



An
Coimisiún
Pleanála

Inspector's Report

PL-500556-LH-26

Development	63 dwellings and all associated site works
Location	Mount Avenue Farrandreg , Dundalk , Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460792
Applicant(s)	Moffett Investment Holdings ULC
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Wild Ireland Defence CLG
Observer(s)	None
Date of Site Inspection	02.04.2026
Inspector	Fiona Fair

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	11
3.4. Third Party Observations	11
4.0 Planning History.....	13
5.0 Policy and Context.....	13
5.1. Development Plan.....	13
6.0 The Appeal	19
6.1. Grounds of Appeal	19
6.2. Applicant Response	19
6.3. Planning Authority Response	22
6.4. Observations	22
6.5. Further Responses.....	22
7.0 Assessment.....	23
8.0 Appropriate Assessment.....	34
9.0 Environmental Impact Assessment.....	35
10.0 Water Framework Directive	36
11.0 Recommendation	34
12.0 Reasons and Considerations	37
13.0 Conditions	39
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2 EIA Preliminary Examination	
Appendix 3 – Screening for AA	
Appendix 4 - WFD	

1.0 Site Location and Description

- 1.1. The application site c.2 hectares is situated on the eastern side of Mount Avenue, to the northwest of Dundalk. The LIHAF-funded Mount Avenue Link Road will provide access to the proposed development. It is recently operational, with new footpaths, cycle lanes, and public lighting in place along its entire length. The construction compound and associated car parking area for the road upgrade is located on the western portion of the application site.
- 1.2. The site has a varied topography, with Mount Avenue at 18 / 19 meters AOD along its western boundary, sloping down 6-8 meters AOD to the east. The western boundary comprises a post and wire fence, with some recent tree and hedgerow planting. The northern boundary is defined by the Castletown stream that also runs parallel in part of the eastern boundary. The southern bank is densely vegetated, while the eastern boundary is marked by hedgerows and brambles. A narrow lane right of way access / track runs along the southern boundary, with a farm gate providing access. Agricultural fields bound the site to the south and east. A Part 8 residential development (P.A. Ref. No. 21/1173) comprising a development of 93 no. dwellings, is currently under construction to the north.
- 1.3. A Recorded Monument (RMP Ref. LH007-199) is located centrally on the site, described as a "standing stone" that is not intact. Two fulacht fia (RMP Ref. Nos. LH007 125 and LH007 121) are near the northern boundary. Additionally, a 38 110 kV powerline runs through the center of the site, and a second powerline to the northeast.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - 63 no. houses in semi-detached and terraced format and ranging in height from 2 -3 no. storeys.
 - A single new vehicular access off Mount Avenue will be provided to serve the development.
 - 3 no. separate pedestrian only accesses are also proposed off Mount Avenue.

- It is also proposed to construct a pedestrian connection across the stream to adjoining residential lands to the north that are currently under construction.
- The proposed development also provides for alterations to ground levels across the site and the undergrounding of ESB powerlines.
- Public lighting, Electric Vehicle (EV) charging points and an ESB sub-station are also proposed.
- The proposal also includes all landscaping and boundary treatments, including the construction of retaining walls in addition to all associated site development works encompassing the installation of Sustainable Urban Drainage (SuDS) features across the site, as well as connections to existing public infrastructure, services and utilities.

The Application is accompanied with the following Assessments & Reports:

- An archaeological assessment
- A Bat Fauna Impact Assessment
- An Appropriate Assessment (AA) Screening Report
- Ecological Impact Statement
- Outdoor Lighting Report
- Engineering Report
- Climate Action and Energy Statement
- Architects Design Statement and statement of compliance with Quality Housing for Sustainable Communities' standards.
- A Flood Risk Assessment
- A Planning Statement.

Table 1: Residential Mix Breakdown

	Apartments	Housing Units	Total Units
1 bed	0	0	0
2 bed	0	18	18
3 bed	0	38	38
4 bed	0	7	7
Total Units		63	63

Table 2: Key Development details

Detail	Proposal
No. of Units	63
Commercial Floor Space	0
Site Area as stated by applicants	2ha
Density	31.5
Building Height	2/3 Storeys
Dual Aspect Apartments	N/A
Child Care facility	No
Car Parking	114 spaces

Table 3: Key Development details post RFI

Detail	Proposal
No. of Units	60
Commercial Floor Space	0
Site Area as stated by applicants	Gross 2.01 Ha – Net 1.7ha
Density	35.2

Building Height	2/3 Storeys
Dual Aspect Apartments	N/A
Child Care facility	No
Car Parking	106 Spaces (1.8 spaces per dwelling)

Table 4: Residential Mix Breakdown following RFI

	Apartments	Housing Units	Total Units
1 bed	0	0	0
2 bed	0	17	17
3 bed	0	35	35
4 bed	0	8	8
Total Units		60	60

3.0 Planning Authority Decision

3.1. Decision

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Subject to a request for further information (RFI) being requested with respect to:

Location of bin storage, riparian buffer zone, residential amenity area, house design, finishes and addressing street frontages, omitting blank walls, legal entitlement to lands in light of submission received, EV charging and objective which requires that all new residential developments in excess of 20 units provide for minimum 30% universal design.

Storm water - details of a non-return valve arrangement.

Roads – Compliance with DMURS at access off Mount Avenue, RSA Stages 1 & 2, Long Road Sections, Quality Audit.

Open Channel: Request a Wayleave Agreement with Louth County Council to provide 10 metre wide access along the open drainage channel for maintenance. liaise with the Office of Public Works (OPW) and Inland Fisheries prior to culverting of the existing watercourse and submit documentary evidence of receiving Section 50 approval under the Arterial Drainage Act, 1945 from the Office of Public Works

- 3.2.2. I note that all matters were considered resolved to the satisfaction of the PA with the exception of the item to address the riparian buffer. I note that the applicant amended the layout to provide a riparian corridor of 10m. The riparian corridor is shown on the proposed site plan ("dwg no2972-2-102-R 1 Proposed Site Plan") with a dashed blue line. Due to the increase of the riparian corridor width, along with a change in road design, it is noted, that the proposed units' numbers have changed and the number of units have reduced from 63 to 60. As such Sites 21-29 are now sites 11-19 and site no's 55-63 are now sites 33-41, although they are in the same location on the site. The density remains the same due to the net site area being reduced as a result of the increase in the area of the riparian corridor and the inclusion of the right of way along the southern boundary. The design of the site's utilities and infrastructure has been amended to reflect these changes as well as the landscaping design to provide for access to the open channel and revisions to the road layout.
- 3.2.3. The increase in the depth of the riparian corridor has meant that the retaining wall originally proposed along the eastern boundary was becoming visually obtrusive and so the site & road layout was amended so that the levels of the units along this boundary were more closely aligned with the existing levels. To manage the transition in levels across the site, the entrance road into the site has been modified to veer left from the main vehicular entrance to the site and the main access to the eastern boundary is now in the middle of the site.
- 3.2.4. The Planner considered that these amendments have resulted in fundamental concerns with the layout of the residential scheme. It is considered that the redirection of the road has resulted in a poor quality redesign which would result in a substandard form of development that would detract from the residential amenities of

future occupants and the surrounding area. This is particularly prevalent in the southern section of the development in the vicinity of the site entrance where the general form of the development would be of a poorer quality than that originally proposed. Refusal is therefore recommended.

