safety of such a proposal.

- 7.3.5. In my view the principal infrastructural constraint relates to the junction of Market House Lane, Old Chapel Lane and Blackridge Road. This junction is severely

restricted in width and alignment, effectively permitting single-vehicle passage in parts. The road surface is in poor condition and, in my view, lacks the structural capacity to accommodate additional traffic movements associated with the proposed development. The junction is significantly restricted in terms of moveability with a green area to the front of an existing dwelling protruding out into the road (Blackridge Road) severely restricting movement. Approximately 20 meters into Black Ridge road off the junction only one car can pass at a time. This section of Black Ridge is severely restricted

Notably, the applicant has not submitted a detailed traffic impact assessment or junction capacity analysis addressing:

- The operational capacity of the existing junction;
- The cumulative impact of additional vehicular movements;
- The interaction of the junction with the wider Ardee road network.
- The capacity of Black Ridge Road

While the development proposal in isolation may not meet the threshold for an automatic road traffic impact assessment, I consider a sub-threshold assessment is required to determine the capacity of this junction, taking account of all traffic along Black Ridge Road..

- 7.3.6. The proposal provides for 65 car parking spaces. While it is accepted that not all vehicles will generate daily peak movements, it is reasonable to anticipate a material increase in traffic entering and exiting via this constrained junction. Given its limited width, substandard alignment and absence of upgrade proposals within the Louth County Development Plan, the capacity of this junction to safely and efficiently accommodate additional traffic is of significant concern. I note the applicant has submitted a Mobility Management Plan. The mobility management plan sets out key objectives to increase modes of transport outside of private vehicle and how these are to be achieved. The plan aims to reduce the total numbers within the development from using a private car from 46% of total residents down to 20%. However, in the absence of a traffic and transport assessment of the existing junction of Market House Lane, Old Chapel Lane and Blackridge Road, I do not consider it possible to make an assessment of potential localised traffic impacts.

7.3.7. I consider that alternative access to the site may be available through private property and industrial estate to the North of the site to connect to the N33 and potential connections via Pottersfield to O'Carroll Street and the N33 may present longer-term opportunities, these are not currently in place nor supported by a committed programme of works.

7.3.8. The Development Plan promotes universal accessibility, active travel, and the enhancement of sustainable transport infrastructure (MOV 6, MOV 25 and MOV 27). Through the submission of a mobility management plan I note the applicant has attempted to engage with these principles within the development site. However, the existing road network serving the site does not currently provide a safe, inclusive or adequately dimensioned environment to support development of the scale proposed.

In the absence of:

- A plan-led framework for the upgrading of the critical junction; (Market House Lane, Old Chapel Lane and Blackridge Road)
- Identified road improvement works under Objective MOV 28 of the Louth County Development Plan ;
- A comprehensive traffic and junction capacity assessment; and
- Demonstrated compliance with DMURS principles,

I consider that the road infrastructure serving the site is substandard in terms of width, alignment and capacity. While construction traffic impacts could potentially be managed I consider, the day-to-day operational traffic associated with the development would be reliant on a singular, constrained junction of limited capacity.

Accordingly, I am satisfied that the proposed development would be premature pending significant upgrade works to the junction or the provision of an alternative primary vehicular access route. In this context, the proposal is contrary to the proper planning and sustainable development of the area and inconsistent with the movement and accessibility objectives of the Louth County Development Plan 2021–2027.

7.4. Design/ Layout/ Density

The Planning Authority refused permission on the grounds that the proposed layout and density would result in a substandard form of development, having regard to:

- The overall layout, including dwellings siding onto internal access roads and three-storey dwellings fronting Blackridge Road;
- A proposed density of 47 units per hectare, considered excessive for the location and inconsistent with the prevailing suburban pattern of development; and
- The quality, functionality and surveillance of the proposed public open space.

It was concluded that the development would detract from the residential amenities of future occupants and the surrounding area and would contravene the provisions of the Louth County Council Development Plan 2021–2027 (as varied). Third-party submissions also raised concerns regarding the three-storey dwellings and potential loss of daylight.

The applicant has not offered any specific analysis in relation to the decision to refuse based on design, layout and density. A number of references are made to the zoning of the site and the obligations of the local authority. The applicant further states that the zoning objective for the site enjoys an enhanced status over that of other polices and objectives under a development plan and to refuse permission is contrary to the zoning objective for the site.

7.4.1. The proposed development comprises 45 residential units, consisting of:

- 22 apartments, arranged in three blocks in the north-western portion of the site, comprising 1- and 2-bedroom units;
- 23 houses, comprising a mix of two- and three-storey dwellings distributed throughout the remainder of the site;
- Three three-storey dwellings fronting Blackridge Road, positioned as bookends to two-storey semi-detached pairs;
- A narrow two-storey terraced dwelling to the south of the site, located to the rear of existing detached dwellings along Blackridge Road.

External finishes include plastered render, stone cladding detailing, blue/black slate roof tiles, uPVC rainwater goods and windows, and composite doors. The apartment blocks incorporate plaster finishes with stone detailing and pitched slate roofs. Elevational treatment is consistent across the scheme and reflects a coherent architectural language.

- 7.4.2. Section 3.13 of the Development Plan requires that all development proposals demonstrate high-quality and considered design solutions in accordance with national guidance. Objective HOU 17 seeks to promote and facilitate the sustainable development of a high-quality built environment. Objective HOU 20 requires a design-led approach to urban residential development, having regard to the Urban Design Manual (2009) and subsequent Section 28 Guidelines.

The relevant Section 28 Guidelines include:

- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- The Design Manual for Urban Roads and Streets (DMURS); and
- The Design Standards for New Apartments (2025).

Section 3.14 of the Development Plan sets out key principles relating to sustainable and efficient movement, green and blue infrastructure, and responsive built form. Section 13.8 of the Development Management Standards provides detailed criteria for layout, mix, open space, permeability, and car parking.

These documents collectively form the basis for assessment.

- 7.4.3. In terms of **unit mix**, internal accommodation standards and private open space provision, I am satisfied that the houses and apartments generally comply with the relevant SPPRs of the 2024 Compact Settlement Guidelines and the 2025 Apartment Guidelines. Private open space provision accords with SPPR 2, and internal floor areas meet minimum standards. The materials palette is of a reasonable quality and would provide visual consistency across the scheme.

With respect to **design** the three three-storey dwellings fronting Blackridge Road represent a significant departure from the established character of the area. There are no existing three-storey dwellings along this road. Development opposite the site includes single-storey dwellings, and the prevailing pattern is suburban in scale and

form. The additional storey serves primarily to provide a fourth bedroom and to bookend adjoining semi-detached units. In my view, there is no contextual or design rationale advanced to justify this increased height at this suburban edge-of-settlement location. Section 3.14 of the Development Plan requires that new development respond to local distinctiveness and reinforce the character of the area. The introduction of isolated three-storey elements in this context would appear incongruous and visually dominant, contrary to the principles of responsive built form. While detailed daylight/sunlight analysis has not demonstrated unacceptable overshadowing, the scale and form of these units are, in my view, inappropriate to their setting.

7.4.4. The **layout** is fundamentally car-dominant and one-dimensional in form. The development is structured around wide internal roadways with predominantly off-street parking provided at a rate of approximately two spaces per dwelling. Car parking is not integrated into landscaped streetscapes and no meaningful on-street parking is provided. DMURS advocates for street environments that are designed as places, incorporating on-street parking for traffic calming and spatial definition. Section 3.14 of the Development Plan requires permeable and legible street networks prioritising active travel. The proposed scheme:

- Does not provide on-street parking;
- Does not incorporate shared surfaces or meaningful traffic-calming measures;
- Fails to provide cycle lanes or integrated cycling infrastructure;

The layout does not establish a permeable and legible network of streets and spaces optimised for walking and cycling. Instead, it prioritises vehicular movement and parking. Accordingly, the proposal conflicts with Section 3.14, Section 13.8, Objective HOU 20, and the Compact Settlement Guidelines, which require designed, movement-oriented placemaking rather than car-based suburban layouts.

7.4.5. **Public Open Space** - The scheme provides approximately 1,947 sq.m of public open space, equating to between 15% of the net site area, thereby meeting the quantitative requirement under Policy Objective 5.1 of the Compact Settlement Guidelines. However, the qualitative aspects of the open space are in my view deficient:

- A narrow rectangular strip along the southern boundary (to the rear of Unit 17 and side of Unit 16) is unlikely to function as usable recreational space due to its confined and enclosed nature;
- The northern communal space functions largely as a grassed verge rather than a purposeful amenity area;
- The central open space of 274sqm contains an ESB substation, reducing its usability and visual quality;
- While a playground is indicated, no details of equipment or design have been submitted;
- No integration with SuDS, biodiversity enhancement, or green/blue infrastructure has been demonstrated.

Objective HOU 24 of the Development Plan requires high-quality, functional and accessible public open space. In my view, the proposed spaces are fragmented, poorly configured and not designed to cater for a range of active and passive recreational needs as required by Policy Objective 5.1 of the Compact Settlement Guidelines. The open space provision, while compliant in quantum, fails in quality and design integration.

7.4.6. **Density** - The proposed density is stated at 47 units per hectare. The site is appropriately characterised as a suburban extension, given its location adjacent to established residential estates along Market House Lane, Old Chapel Lane and Blackridge Road. Table 3.2 of the Louth County Development Plan 2021 - 2027 identifies Ardee as a Self-Sustaining Growth Town, with indicative densities of:

35 units per hectare in town centre locations;

25 units per hectare at the edge of settlement.

Section 3.3.4 of the Compact Settlement Guidelines similarly identifies 35 units per hectare as appropriate in comparable contexts. The proposed density of 47 units per hectare materially exceeds these parameters. While higher densities may be justified in certain circumstances, no site-specific justification has been provided by the applicant. Furthermore, as outlined in Section 7.3 of this report, the road infrastructure serving the site is substandard in width, alignment and capacity, with a

single constrained access point. In such circumstances, a density significantly above plan guidance exacerbates infrastructural concerns.

I therefore consider the proposed density to be contrary to Objective HOU 15 of the Development Plan, which seeks to ensure that residential densities are appropriate to context, infrastructure capacity and settlement hierarchy.

While the proposal complies with certain minimum quantitative standards relating to unit size and private open space, it fails to demonstrate a genuinely design-led approach as required by Objectives HOU 17 and HOU 20 of the Development Plan and the Compact Settlement Guidelines 2024.