- 3.2.5. On the 01/12/2025 A recommendation to REFUSE permission was made. It states one reason for refusal as follows:

“The proposal if permitted would be contrary to policy objectives, HOU 18, HOU 21, HOU 22, HOU 26, and HOU 30 of the Louth County Development Plan 2021-2017 as varied, and 'Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities,' which seek to, inter alia, promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets and spaces, to require a design led approach to be taken to sustainable residential development, to ensure the creation of quality, attractive and well connected residential areas and neighbourhoods. The proposed development would, if permitted, militate against the creation of an attractive high quality residential environment and would result in a substandard form of development that would detract from the residential amenities of future occupants and the surrounding area, thus would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for future inappropriate development in the area”.

On the 8th of December 2025 The Director of Services compiled an ADDENDUM Report recommending a Grant of Planning Permission subject to 28 No. Conditions.

Condition's included:

No.1 Standard

No 2. the applicant shall submit plans for the written agreement of the Planning Authority, detailing House Type D1 comprising an interactive and dual frontage presentation.

No.3 restricts all housing units permitted, to first occupation by individual purchasers.

No. 4 Part V

No. 5 a) The 3 storey house type D and D1 and two storey house type B shall be finished in brick on all elevations.

- b) Details of the external finishes of all dwelling units in the development including those listed in condition 5a) above shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.
- c) House Types A, B, and H shall be revised to include an additional window in the front elevation, details of which shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.
- d) Details of all boundary treatments and retaining walls in the development (including the retaining walls between the side and rear boundaries) shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.
- e) Additional parking shall be provided in or adjacent to the homezone in the northern section of the application site in the vicinity of units 23-26, details of which shall be provided in a site layout plan and associated updated section drawings through the riparian zone in a north south direction. Note these additional spaces may result in a reduction in the riparian zone in this part of the site.
- f) The proposed road levels, finished floor levels, and levels of private amenity space shall be as detailed on the drawings received on 11th November 2025 unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.
- g) Details of a phasing plan for the delivery of the development, including the provision of public open space and equipped play area shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

No. 6 the developer shall submit to and agree in writing with the Planning Authority, a properly constituted Owners' Management Company.

No. 7 Surface Water Attenuation.

No. 8 roadways and footpath serving units to be finished with a permanent durable surface.

No. 9 public lighting

No. 10 car parking spaces shall be properly constructed on a durable permanent surface.

No. 11 CMP

No. 12 estate naming and numbering

No. 13 Connection agreements with UE

No. 14 a Wayleave Agreement with Louth County Council to provide 10 metre wide access along the open drainage channel for maintenance.

No. 15 Noise and vibration control.

No. 16 record noise during construction, noise monitoring and contribution towards cost of monitoring if required by the p.a.

No. 17 hours of operation.

No. 18 service cables shall be located underground.

No. 19 Landscaping

No. 20 Prior to the commencement of development, the storage of materials and car parking not associated with the development hereby approved shall be removed.

No. 21 A buffer area of 10m shall be implemented around the Recorded Monuments on the subject site.

No. 22 All mitigation measures outlined within the submitted Bat survey shall be implemented in full.

No. 23 a Resource and Waste Management Plan (RWMP).

No. 24 The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining road arising from the construction work and shall either make good any such damage forthwith

No. 25 prevent the spillage or deposit of clay, rubble, liquids and/or other debris on adjoining public roads during the course of the development works

No. 26 A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points and ducting shall be provided for all remaining car parking spaces,

No. 27 Bond €198,000 (€3,300 x 60)

No. 28 Development Contribution €698,760.00

3.2.6. Other Technical Reports

Place making and Physical Development: Recommends seeking further information in relation to Storm Water, Roads and the riparian corridor. Subject to Further Information being submitted a report of No Objection subject to Condition was issued.

Environment Section: No objections subject to conditions

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: No Objection subject to conditions.

An Taisce: Concerns with the proposal's proximity to national monuments, recommends considering the impact on water quality.

Uisce Eireann: Confirms a Confirmation of Feasibility for the proposed development.

3.4. Third Party Observations

Four submissions were made by:

1. **Peter Sweetman of Wild Ireland Defence CLG.** It is summarised as follows:

The submission highlights the proximity of the development to Dundalk Bay SPA and SAC, necessitating an Appropriate Assessment under Article 6.3 of the Habitats Directive due to potential environmental impacts. The relevant case law cited in the submission includes:

Kelly -v- An Bord Pleanála [2014] IEHC 400:

This case discusses the obligations of the Board in relation to the stage 1 screening under s.1777U. It emphasizes that the possibility of a significant effect on a site triggers the need for an appropriate assessment under Article 6(3) of the Habitats Directive.

CJEU Case C-323/17:

This case clarifies that at the screening stage, it is not appropriate to consider measures intended to avoid or reduce the harmful effects of a plan or project on a site when determining the necessity of an appropriate assessment.

CJEU Case 258/11:

This case interprets Article 5(1) and Article 8 of Directive 2000/60/EC, stating that lakes with a surface area below 0.5 km² are not required to have type-specific reference conditions or monitoring programs. It also emphasizes that development projects must not cause deterioration of water status or compromise the attainment of good water status in other surface water bodies.

Judgment of the Court Case 258/11:

This judgment states that assessments under Article 6(3) of the Habitats Directive must be complete, precise, and definitive, removing all reasonable scientific doubt about the effects on protected sites. It also highlights the application of the precautionary principle to ensure the lasting preservation of the site's characteristics.

These cases collectively underscore the importance of thorough environmental assessments and the application of precautionary measures to protect natural habitats and water bodies.

2. **Martin McCaughey**, it is summarised as follows:

Martin McCaughey through the care of his agent, P Herr and Associates, objection to the proposal. The submission states that, Matthew McCaughey, has a legal right of way across the southern boundary of the proposed site.

3. Padraig Cumiskey. Two submissions which are summarised as follows:

A new dry stone wall, to replace the original which was demolished as part of the Mount Avenue project, should be constructed. The submission also states that there is a standing stone on the site and a mass path which borders the northern and eastern stream. The submission also raises concerns about the proposed works to the banks along the stream and biodiversity of the area. The number of dwellings proposed is unclear, following receipt of RFI.

4.0 Planning History

There is no planning history pertaining to the subject site.

Adjoining site to the North:

PA Reg. Ref. 24/60792

Permission granted for a Part 8 development of 93 residential units and all associated / ancillary works on lands at Mount Avenue, Dundalk – total area of site is stated as 2.83 ha. Currently under construction

5.0 Policy Context

5.1. Development Plan

The Louth County Council Development Plan 2021 - 2027 (as varied), is the current statutory plan for County Louth. The Core Strategy is provided in Chapter 2 and refers to the RSES, and that Dundalk and Drogheda are designated as Regional Growth Centres (RGCs). These are described in Table 2.4 – ‘Settlement Hierarchy for County Louth’: ‘Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.’

As per Table 6.1 of the RSES and restated in the Development Plan under table 5.2, Dundalk and Drogheda are designated as 'Level 2' – 'Major Town Centres and County Towns.'

Chapter 4 – Social & Community includes Section 4.11 – 'Childcare Facilities'

Chapter 13 provides the Development Management Guidelines for County Louth.

The following sections are noted:

13.8.4 – 'Density and Plot Ratio'. Table 13.3 provides 'Recommended Density and Plot Ratio' and for 'Edge of settlement' locations the density is given as 35 per hectare and the plot ratio is 1.

13.8.6 – 'Building Heights' – Support increased heights in urban areas but will be considered on a case-by-case basis.

13.8.7 – 'Layout' – 'All roads and streets shall be designed in accordance with the requirements of the Design Manual for Urban Roads and Streets (2019).'

13.8.8 – 'Design Statement' – 'A Design Statement shall be required for any development in excess of 10 residential units and shall include'... a number of specified details.

13.8.9 – 'Residential Amenity' – Considers separation distances/ privacy issues.

13.8.10 - 'Daylight and Sunlight' – 'The European Daylighting Standard is set out in EN17037:2018 and provides a harmonised standard for daylighting in buildings. The UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) provide useful guidance with regard to daylighting and sunlighting of new developments in accordance with the requirements of EN17037:2018. These publications and any relevant future standards or guidance specific to the Irish context shall be utilised in ensuring the recommended standards of daylighting in new developments are provided. Section 6.7 of the 'Apartment Guidelines' states that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the planning authority should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.'

13.8.12 – ‘Landscaping’

13.8.13 – ‘Dwelling Design, Size and Mix’ – ‘To support a variety of household types and tenures, new residential developments, and in particular larger schemes in excess of 25 units shall endeavour to provide an appropriate mix of residential accommodation.’

13.8.14 – ‘Climate Change and Energy Efficiency’

13.8.15 – ‘Public Open Space’

13.8.16 – ‘Play Facilities in Residential Developments’

13.8.17 – ‘Private Open Space’ - Table 13.4 provides the ‘Minimum Private Open Space Standards’ as follows:

House	Minimum Private Open Space sq.m	Maximum Semi-Private Open Space sq.m (in lieu)
1 bed	20	10
2 bed	30	15
3 bed	40	20
4 bed +	50	25
Apartments and Duplexes	See Table 13.15	Case by case basis

13.8.18 – ‘Car and Cycle Parking’

13.8.26 – ‘Childcare Facilities in New Residential Developments’

Other relevant chapters include Chapter 7 – Movement and Chapter 10 – Infrastructure and Public Utilities.

The following variations to the Louth County Development Plan have been made and are relevant:

Variation No. 1 (2022) – Updated the plan to take account of the Section 28 Guidelines ‘Housing Supply Target Methodology for Development Planning’ and the ‘Projected Housing Demand by Local Authority Area 2020-2031 – ESRI NPF Scenario Housing Supply Target’ provided by the Department of Housing, Local

Government and Heritage in December 2020. Also updated the plan to ensure it's consistency with Part V of the Planning and Development Act as amended by the 'Affordable Housing Act, 2021'.

Variation No.2 (2024) – Updated the plan to take account of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' published by the Department of Housing, Local Government and Heritage in January 2024 as issued under Section 28 of the Planning and Development Act 2000 (as amended). Section 28 of the Act provides that Planning Authorities shall have regard to Ministerial Guidelines, and shall apply any specific planning policy requirements (SPPRs) of the Guidelines, within the meaning of Section 28(1C) of the Planning and Development Act 2000 (as amended), in the performance of their functions.

Variation No.3 (2025) – Updated the plan to take account of the Dundalk Local Area Plan, as adopted, and to ensure consistency between the Plans.

5.2. Local Area Plan

The subject site is located within the designated area of the Dundalk Local Area Plan 2025 – 2031 and which came into effect on the 17th of April 2025. The subject site is on lands zoned A2 – New Residential Phase 1 with an objective, provided in the Louth County Development Plan, 'To provide for new residential neighbourhoods and supporting community facilities.' Under the section on Guidance it states:

'This is the primary location for new residential neighbourhoods. Any development shall 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. 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.'

Uses that are listed under 'Generally Permitted Use' include 'Residential'

The site is located outside of Flood Zones A and B.

Section 3.2 Key Development Areas sets out the following in relation to the Mount Avenue Area

‘3.2.1 Located to the west of the town centre, the Mount Avenue area of Dundalk consists of c.35ha of land zoned for new residential development and open space, with a requirement to provide associated neighbourhood and community facilities on the lands by way of a Spot Objective (see Spot Objective F in Section 3.4.2 of the LAAP for details).

The development of these lands will enable the creation of a new neighbourhood that will include a diverse mix of housing typologies, open spaces, community facilities and amenities. The lands are approximately 1.8 kilometres west of the town centre.

Connectivity in the area has been improved by the completion of the Mount Avenue Link Road project, which includes an upgrade to Mount Avenue and the construction of a link road and associated active travel infrastructure between the Castletown Road and the Carrickmacross Road. This Local Infrastructure Housing Activation Funded (LIHAF) project was completed in Q4 of 2024....’

5.3. National/ Regional Plans/Policies

The Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) defines Dundalk as a Regional Growth Centre and an important settlement on the Dublin – Belfast Economic Corridor. There is a target for the population to reach 50,000 by 2031. Under the Section Regional Policy Objectives, the following relevant objectives refer to the development of Dundalk:

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

RPO 4.20: Promote and enhance cross-border interactions to realise the growth potential of Drogheda-Dundalk-Newry as an important cross-border network for regional development.

5.4. National Guidance

- Project Ireland 2040 National Planning Framework.
- Project Ireland 2040 National Development Plan 2018-2027.
- Design Manual for Urban Roads and Streets (DMURS) (2013).
- The Planning System and Flood Risk Management (2009).
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- Delivering Homes, Sustaining Communities (2008).
- Quality Housing for Sustainable Communities (2007).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020)
- Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands, 1999.