In particular:

- The three-storey elements are incongruous and unjustified in context;
- The layout is car-dominant and does not prioritise sustainable movement;
- Active travel infrastructure is absent;
- Public open space is fragmented and of insufficient quality;
- The proposed density materially exceeds Development Plan guidance without justification.

Having regard to Section 3.14 and Section 13.8 of the Development Plan, the Compact Settlement Guidelines (2024), DMURS, and the Design Standards for New Apartments (2025), I conclude that the proposed development would constitute a substandard and poorly integrated form of suburban development. Accordingly, I concur with the Planning Authority that the proposal is contrary to the proper planning and sustainable development of the area and recommend that permission be refused.

7.5. SUDS/ Surface Water Management

- 7.5.1. The Planning Authority second reason for refusal was on the basis that the applicant failed to demonstrate that the proposed Sustainable Drainage Systems (SuDS) have been designed in accordance with best practice and the BRE Digest 365 methodology, as required under Objectives IU19 and IU20 of the Louth County Council Development Plan 2021–2027 (as varied). Accordingly, the Planning

Authority was not satisfied that the proposed drainage strategy would function effectively without risk of localised flooding or potential groundwater contamination.

7.5.2. In response to the appeal, the applicant submits that the proposed SuDS measures have been designed in accordance with BRE Digest 365 and that soakaway calculations demonstrate adequate storage capacity during extreme storm events. It is stated that the attenuation systems have been designed to accommodate 1 in 30-year and 1 in 100-year storm events, including a 20% allowance for climate change, and that sufficient storage is provided to prevent flooding of the site or adjoining lands.

Additional documentation submitted includes:

- SuDS design report
- Test hole location map
- Test data sheets and logs
- Rainfall data
- Details of chambers and attenuation system design

7.5.3. Objectives IU19 and IU20 of the Development Plan require that all development proposals:

- Incorporate Sustainable Drainage Systems in accordance with the principles of the Greater Dublin Strategic Drainage Study (GDSDS);
- Demonstrate that surface water run-off is captured as close to source as possible;
- Comply with best practice, including BRE Digest 365 for infiltration testing;
- Ensure no increased risk of flooding on or off site.

The Development Plan clearly places the onus on the applicant to demonstrate, through robust site investigation and design, that infiltration-based drainage systems are feasible and appropriately dimensioned.

7.5.4. The SUDS design report proposes two principal infiltration-based solutions:

1) Rain water runoff from Roofs, footpaths, Patios and Driveways for each individual dwelling will be discharged directly to the ground via individual soak-pits construction in the rear of each property.

Storage requirements will be based on a 1 in 30yr storm and 1 in 100 year storm.

Soil infiltration was determined by excavating 2 trial hole and measuring the percolation rate and applying worst -case result over the entire site. The average soil infiltration rate was determined to be 0.0000554. The worst-case scenario is a storm duration of 30 minutes which requires storage of 2.234m³. The total rainfall data of the calculation has been factored up by the 20% to allow for climate change. Storage is to be provided by means of a soak pit constructed in the rear garden of each dwelling. Soak-pit to be 2.5m X 2m X 1.35 deep constructed with clean granular stone 0.35% providing 2.362m³ of storage requirements which exceeds the require storage.

2) Rain water form the roads/public footpaths and the roofs of the apartments will be collected and divert to water storm-tech attenuation system and will infiltrate back into the ground under parking bays of the proposed development.

The worst -case scenario is a storm duration of 120 minutes which requires storage of 77.563m³ of rain water. The total rainfall data for calculation has been factored up to 20% to allow for climate changes, Storage is to be provide by means of Stormtech Attenuation Unit constructed under the Green space of the proposed development site. Storage that will be provided equals 77.75m³ exceeding the required storage.

Soil infiltration rate is stated as 0.0000554 m/s, derived from site testing.

7.5.5. The central issue relates to the adequacy of site investigation and compliance with BRE Digest 365. The Planning Authority expressed concern that infiltration testing was insufficient, noting that infiltration measures are proposed across multiple locations (individual dwellings and central attenuation system). It was suggested that testing should be undertaken at all proposed infiltration points and that trial pits should be between 1.5m and 2.5m deep to properly establish soil characteristics.

7.5.6. Having reviewed BRE Digest 365, I note the following:

- The guidance does not explicitly require a trial pit at every individual infiltration location. However, it does require that testing be representative of ground conditions at the depth and location of proposed infiltration systems.
- Trial pits are typically excavated to the invert depth of the proposed soakaway, commonly within the range of 1.5m–2.5m, depending on design depth.
- Multiple tests should be undertaken where ground conditions may vary across a site.

7.5.7. The applicant indicates that two trial holes were excavated; however, only the results of a single test hole have been submitted. The depth of the reported trial pit is approximately 1.2m, which is shallower than the commonly recommended depth range and shallower than the proposed soakaway base level. While I do not consider that 23 or 45 individual trial pits would necessarily be required, particularly where geology is uniform, I am not satisfied that the level of testing undertaken is sufficient to demonstrate that soil conditions are uniform across the entirety of the site. Furthermore the submitted report has not indicated that infiltration rates at the proposed depth of infiltration have been properly established and that the worst-case infiltration rate has been robustly derived from multiple test cycles as required by BRE 365 methodology.