5.5. Natural Heritage Designations

- Dundalk Bay pNHA (Site Code 000455) is 1.44km to the south east of the subject site.
- Dundalk Bay SPA (Site Code 004026) is 1.44km to the south east of the subject site.
- Dundalk Bay SAC (Site Code 000455) is 1.6km to the south east of the subject site.
- Carlingford Mountain SAC (Site Code IE0000453) is 9.6 Km distant.
- Stabannon & Braganstown SPA (Site Code IE0004091) is 8.3 Km distant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted by Peter Sweetman Wild Ireland Defence CLG it is summarised as follows:

- The Planning Authority failed to carry out an assessment as required under Article 6 (3) of the Habitats Directive.
- The development is within the zone of influence of Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026.
- The Planning Authorities AA screening Report is not published on the website.
- CJEU Case C-323/17:

This case clarifies that at the screening stage, it is not appropriate to consider measures intended to avoid or reduce the harmful effects of a plan or project on a site when determining the necessity of an appropriate assessment.

- CJEU Case 258/11:
 - The assessment carried out under Article 6 (3) of the Habitats Directive must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.
 - The development must be assessed for compliance with the WFD

6.2. Applicant Response

6.2.1. A response was received from the Applicants Agent, dated 14.01.2025, it is summarised as follows:

- Request that the appeal be dismissed as it is devoid of application specific, site specific or development specific content and the alleged grounds are unsupported by either reference or fact.
- The appeal does not comply with the requirements of section 127(1) of the Planning & Development Act, 2000 (as amended) and should be invalidated.

- Sets out a description of the development and the process so far of the application.
- The applicant supports the view of the Director of Services that the issues raised by the planning officer are neither fundamental nor fatal. Condition No. 2, 5(a) and 5 (c) of the notification of decision to grant requires the applicant to submit revised drawings in respect of House Types D, D1, A, B & H. the applicant has submitted revised drawings addressing each of these conditions with the appeal response.
- The revised layout seeks to address and balance the difficult site topography with the increase to the riparian corridor.
- Wish to clarify and correct some inaccuracies in the planners assessment of the RFI. The proposal as revised at RFI comprises the omission of two no. house types – A1 and E1; the introduction of 4 no. new house types D1, G, H and I and revisions to certain no. house types. New House Types G (3 bed) and I (2 bed) are located in the northern part of the site not the southern. They are served by a grouped car parking arrangement with rear south facing gardens ranging from 39 sq. m to 77 sq. m
- A single new House type H is also proposed. Comprises a two storey detached four bedroom dwelling.
- House type D1 which bookend two of the terraced blocks along the western site boundary are designed as dual fronted.
- The applicant proposes some amendments to the D Type Dwelling proposed fronting Mount Avenue book ending the terraces. Additional fenestration to the upper floors and a porch over the front door.
- The applicant does not object to any conditions amending design and fenestration of house types required by way of condition by the PA.
- A comprehensive screening for Appropriate Assessment has been carried out.

- The appellant has not submitted any evidence that the conclusions reached in the AA Screening Assessment undertaken by the applicant and Louth County Council, as the competent authority are unsound.
- In the context of the WFD, it was confirmed in the AA screening that sufficient loading exists at the WWTP and that any noncompliance issues are not related to treatment capacity.
- The planning application was accompanied with a CEMP.
- The proposed development will not lead to a deterioration of the water status of any receiving watercourse.
- The application site is zoned for residential development, serviced, accessible and the proposal complies with the core strategy and policies of the County Development Plan.
- The site is located in an area of Dundalk that is prioritised for the delivery of housing at a regional and local level. The area has recently benefited from very significant public investment in infrastructure – the upgrade to Mount Avenue.
- The site has been the subject of archaeological assessment by Gahan and Long Archaeological Services Limited. Licenced testing (24E0759) comprising hand excavation around the standing stone and test trenching at 14 locations across the site. No other significant features were uncovered.
- The standing stone is to be preserved in-situ and includes a 10m wide landscaped buffer zone around it.
- Response accompanied with a letter from Openfield Ecological Services which states that:
 - In Dec 2024 Openfield Ecological Services prepared a Screening Report for AA and an Ecological Impact Assessment.
 - It notes that the appeal states that the development lies within the zone of influence of the Dundalk Bay SAC/SPA and that this is clearly stated in the AA Screening report. However, simply being situated within the ZOI does not automatically trigger the need for AA.

- The AA screening report provided by the applicant was completed in accordance with best practice standard and with the best available scientific information.
- The conclusion, supported by the LA, that significant effects are not likely to arise to Natura 20000 sites remains valid.

6.3. Planning Authority Response

A response was received from the Planning Authority, dated 14.01.2025, it is summarised as follows:

- The proposed development was comprehensively assessed in terms of the potential environmental impacts, both individually and cumulatively.
- Careful consideration was given to AA and EIA processes.
- The PA requests that ACP upholds the decision to grant planning permission.

6.4. Observations

None received.

6.5. Further Responses

None

7.0 Assessment

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

- **Principle of development**
- **Layout, Design & Density**
- **Environmental Impacts (AA and EIA)**
- **Other Issues**
 - **Bats**
 - **Flood Risk and Drainage**
 - **Archaeology**
 - **Wastewater Treatment and Disposal**
 - **Legal Matter**

7.2. Principle of Development

- 7.2.1. This application seeks to construct 60 no. dwellings (subsequent to RFI) on a 2.0ha site located approx. 3 Km northwest of Dundalk town centre. The site is zoned “A2” “New Residential” in the Dundalk County Development Plan 2021 – 2027 (as varied) and the Dundalk Local Area Plan (LAP) 2025-2031 where the objective is “to provide for new residential neighbourhoods and supporting community facilities”.
- 7.2.2. Considering the zoning status of these lands (see policy context section 5.0 of this report above, particularly in relation to the Mount Avenue Area being a Key Development Area). Connectivity in the area has been improved by the completion of the Mount Avenue Link Road project, which includes an upgrade to Mount Avenue and the construction of a link road and associated active travel infrastructure between the Castletown Road and the Carrickmacross Road, (funded under the Local Infrastructure Housing Activation Funded (LIHAF) project which was completed in Q4 of 2024), and the residential nature of this proposal, the proposed

development, is considered to be acceptable in principle, subject to assessment of the standard of accommodation proposed to be provided and suitability of amended site layout proposed.

- 7.2.3. I note, amended drawings submitted by way of RFI, dated 11th November 2025, and to ACP, 3rd February 2026, in response to the third party appeal.

7.3. Layout, Design and Density

- 7.3.1. The planners report following a RFI considered that the amendments to the layout of the scheme have resulted in fundamental concerns. It was considered that the redirection of the road has resulted in a poor quality redesign which would result in a substandard form of development that would detract from the residential amenities of future occupants and the surrounding area. This is particularly prevalent in the southern section of the development in the vicinity of the site entrance where the general form of the development would be of a poorer quality than that originally proposed. Refusal was therefore recommended for one number reason as follows.

“The proposal if permitted would be contrary to policy objectives, HOU 18, HOU 21, HOU 22, HOU 26, and HOU 30 of the Louth County Development Plan 2021-2027 as varied, and 'Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities,' which seek to, inter alia, promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets and spaces, to require a design led approach to be taken to sustainable residential development, to ensure the creation of quality, attractive and well connected residential areas and neighbourhoods. The proposed development would, if permitted, militate against the creation of an attractive high quality residential environment and would result in a substandard form of development that would detract from the residential amenities of future occupants and the surrounding area, thus would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for future inappropriate development in the area”.

- 7.3.2. I note the following Development Plan Policies:

HOU 18 To develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas and promote new compact mixed-use urban and rural villages served by public transport and green infrastructure.

HOU 21 To ensure that new residential developments are consistent, in so far as practicable, with the 'Guidelines on Sustainable Residential Development in Urban Areas' in creating attractive, sustainable, climate resilient and healthy communities.

HOU 22 To require residential developments to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.

HOU 26 To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

HOU 30 To encourage building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice.

- 7.3.3. On the 8th of December 2025 the Director of Services compiled an Addendum Report recommending a Grant of Planning Permission subject to 28 No. Conditions. The report considers that with conditions; the proposed development would meet the policy objectives of the Louth CDP 2021 – 2027 (as varied) and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities.
- 7.3.4. I note the PA appeal response which requests ACP to uphold the decision to grant planning permission based on the planning reports and the documentation received.
- 7.3.5. I also note the detailed response submitted by the first party to the third party appeal. While it queries the validity of the appeal and requests that it be invalidated in accordance with Section 127 (2) of the Planning and Development Act 2000, as amended, it responds to the environmental concerns raised and addresses the site layout, design and density.
- 7.3.6. The development as originally applied for consisted of 63 no. dwellings. Following the RFI, the design and layout were revised (to incorporate passive surveillance /

active frontages and to achieve a sufficient riparian buffer zone, of 10m, to the Castletown Stream) resulting in a reduction in the overall number of dwellings proposed to 60. The applicant supports the view, and I agree, with the Director of Services, that the issues raised by the planning officer are neither fundamental nor fatal. Particular regard being had to policy objectives, HOU 18, HOU 21, HOU 22, HOU 26, and HOU 30, as set out above, of the Louth County Development Plan 2021-2027 Condition No. 2, 5(a) and 5 (c) of the notification of decision to grant requires the applicant to submit revised drawings in respect of House Types D, D1, A, B & H. the applicant has submitted revised drawings addressing each of these conditions with the appeal response. I acknowledge that the revised layout seeks to address and balance the difficult site topography with the increase to the riparian corridor. I consider the revised drawings overcome the concerns raised with respect to design and are acceptable.

- 7.3.7. The proposal as revised at RFI comprises the omission of two no. house types – A1 and E1; the introduction of 4 no. new house types D1, G, H and I and revisions to certain no. house types. New House Types G (3 bed) and I (2 bed) are located in the northern part of the site. They are served by a grouped car parking arrangement with rear south facing gardens ranging from 39 sq. m to 77 sq. m. A single new House type H is also proposed. It comprises a two storey detached four bedroom dwelling. House type D1 which bookend two of the terraced blocks along the western site boundary are designed as dual fronted. The applicant proposes some amendments to the D Type Dwelling proposed fronting Mount Avenue book ending the terraces. Additional fenestration to the upper floors and a porch over the front door.
- 7.3.8. I highlight that the applicant does not object to any conditions amending design and fenestration of house types required by way of condition by the PA. This is supported by the amended drawings submitted with the appeal response to ACP.
- 7.3.9. I highlight that following the RFI and the amended layout, it is submitted that a net site area of 1.7 ha and a density of 35.2 units / ha is now proposed. In response to the further information request and having regard to Policy NBG57 of the Development Plan the extent of the proposed riparian corridor along the northern site boundary and eastern boundaries was increased to 0.281 hectares. Taking account of the right of way and the riparian corridor, the actual development area of the site is 1.7 hectares. In addition, as there is a recorded monument, a standing stone LH-

007-199, located towards the central part of the site, detailed archaeological assessment has been undertaken. The assessment recommends preservation in situ of this feature and the creation of A10 metre buffer zone around it, during construction. The central part of the site is also transversed along an east west axis by a 38 KV power line. It is a standard requirement that a clearance zone of 10 metre be provided either side of such lines. Essentially this means that a 20 metre strip across the central part of the site has to be kept free from any residential development.

- 7.3.10. Section 3.3.2 of the Sustainable and Compact Settlements Guidelines sets out the density ranges for Regional Growth Centres, which includes Dundalk. The site is considered an edge of settlement site and therefore, the applicable density range is 35-50 dph (net). Therefore, the proposed density of 35 u/ha is considered to be acceptable in principle.
- 7.3.11. I consider the housing mix (17 - 2 beds, 35 - 3 beds and 8 - 4 beds) proposed is diverse and in line with Policy Objective HOU26 which requires the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities. In terms of garden sizes I note the proposed dwellings are fully compliant in all aspects, ensuring a good standard of outdoor amenity space for all future occupiers. I note that room sizes in a number of houses fall short of the minimum floor area requirements, as per section 13.8.1 of the CDP and section 5.3 'flexibility and adaptability', which sets out the minimum floor area requirements of Quality Housing for Sustainable Communities (QHSC), (2021). Specifically, the aggregate bedroom floor areas fall marginally below the minimum standard in the case of House type C and House type D. The shortfall in the case of the aggregate bedroom floor area for house type C is just 0.4 square metres and for house type D is 1.2 square meters. I note that as a compensatory measure the proposed gross floor area, in both cases, exceeds the minimum by between 9 and 12 percent with the main living and storage areas also exceeding the minimum requirements I am therefore satisfied that the limited deviation from the requirements in this instance does not adversely impact the residential amenity of future occupants of these units and does not render the proposed development inconsistent with standards and policies. I am satisfied that the proposed development is consistent

with the residential development standards of the Louth County Development Plan, Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 and Quality Housing for Sustainable Communities (QHSC), (updated 2021).