The reliance on a single test location to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale.

7.5.8. The proposed drainage strategy is heavily reliant on infiltration across the site, both at individual dwelling level and at a centralised attenuation system. Where such reliance exists, the standard of site investigation must be correspondingly rigorous.

While the storage calculations appear mathematically sound based on the infiltration rate used for a single test hole, the fundamental question is whether that infiltration rate has been reliably established in accordance with BRE 365 best practice.

7.5.9. In the absence of representative infiltration testing at adequate depth, multiple test cycles demonstrating consistent results and sufficient trial pit data across the site to address potential variability in soil strata, I am not satisfied that the applicant has

demonstrated full compliance with Objectives IU19 and IU20 of the Development Plan.

However, I note that there is no evidence to suggest that the proposed SuDS measures would pose environmental risks beyond the immediate environs of the site. The deficiency relates primarily to the adequacy of testing and demonstration of compliance rather than to a fundamentally flawed drainage concept.

7.5.10. Having regard to the requirements of Objectives IU19 and IU20 of the Louth County Development Plan 2021–2027 (as varied), and the need to demonstrate compliance with BRE Digest 365 methodology where infiltration systems are proposed, I consider that the applicant has not provided sufficient evidence to demonstrate that the proposed SuDS measures have been designed on the basis of robust and representative site investigation.

7.6. Other Matters

7.6.1. Archaeological Test Trenching

The applicant has submitted a geophysical survey report, prepared by ASCU, dated May 2025. The report notes that the site does not contain any monuments as listed on the Record of Monuments and Place or Sites and Monuments Record. The report recommends further archaeological assessment (test Trenching) be carried out as a condition of planning. The survey identified a potential spread/pit remains of archaeological significance across the survey area.

The proposed site lies within a zone of archaeological potential of Ardee Historic Town LH071-101. I note submission on file from the Department of Housing Local Government and Heritage seeking an Archaeological Impact Assessment be prepared and submitted by way of further information.

The planning authority did not seek further information as a recommendation for refusal on the development proposal was made. Whereby the Coimisiun is minded to grant permission in this instance, I consider it necessary that further information be sought in relation to potential for archaeological disturbance on the site. I recommend an archaeological impact assessment be carried for the site as recommended by the Department of Housing Local Government and Heritage

7.6.2. Water Framework Directive –

- 7.6.3. The application site and surrounding area is located within the Neagh Bann River Basin District. There are no watercourses within the application site but a dry/seasonal field drain runs parallel with the sites northern boundary. This drain forms part of a network of channels that connect and discharge to the River Dee located 885m (approx.) to the east. The River Dee flows in an easterly then north-easterly direction connecting with the River Glyde before discharging into Dundalk Bay at Annagassan Harbour.
- 7.6.4. The Geological Survey of Ireland's (GSI) groundwater vulnerability mapping system indicates the application site's groundwater is at moderate risk. The application site is located too far from the coastline to be subject to any potential coastal flooding event. The Office of Public Work's Catchment Flood Risk Assessment and Management (CFRAM) mapping system indicates the application site is not prone to any potential pluvial or fluvial flooding but is located next to land which is. The application has been submitted with a Site Specific Flood Risk Assessment (SSFRA) prepared by Dowdell Architects. The report confirms the application site is not likely to flood from either a coastal, fluvial or pluvial source. Against the criteria of the Flood Risk Management – Guidelines for Planning Authorities (2009) justification test the proposed residential development of the application is considered acceptable.
- 7.6.5. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I consider that a precautionary approach is warranted and a Stage 1 Water Framework Directive Stage 1 Screening Assessment is required. Please refer to Appendix 3.

7.7. Appropriate Assessment Screening

7.7.1. Please refer to Appendix 2 & 3: Appropriate Assessment Screening (stage1) and Appropriate Assessment (Stage 2) of this report.

7.7.2. Stage 1 Screening Determination

Finding of likely significant effects in accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information

provided by the applicant, I conclude that the proposed development could result in significant effects on the Dundalk Bay SAC and Dunadalk Bay SPA in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

7.7.3. Stage 2 Screening Determination

7.7.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Dundalk Bay SAC and Dundalk Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the Dundalk Bay SAC and Dundalk Bay SPA cannot be excluded in view of the conservation objectives of these sites and that reasonable scientific doubt remains as to the absence of such effects.

7.7.5. My conclusion is based on the following:

With respect to SUDS measures proposed for the site, I note the application relies on a single test hole for data for the entire site. The reliance on a single test location to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale. The proposed drainage strategy is heavily reliant on infiltration across the site, both at individual dwelling level and at a centralised attenuation system. Where such reliance exists, the standard of site investigation must be correspondingly rigorous.

It is also noted that the planning authority concluded that in the absence of SUDS measures designed to BRE 365 standard, the planning authority could not be satisfied beyond reasonable scientific doubt that the proposed development, , would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or project.

8.0 Recommendation

I recommend that planning permission be refused for the following reasons:

Reasons and Considerations

1. The proposal is located in an area served by public roads that are substandard in terms of width, junction alignment and visibility. The existing road network, including sections of Markethouse Lane, Old Chapel Lane and the full length of Blackridge Road, is significantly below the minimum standards required to safely accommodate the traffic generated by a development of this scale. There is insufficient scope to upgrade the road infrastructure to include active travel measures such as cycle lanes, buffers and footpaths. As such, the development would result in a traffic hazard for pedestrians, cyclists and vehicles and is considered premature pending substantial road improvements. The proposal is therefore contrary to the proper planning and sustainable development of the area and inconsistent with the Policy Objectives of the Louth County Development Plan 2021 – 2027 (as varied) relating to road safety and active travel.
2. The applicant has failed to demonstrate that the proposed SUDS has been designed in accordance with best practice and BRE Digest 365, as required under Policy Objective IU19 and IU20 of the Louth County Development Plan 2021 – 2027 (as varied). Accordingly, the Coimisiun is not satisfied that the proposed SuDS has been appropriately designed or that it could function effectively without creating a risk of localised flooding or groundwater contamination. The proposal would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the submitted NIS the Coimisiun is not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of European Sites, in particular the Dundalk Bay SAC and Dundlak Bay SPA having regard to their qualifying interests and conservation objectives. The NIS fails to provide sufficient and scientifically robust information regarding the adequacy of SUDS measures, hydrological

connectivity and the potential for indirect effects on water quality within the River Dee catchment. Accordingly, the proposal is considered to be contrary to the requirements of Article 6 (3) of the EU Habitats Directive (92/43/EEC) and Section 177V of the Planning and Development Act 2000 (as amended). Furthermore, the proposal would contravene objectives NBG 4 and objective NBG 5 of the Louth County Development Plan 2021 – 2027 (as varied) and would therefore be contrary to the proper planning and sustainable development of the area.

4. Having regard to:

- d) The overall layout of the housing, including dwellings that side onto internal access roads and the presence of three- storey dwellings fronting Black Ridge Road;
- e) The proposed density of 47dph which is considered excessive for this location and inconsistent with the prevailing pattern of development; and
- f) The quality and surveillance of the proposed public open space

It is considered that the proposed development would result in a substandard form of development that would detract from the residential amenities of future occupants and the surrounding area. The proposal would be contrary to the provisions of the Louth County Development Plan 2021 – 2027 (as varied) and would therefore be contrary to the

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.

Darragh Ryan

9th of March 2025

Planning Inspector

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	500292- LH - 25		
Proposed Development Summary	Construction of 45 dwellings units, internal access roads, landscaping, connection into existing public sewer and water supply network		
Development Address	The Black Ridge, Townparks, Ardee, Co. Louth.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		
Yes	Class/Threshold... Item (10)(b) of Schedule 5 Part 2..		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	500292-LH-25	
Proposed Development Summary	Construction of 45 dwellings, internal access roads, landscaping, connection into existing public sewer and water supply network	
Development Address	The Black Ridge, Townparks, Ardee, Co. Louth.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is on a greenfield site circa 1.26ha on zoned land. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No. The site area is 1.26ha.</p> <p>There are no other developments under construction in proximity to the site. All other developments are established uses.</p>	No
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No. The proposed development is not within a designated Natura 2000 site. Dundalk Bay SAC and Dundalk Bay SPA are located 12.5km from the site</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No

Conclusion

There is no real likelihood of significant effects on the environment.

EIA not required.

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – AA Screening Determination

Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of 45 dwelling units, new site entrance.
Brief description of development characteristics and potential impact mechanisms of site and potential	<p>A detailed description of the proposed development is provided in Section 2 of this report and detailed specifications of the proposed development area are provided in the NIS/AA screening Report and other planning documents provided by the applicant.</p> <p>The site has a stated area of 1.26ha as greenfield site to the north of Ardee.</p> <p>There is a dry/drainage ditch located to the north of the appeal site which connects to the River Dee which connects into Dundalk Bay SAC and SPA. To the east of the site.</p> <p>The construction phase would be completed within 18-24 months and would include localised excavation works within the footprint of the appeal site.</p> <p>Potential construction phase run-off could contribute to downstream impacts such as increased siltation, nutrient release and/or contamination.</p> <p>These impacts could contribute to habitat degradation and deterioration of water quality in the receiving and downstream environments. During the operational phase surface water would be attenuated on site in a specifically designed storm water attenuation system and would ultimately be discharged to groundwater. The SUDS detail as provided is incomprehensive, with only a single test hole provided for the entirety of the site. The applicant and planning authority consider an indirect connection possible to SAC and SPA via River Dee.</p>
Screening Report/ Natura Impact Statement	

An Appropriate Assessment Screening and Natura Impact Statement was prepared by Kingfisher Environmental Consultants in support of the application.

Relevant Submissions

No submissions from a third party or a prescribed body with regard to AA.