- 7.3.12. I recommend in order to enhance connectedness and permeability, in accordance with section 13.8.7 of the County Development Plan, House No.'s 01A - 04A should be reoriented in line with Houses H57 – A60 and the access road continue through to the right along the boundary of House No. 05A to No. 56A thereby eliminating the cul de sac effect and promoting permeability. Essentially, in line with the original layout submitted to the Planning Authority. This amendment would eliminate the cul de sac and increase permeability through the site. Should the Commission agree this revision can be agreed by way of condition and compliance with the planning authority, see proposed Condition No. 2.
- 7.3.13. In conclusion, I am satisfied that the proposed development is in accordance with the zoning objective for the lands and the density provisions of the CDP. I consider development standards for housing: including layout and design, inter alia, separation distances, private open space, public open space and landscaping acceptable subject to condition.

7.4. Environmental Impacts (AA and EIA)

- 7.4.1. Third party concern has been raised that the Planning Authority failed to carry out an assessment as required under Article 6 (3) of the Habitats Directive. That the Planning Authorities AA screening Report is not published on the website. It is highlighted that the development is within the zone of influence of Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026. Certain legal cases are referred to, citing CJEU Case C-323/17 and CJEU Case 258/11, see section 6.1 of this report above for further details.
- 7.4.2. The initial planners report, dated 11th February 2025, which is published on the planning authorities web site, sets out a clear response to the third party observation, which raised similar matters to those raised on appeal:
- “The Planning Authority is acutely aware of its responsibility to fully assess the potential environmental impacts, both individually and cumulatively. Careful

consideration is given to the appropriate assessment process to ensure that all potential effects are thoroughly evaluated, and that environmental protection is prioritized throughout the planning process. Section 11 of this report (the planners report) contains the Planning Authority's Appropriate Assessment Screening".

- 7.4.3. I can confirm that the PA have carried out an Appropriate Assessment Screening and published same on their website. It concludes that, "having regard to the nature and scale of the proposed development and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required".
- 7.4.4. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended, see section 8.0 of this report and Appendix 3 for 'The AA screening determination'. I note also the 'Appropriate Assessment Screening Report' (dated Dec 2024), by OPENFIELD Ecological Services, which concludes that 'the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available'.
- 7.4.5. With respect to the matter of EIA raised in the third party appeal, I refer the commission to Section 9.0 'Environmental Impact Assessment' of this report and Appendix 1, Form 1 'EIA Pre-Screening' and Appendix 2 Form 2 – 'EIA Preliminary Examination' attached to this report.

7.5. Other Matters

- 7.5.1. No other matters of concern other than those set out above, in the preceding section, and the WFD are raised in the 3rd party appeal. I consider that no new issues arise. I have set out issues raised by the PA with respect to principle, layout, design and density in sections 7.2 and 7.3 of this report above. The following ecological issues, however, may be of relevance to the subject appeal case so I have sought to consider same.

7.6. Bats

7.6.1. A Bat Fauna Impact Assessment was carried out by Altamar Ltd in September 2024. The assessment noted that no confirmed bat roosts were recorded onsite and any of the trees noted for felling were of low bat roosting potential. As a result, no confirmed bat roosts will be impacted by the proposed development. Therefore, a NPWS derogation licence is not required. Foraging activity of two common bat species (*Pipistrelle pipistrellus*) was noted on site.

7.6.2. The following mitigation are proposed:

- “A pre felling inspection of the trees will be carried out by a bat specialist.”
- “Lighting at all stages will be done sensitively on site with no direct lighting on perimeter hedgerows and will comply with the sensitive public lighting design. Lighting will follow the Bat Conservation Ireland “Bats & Lighting Guidance Notes for: Planners, engineers, architects and developers (December 2010)”.
- “Lighting will comply with bat lighting guidelines”
- “A post construction lighting assessment will be carried out by the project ecologist”

7.6.3. The public lighting layout was reviewed as part of the assessment, and it noted that “the proposed lighting layout has been designed to produce minimal light spill onto the bordering drainage ditch and hedgerows (max. 1 Lux)”.

7.6.4. Overall, the impact on bats is expected to be low, adverse, and not significant in the long term. Impact upon bats is considered not significant and acceptable.

7.7. Flood risk and drainage

7.7.1. A site-specific flood risk assessment (SSFRA) was carried out by TOBIN for the proposed development. The subject site is bounded to the north and east by a stream, a tributary of the Castletown Stream, which is culverted to the northwest of the site and south east of the subject site.

The SSFRA concluded the following:

- “Fluvial Flooding - the proposed development is appropriately located within Flood Zone C. It is estimated that the risk of flooding associated with the development is minimal.
- the risk of coastal flooding to the subject site is minimal.
- the risk of pluvial flooding to the subject site is minimal
- There is no evidence to suggest groundwater as a potential source of flood risk to the proposed subject site.
- Based on the results of this flood risk assessment, it is estimated that the risk of flooding to the proposed development will be minimal, and that the development will not increase the risk of flooding elsewhere, all residential properties and access roads are appropriately located in Flood Zone C.
- As per Table 2-1 for the classification of vulnerability of different types of development in the Planning System and Flood Risk Management (PSFRM) Guidelines, “residential properties” are categorized as “highly vulnerable” development and as such are considered appropriate in Flood Zone C (Low probability of flooding).”

7.7.2. In conclusion, I am satisfied that the development will not result in an unacceptable flood risk to existing or future development.

7.8. **Archaeology:**

7.8.1. An archaeological evaluation was conducted at the site under licence, there were two phases, phase 1 was to hand excavate around a potential standing stone and phase 2 was the carrying out of test trenching across the site. The evaluation noted or concluded that:

- The first phase, the excavation around the potential standing stone (LH007-199-) “confirmed that it has been inserted into a subsoil cut pit suggesting that this is a deliberately placed standing stone.”
- The test trenching carried out resulted in “Nothing of archaeological significance” being identified.

- No evidence of archaeological deposits was identified during the course of the evaluation, including any evidence of activity associated with the two burnt mounds (LH007-121 and LH007-125) recorded just beyond the northern boundary of the site
- Records show that the zones of notification of two monuments (LH007-121 and LH007-125) extend into the development site from the northern boundary, although the monuments themselves lie outside the red line boundary
- A zone of notification, 10m in radius, already exists around LH007-199 (standing stone) and this is to be maintained incorporated within the proposed development

7.8.2. In conclusion, I am satisfied, subject to condition, including inter alia, a 10m exclusion zone around the standing stone site (RMP Ref. LH007-199), and all ground works shall be monitored under licence by a suitably qualified archaeologist, that the development will not result in an unacceptable impact upon archaeology.