Identification of relevant European sites using the Source-pathway-receptor mode

The proposed development is not located within or adjacent to any designated site. Therefore, the proposed development would not result in any direct effects such as habitat loss on any European Site. Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. The applicants AA Screening Report identifies 2. no additional designated sites, that are within 15km of the appeal site. There is no potential connectivity from the proposed development to these sites, they are not considered to be within the potential zone of influence, and are excluded from any further assessment. Site synopsis and conservation objectives can be found on the NPWS website (www.npws.ie)

Table 1: European Sites within the Zone of Influence

European Site (code)	Summary of Qualifying Interests	Distance from proposed development	Ecological connections (source, pathway, receptor)	Consider further in screening Y/N
Dundalk Bay Special Protection Area[Site Code: 004026]	<p>Greylag Goose Anser anser</p> <p>Light-bellied Brent Goose Branta bernicla hrota</p> <p>Red-breasted Merganser Mergus serrator</p> <p>Great crested Grebe Podiceps cristatus</p> <p>Oystercatcher Haematopus ostralegus</p> <p>Golden Plover Pluvialis apricaria</p> <p>Knot cantus</p> <p>Dunlin Calidris alpina</p> <p>Black-tailed Godwit Limosa limosa</p> <p>Curlew Numenius arquata</p> <p>Redshank Tringa totanus</p> <p>Black-headed Gull Chroicocephalus ridibundus</p>	Distance – 12.5km	Yes, indirect hydrological connection via surface water run-off to drainage channels located to the north of site boundary, which drain to the River Dee which connects directly with SPA	Yes

	<p>Shelduck <i>Tadorna tadorna</i></p> <p>Teal <i>Anas crecca</i></p> <p>Mallard <i>Anas platyrhynchos</i></p> <p>Pintail <i>Anas acuta</i></p> <p>Calidris</p> <p>Common Scoter</p> <p>Melanitta <i>nigra</i></p> <p>Bar-tailed Godwit</p> <p><i>Limos lapponica</i> [A157]</p> <p>Ringed Plover</p> <p><i>Charadrius hiaticula</i></p> <p>Grey Plover <i>Pluvialis squatarola</i></p> <p>Lapwing <i>Vanellus vanellus</i></p> <p>Common Gull <i>Larus canus</i></p> <p>Herring Gull <i>Larus argentatus</i></p> <p>Wetlands & Water Birds [A999]</p>			
<p>Dundalk Bay Special Area of Conservation</p> <p>[Site Code: 000405]</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Perennial vegetation of stony banks</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p>	<p>Distance – 12.5km</p>	<p>Yes, indirect hydrological connection via surface water run-off to drainage channels located to the north of site boundary, which drain to the River Dee which connects directly with SPA</p>	<p>yes</p>
Likely effects of the project, alone or in combination on European Sites				
<p>The proposed development would not result in any direct effects to a designated site. However, due to the indirect hydrological link of the proposed development to the Dundalk Bay Special Protection Area and Dundalk Bay Special Area of Conservation via surface water run-off and the River Dee, impacts generated by the construction of the proposed development requires consideration. SUDS measures requires consideration Sources of impact and likely significant effects are detailed in Table 2 below.</p>				

Table 2: Screening Matrix		
Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impact	Effects
Dundalk Bay Special Protection Area[Site Code: 004026]	No direct impacts envisioned. Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water. SUDS measures proposed are not quantified.	Potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase. Potential damage to the habitats and qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.
Yes: Likelihood of significant effects from proposed development alone		
No: Likelihood of significant effects occurring in combination with other plans or projects		
	Impact	Effects
Dundalk Bay Special Area of Conservation[Site Code: 000405]	No direct impacts envisioned. Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water. SUDS measures proposed are not quantified.	A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability
Yes: Likelihood of significant effects from proposed development alone		
No: Likelihood of significant effects occurring in combination with other plans or projects		

Appropriate Assessment (Stage 2)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the Dundalk Bay Special Protection Area[Site Code: 004026] and Dundalk Bay

Special Area of Conservation Site Code 000405 based on scientific information provided by the applicant.

The information relied upon includes the Natura Impact Statement prepared by EHP Services. I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

A description of the sites and their Conservation and Qualifying Interests (QI's) / Special Conservation Interests (SCI's), including any relevant attributes and targets for these sites, are set out in the NIS and are also available on the NPWS website (www.npws.ie).

The following tables provide an assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field as outlined in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Table 2: Dundalk Bay Special Protection Area[Site Code: 004026]

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest (M/R).
Detailed Conservation Objectives available: <https://www.npws.ie>

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation (construction)

Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
A005 Great Crested Grebe Podiceps cristatus	To maintain the favourable conservation condition of Great Crested Grebe in Dundalk Bay SPA	No direct Impacts. Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	Section 4.5 of the NIS outlines best practice design and mitigation measures. The best practice design and mitigation measures would ensure that all potential pollutant sources would be retained within the footprint of the appeal site and would not enter the surrounding environment. Construction Phase: Standard mitigation measures outlined include the following: A “silt fence” is to be installed along the southern site boundary and also along the northwestern drainage ditch to mimic the potential surface water drainage from the site. This
A043 Greylag Goose Anser anser	To maintain the favourable conservation condition of Greylag Goose in Dundalk Bay SPA	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	
A046 Light-bellied Brent Goose Branta bernicla hrota	To maintain the favourable conservation condition of Light – bellied Brent Goose in Dundalk Bay SPA	No direct impacts Activities associated with construction phase may result in the release of silt / sediment	

A048 Shelduck Tadorna tadorna	To maintain the favourable conservation condition of Shelduck in Dundalk Bay SPA	laden water run-off which could negatively impact on water quality.	is to prevent silting or contaminated run-off from leaving the site towards any surface water
A052 Teal Anas crecca	To maintain the favourable conservation condition of Teal in Dundalk Bay SPA	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	ditch. The “silt fence” is to remain in place for the duration of the works
A053 Mallard Anas platyrhynchos	To maintain the favourable conservation condition of Mallard in Dundalk Bay SPA	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	Potentially contaminating substances will be stored in designated areas that are isolated from surface water drains or open waters. Hazardous wastes such as waste oil, chemicals and preservatives will be stored in designated, sealed containers.
A160 Curlew Numenius arquata	To maintain the favourable conservation condition of Mallard in Dundalk Bay SPA	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality	Fuelling, lubrication and storage areas will be in a designated area away from excavation works and not within 30 m of drainage ditches or surface waters. All ready-mixed concrete shall be delivered to site by truck. A suitable risk assessment for wet concreting shall be completed prior to works being carried out. Washdown and washout of concrete trucks, with the exception of the chute, will take place at an appropriate facility off-site Works carried out in accordance with relevant legislation, standards and guidelines.

			<p>Operational Phase:</p> <p>To protect the construction and/or operational phases of development from any potential flooding risk from adjoining parcels of land prone to fluvial flooding the following mitigation and resilience measures shall be incorporated into the overall development proposal's design and layout:</p> <ul style="list-style-type: none"> a. All electrical sockets and cabling shall be constructed above the freeboard flood risk level. b. All floors are to be concrete with robust damp proof membranes (dpm) to resist floodwater and rising groundwater. c. All openings such as air vents and weep vents shall be constructed as high as possible. d. In order to preserve existing pre-development, 'greenfield' surface water infiltration characteristics the proposed development shall incorporate appropriate surface water drainage proposals shall be based upon Sustainable Drainage System (SuDs) principles and comply with the design requirements of the BRE 365 – Soakage Design Digest.
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<p>Table 3: Dundalk Bay SAC [000455]</p> <p>Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest (M/R). Detailed Conservation Objectives available: https://www.npws.ie</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <ul style="list-style-type: none"> • Water quality degradation (construction) 			
Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
1130 Estuaries Attribute Measure	To maintain the favourable conservation condition of Estuaries in Dundalk Bay SA	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality	As above.
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide at Dundalk Bay SAC	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality	As above.
1220 Perennial vegetation of stony banks	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Dundalk Bay SAC		
1310 Salicornia and other annuals	To restore the favourable conservation condition of Salicornia and other		

colonizing mud and sand	annuals colonizing mud and sand in Dundalk Bay SAC		
1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)	To maintain the favourable conservation condition of Atlantic salt meadows in Dundalk Bay SAC,		
1410 Mediterranean salt meadows (Juncetalia maritimi)	To maintain the favourable conservation condition of Mediterranean salt meadows in Dundalk Bay SAC,		
<p>Assessment:</p> <p><i>Surface Water Quality:</i></p> <p><u>Construction Phase:</u> Activities associated with construction phase may result in the release of silt / sediment laden water run-off to the drainage ditches to the north of the appeal site which could potentially provide connectivity to the River Dee which connects to the SAC and SPA. Standard pollution prevention measures would be put in place during the construction phase. These measures are standard practice for construction sites and would be required for a development on any site, irrespective of any potential hydrological connection to a designated site. In the event that the pollution control measures were not correctly implemented or failed I am satisfied that due to the nature of the qualifying interests, the separation distance (a minimum of 12.5km km as the crow flies), to the distant and interrupted hydrological connection and the volume of water (dilution factor) separating the appeal site from the designed sites, that the impact on the qualifying interests of the Dundalk Bay SAC and Dundalk Bay SPA would not be significant.</p> <p><u>Operational Phase:</u> the agent for the applicant accepted the implementation of SUDS measures for the site and state these will be carried out to required BRE 365 Digest standards. However, I note no further analysis of the SUDS report was carried out within the NIS.</p> <p>Regarding the SUDS measures proposed for the site, I note the application relies on a single test hole for data for the entire site. The reliance on a single test location to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale. The proposed drainage strategy is heavily reliant on infiltration across the site, both at individual dwelling level and at a centralised attenuation system. Where such reliance exists, the standard of site investigation must be correspondingly rigorous.</p> <p>While the storage calculations appear mathematically sound based on the infiltration rate used, the fundamental question is whether that infiltration rate has been reliably established in accordance with BRE 365 best practice.</p>			

In the absence of representative infiltration testing at adequate depth; Multiple test cycles demonstrating consistent results and sufficient trial pit data across the site to address potential variability in soil strata, I do consider the operational element of the proposal may give rise to surface water connecting with the European sites via the River Dee and indirect pathway. There is therefore reasonable scientific doubt as to the impact on European Sites

Ex-Situ Habitat: There is no spatial overlap with between the appeal site and Dundalk Bay SPA and Dundalk Bay SAC. There is no evidence of any qualifying interest of these designated sites utilising the appeal site. No preventative mitigation measures are required.

In-combination effects

Section 2.2.4.1 of the AA Screening Assessment provides a summary of all programmes, plans and projects that could potentially result in in-combination effect with the proposed development. Since the submission of the application there are two other applications.