7.9. Wastewater Treatment and Disposal

- 7.9.1. Objective IU6 of the CDP requires all new development to connect to public wastewater infrastructure where it is available or likely to be available and which has sufficient capacity. Objective IU13 of the CDP requires development taking place within an area served by public wastewater to connect to that system. No specific concerns are raised that the proposal materially contravenes objective IU3.
- 7.9.2. The site is in an urban area served by an existing public sewer network. Wastewater will be treated at the Dundalk wastewater treatment plant (WWTP). As public infrastructure is available, the development is required to connect to this infrastructure. The Environment Section have no objection subject to conditions.
- 7.9.3. Foul effluent from the proposed development will be sent to the wastewater treatment plant for Dundalk which discharges to Dundalk Bay. The Dundalk plant is licenced to discharge treated effluent by the EPA (licence number D0053-01) and is managed by Uisce Éireann. It treats effluent for a population equivalent (P.E.) on average of 61,000 and the annual max loading is within this limit. Emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive.

- 7.9.4. As noted in Appendix 3, 'Screening for AA', the Annual Environmental Report for 2023, the most recent available, indicated that there were a number of exceedances of the emission limit values set under the Urban Wastewater Treatment Directive and these have been attributed to inadequate operational procedures/training, plant or equipment breakdown, broken sewer pipe and tank overflows. Monitoring of the receiving waters is undertaken and the AER states that "A deterioration in water quality has been identified [...] however it is not known if it or is not caused directly by the WWTP. Based on the above, and the effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality and the WFD status of the Castletown Estuary and Inner Dundalk Bay."
- 7.9.5. This being said sufficient loading exists at the wastewater treatment plant for the additional loading from this project (remaining capacity as per the 2023 AER was 6,960 P.E.). It is significant that non-compliance issues at this facility are not related to treatment capacity and responsibility lies with UE. Additional loading will have no effect on the quality of the discharge from the wastewater treatment plant.
- 7.9.6. The Uisce Éireann Wastewater Treatment Capacity Register, published in August 2025, indicates that the Dundalk WWTP (Reg. No. D0053) is "Green" and that a WWTP Project is planned/underway. • Green = spare capacity available.
- 7.9.7. The applicant has submitted a Confirmation of Feasibility from Uisce Eireann which states: 'No objection in principle.' Subject to: 'The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.'
- 7.9.8. Given the foregoing I am satisfied, that the wastewater treatment plant has sufficient capacity, and additional loading from the project will not affect discharge quality. I recommend that permission be granted subject to condition, regard being had to the Environment Report and CoF Report from UE.

7.10. Legal Issues

- 7.10.1. A submission was received by the PA from a third party regarding a right of way over the southern part of the application site. The applicant responded to this matter by

way of FI. The PA are satisfied that the applicant has detailed sufficient legal interest and has advised the applicant of the provisions of Section 34(13) of the Planning and Development Act 2000 (As amended) in the event of a grant of permission. This matter was not raised as an issue in the subject appeal and I note the applicants RFI response that the matter was resolved with the third party.

- 7.10.2. Given the information on file I am satisfied that the matter has been resolved. Also, I note that the applicant has demonstrated sufficient legal interest in the lands to apply for and receive planning permission. The grant of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The development is located on a greenfield site to the north west of Dundalk and which forms part of the overall Mount Avenue development lands. There is currently a standing stone and a building compound on the site. The northern site boundary is defined by a stream (a tributary of Castletown River) that flows in an easterly direction before turning southwards, the stream is not parallel to the eastern boundary. The southern bank of the stream is heavily vegetated with brambles, hedgerow and some trees. The stream provides a direct hydrological connection to Dundalk Bay.
- 8.3. The closest European Sites, part of the Natura 2000 Network, are:
- Dundalk Bay SPA (Site Code 004026) is c.1.5km to the east of the subject site.
 - Dundalk Bay SAC (Site Code 000455) is c.1.5km to the east of the subject site.
- 8.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Dundalk Bay SAC and the Dundalk Bay SPA and on any other European Site in view of the

conservation objectives of those sites and Appropriate Assessment is therefore not required.

8.5. This determination is based on:

- the scale and nature of the development,
- distance from European site,
- the information provided in the submitted screening report,
- the AA screening determination, see Appendix 3,
- the lack of impact mechanisms that could significantly undermine the conservation status of qualifying interests,
- No mitigation measures, other than standard measures, were required to reach the conclusion.

9.0 **Environmental Impact Assessment (EIA)**

- 9.1. Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided for under Directive 2014/52/EU and Circular letter PL 1/2017. The proposed development is a development type listed under Part 1 or Part 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended), however, it is considered a sub-threshold development for the purposes of Schedule 7 PDR.
- 9.2. Under Part 2, Schedule 5 of the Planning and Development Regulations, the development is classed as 10(b)(iv) urban development. The proposed development is located in a suburban area and has a stated area of approx. 2 hectares. The proposed development is sub-threshold for mandatory EIA as the site area is less than 10 hectares and less than 500 units are to be provided as per 10(b)(i).
- 9.3. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the

environment and as such a mandatory EIS/EIAR is not required in this instance. See Appendix 1 Pre-Screening EIAR attached to this report.

10.0 Water Framework Directive

- 10.1. I note that third party appeal raises concern that the development must be assessed for compliance with the WFD
- 10.2. I have considered the proposed development in light of the requirements of the Water Framework Directive (WFD). A screening assessment is attached as an appendix to this report.
- 10.3. The site is in the Newry, Fane, Glyde and Dee WFD catchment and the Casteltown_SC_020 WFD sub catchment.
- 10.4. The site overlays the Louth groundwater body (good status, not at risk). The site is adjacent to the Castletown River (Good status, monitoring). The Dundalk WWTP discharges to the Inner Dundalk Bay transitional waters (poor status, at risk).
- 10.5. The development lands are adjacent to a tributary of the Castletown River. There are no Q-value sampling points along this tributary, however it is highly modified and is extensively culverted both upstream and downstream of the development site. The point at which this tributary meets the Castletown River falls within the transitional waters of the Castletown Estuary. The status of the Castletown Estuary (water body code: IE_NB_040_0200) under the Water Framework Directive (WFD) is 'poor' while the freshwater portion of the Castletown River (water body code IE_NB_06C010310), including the tributary running along the development site boundary, is 'moderate'.
- 10.6. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and ground water bodies in order to reach good status and to prevent deterioration.
- 10.7. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any water bodies either qualitatively or quantitatively.
- 10.8. The reason for this conclusion is as follows:

- the low risk status of the Louth groundwater body
- the separation distance of the site from the tributary of the Castletown river & inclusion of a 10m buffer zone / Riparian Strip.
- the low risk of potential impacts having regard to the proposed drainage measures and mitigation measures as follows:
 - standard best construction and the submitted construction environmental management plan,
 - disposal of surface water on site via SUDS measures, soakpits with pollution controls,
 - disposal of waste water effluent via Dundalk WWTP in accordance with UE standards for treatment and discharge.