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and Conclusions

I consider that the applicants proposal to utilise SUDS measures for the management and control of surface water to be preferable. However I am not satisfied that the applicant has demonstrated the entirety of the site is suitable for infiltration to ground, in the manner specified by the applicant. The reliance on a single test location of insufficient depth to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale. The proposed drainage strategy is heavily reliant on infiltration across the site, both at individual dwelling level and at a centralised attenuation system. Where such reliance exists, the standard of site investigation must be correspondingly rigorous.

Following an Appropriate Assessment and the consideration of mitigation measures, I cannot ascertain with confidence that the project would not adversely affect the integrity of any other European site, in view of the site's Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with plans and projects.

This conclusion is based on:

- A reasonable scientific doubt as to the suitability of the entirety of the site to accommodate the proposed SUDS methodology. The reliance on a single test location to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale.

Site Integrity

The proposed development will affect the attainment of the Conservation objectives of the Dundalk Bay SAC and Dundalk Bay SPA. Adverse effects on site integrity cannot be excluded as reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Dundalk Bay SAC and Dundalk Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of Dundalk Bay SAC and Dundalk Bay SPA cannot be excluded in view of the conservation objectives of these sites and there is reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts
- An assessment of in-combination effects

- A reasonable scientific doubt as to the suitability of the entirety of the site to accommodate the proposed SUDS methodology. The reliance on a single test location to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale.

It is also noted that the planning authority concluded that The NIS fails to provide sufficient and scientifically robust information regarding the adequacy of SUDS measures, hydrological connectivity and the potential for indirect effects on water quality within the River Dee catchment.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	500292-25	Townland, address	The Black Ridge, Townparks, Ardee, Co. Louth.
Description of project		The development will consist of the construction of 45 houses, new internal access road, landscaping and all associated site works	
Brief site description, relevant to WFD Screening,		<p>The topography of the site varies slightly with the land sloping gently to the north where there is an existing dry drainage ditch. The application site composes of a 20cm top soil layer atop a 1m thick layer of light brown/grey, medium to coarse grained sand and gravel with small to medium sized stones. Brown earths are described as mature, well-drained, mineral soils that have a relatively uniform profile. These soils are acidic in nature as they occur on lime-deficient parent material. They have a medium texture of sandy loam, loam and sandy clay loam.</p> <p>This dry drainage channel to the north of the site eventually discharges to the River Dee 850m east of the site. The lands to the south, west and east are predominantly used for residential use. The immediate environs of the site is Ardee town.</p>	
Proposed surface water details		SUDS measures proposed as per BRE 365 standard,	
Proposed water supply source & available capacity		Proposed connection to the public mains supply.	

<p>Proposed wastewater treatment system & available capacity, other issues</p>	<p>Connect into wastewater network.</p>
<p>Others?</p>	<p>Deficiencies in the SUDS details provided:</p> <p>The applicant indicates that two trial holes were excavated; however, only the results of a single test hole have been submitted. The depth of the reported trial pit is approximately 1.2m, which is shallower than the commonly recommended depth range and shallower than the proposed soakaway base level. While I do not consider that 23 or 45 individual trial pits would necessarily be required, particularly where geology is uniform, I am not satisfied that the level of testing undertaken is sufficient to demonstrate:</p> <ul style="list-style-type: none"> • That soil conditions are uniform across the entirety of the site; • That infiltration rates at the proposed depth of infiltration have been properly established; • That the worst-case infiltration rate has been robustly derived from multiple test cycles as required by BRE 365 methodology. <p>The reliance on a single test location to justify widespread infiltration across individual plots and communal areas does not, in my view, represent a sufficiently robust evidential basis for a development of this scale.</p> <p>The proposed drainage strategy is heavily reliant on infiltration across the site, both at individual dwelling level and at a centralised attenuation system. Where such reliance exists, the standard of site investigation must be correspondingly rigorous.</p> <p>In the absence of representative infiltration testing at adequate depth; Multiple test cycles demonstrating consistent results and sufficient trial pit data across the site to address potential variability in soil strata,</p>

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

Identified water body	Distance to (m)	Water body name(s) (code)	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 runoff, drainage, groundwater)
River Waterbody	850m	River Dee	"significant risk"	"at risk"	Effluent & raw sewerage	Hydrologically connected to the surface watercourse via the dry drainage channel to which stormwaters will discharge in the north of the site.

Groundwater waterbody	Underlying site	Ardee IE_NB- IE_NB_G_01 8	Not at risk	Not at risk		Infiltration and seepage.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination* * to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	River DEE	Drainage and uncontrolled runoff during works	Siltation in the watercourse. Hydrocarbon Spillages	Standard Construction Measures / Conditions, pollution controls, fuel storage etc.	No	Screened out
2.	Ground	Ardee	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions, pollution controls, fuel storage etc.	No	Screened out
OPERATIONAL PHASE							
3.	Surface	River Dee	Drainage	Hydrocarbons and	Standard Control	No	Screened out

				chemicals from impermeable areas	Measures / Conditions, pollution controls, fuel storage etc. Hydrocarbon interceptors prior to discharge.		
4.	Ground	Ardee	Drainage	Hydrocarbons and chemicals from impermeable areas	Standard Control Measures / Conditions, pollution controls, fuel storage etc. Hydrocarbon interceptors prior to discharge.	No	Screened out
DECOMMISSIONING PHASE							
5.	n/a	n/a	n/a	n/a	n/a	n/a	n/a