11.0 Recommendation

11.1. I recommend that permission be Granted.

12.0 Reasons and Considerations

Having regard to:

- The 'A2' zoning objective of the site, New Residential Phase 1, with the objective, 'To provide for new residential neighbourhoods and supporting community facilities', as per the Louth County Development Plan 2021 – 2027 (as varied) and the Dundalk Local Area Plan 2025 – 2031.
- The policies and objectives in the Louth County Development Plan 2021 – 2027 (as varied) and the Dundalk Local Area Plan 2025 - 2031;
- Pattern of existing development in the area;
- The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;

- The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021
- Project Ireland 2040 National Planning Framework (First Revision), provided by the Department of Housing, Local Government and Heritage in April 2025.
- ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’, published by the Department of Housing, Local Government and Heritage in January 2024
- The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
- Urban Wastewater Treatment in 2024, EPA
- Submissions and observations received; and
- Chief Executives Report.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of ecology, biodiversity, wastewater treatment, archaeology and pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11th November 2025 and to ACP on the 3rd February 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows: (a) House No.'s 01A - 04A, to the south east of the site and close to the entrance off Mount Avenue, shall be reoriented in line with Houses H57 – A60 and the access road shall continue through to the right along the boundary of House No. 05A to House No. 56A. (b) Additional parking shall be provided in or adjacent to the homezone in the northern section of the application site in the vicinity of units 23-26. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interests of permeability and residential amenity.
3.	Details of all boundary treatments and retaining walls in the development (including retaining walls between the side and rear boundaries) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interests of permeability and residential amenity.

4.	The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.
5.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Reason: In the interest of visual amenity.
6.	Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, without a specific grant of planning permission for same (including short-term letting). Reason: To prevent unauthorised development.
7.	The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular: (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense. (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, (c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, (d) Parking shall be reserved for residents of the proposed development only.

	(e) The delivery and routing of materials to the site during the construction phase shall be organised so that deliveries do not conflict with the morning or evening periods of peak school traffic flow. (f) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. (g) A minimum of 20% of all car parking spaces shall be provided with functioning EV charging stations / points and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points / stations at a later stage. Reason: In the interest of traffic safety and convenience.
8.	Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
9.	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.
10.	Prior to the commencement of development, the developer shall enter into a wayleave agreement with Louth County Council to provide 10 meter wide access along the open drainage channel for maintenance. Reason: In the interest of access and orderly development.
11.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the

	Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be submitted to and agreed in writing with the planning authority and shall be made available for inspection at site offices at all times. Reason: In the interest of sustainable waste management.
12.	(a) The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network. (b) All measures outlined within the submitted Bat survey shall be implemented in full. (C) Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site. (d) Prior to the commencement of development, the developer shall submit details of site specific measures to minimise the risk of water pollution during the construction stage to the Planning Authority for written agreement. The submission shall demonstrate compliance with guidance document "Control of water pollution from construction sites- Guidance for consultants and contractors" published by the Construction Industry Research and Information Association (CIRIA C532) or similar approved. In

	particular there must be adequate measures in place to prevent the discharge or overflow of contaminated rainwater during construction and operation Reason: In the interest of residential amenities, public health and safety, and environmental protection.
13.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. Reason: In order to safeguard the amenities of property in the vicinity.
14.	a) The landscaping scheme shall be carried out within 12 months of the date of commencement of development. b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. (c) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted. Site clearance works, including the removal of existing vegetation, is not permitted during the bird nesting season (March 1st to August 31st). Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment.

15.	Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Reason: In the interests of amenity and public safety
16.	A buffer area of 10m shall be implemented around the Recorded Monuments on the site. No ground works shall be carried out within the buffer area, including boundary works, landscaping or ground reduction. The buffer area shall be fenced off and protected during construction and shall not be used for storage or vehicular access. All ground works associated with the development hereby approved shall be monitored under licence by a suitably qualified archaeologist. Further assessment / excavation of any previously unexcavated remains of RMP Ref. LH007-199, RMP Ref. Nos. LH007 125 and LH007 121 shall be carried out. Should archaeological material be found during the course of the works, the works on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigation action (e.g. preservation in-situ, or excavation) and shall facilitate the archaeologist in recording any material found. Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
17.	No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission. Reason: In the interest of visual amenity
18.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

	underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Reason: In the interest of visual and residential amenity.
19.	Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s). Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.
20.	Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination. Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.
21.	(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the

	number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit. Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
22.	The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

	Reason: To ensure the satisfactory completion and maintenance of this development.
23.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. Reason: To ensure the satisfactory completion of the development.
24.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Fiona Fair
Senior Planning Inspector
11/06/2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500556-LH - 26		
Proposed Development Summary	Construction of 60 houses, boundary treatment, landscaping and all associated site works.		
Development Address	Mount Avenue, Farrandreg, Dundalk 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	√
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?			
No	√		Not a development under Class 1.
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)
No		N/A	
Yes		Part 2 - Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units. – subthreshold – only 60 units proposed.	Subthreshold in terms of (b)(i) and (b)(iv). Proceed to Q.4

		(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. – subthreshold – Site area is c.2 hectares and is not within a business district.		
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	Construction of 60 houses, landscaping, boundary treatment and all associated site works.
Development Address	Lands to the east of Mount Avenue, Farrandreg, Dundalk Co. Louth.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Construction of 60 units in the form of houses, providing for two, three and four bedroom units. The site is to be accessed from the Mount Avenue Link Road. This Local Infrastructure Housing Activation Funded (LIHAF) project was completed in Q4 of 2024. Materials and construction methods would be typical of a project of this nature. Nuisance may occur due to noise, dust and construction vehicles but would be short term. Pollution of water courses during the construction and operational phase of the development, however standard mitigation measures & CEMP will be employed. No accidents/ disasters are foreseen.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural	The development is located on a greenfield site to the north west of Dundalk. There is a standing stone and construction compound on site. A 10m protection zone is proposed around the standing stone and the construction compound will be removed. A stream, a tributary of the 'Castletown River', runs along the northern boundary, it flows in an easterly direction

resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	before turning southwards to also define part of the eastern boundary. A 10m buffer zone / riparian strip will be maintained along the tributary of the Castletown River.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	No significant effects are foreseen on environmental sites, based on information provided and having considered the nature, size and location of the development. The proposed development will have a long-term beneficial impact through the provision of additional housing in Dundalk.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects	
Brief description of project	This application seeks permission for the construction of 60 no. dwellings. The site is a greenfield site currently hosting a standing stone and construction compound. A stream (a tributary of the Castletown River) flows along the northern and eastern boundaries of the site. The area is served by public water supply and foul drainage. The Dundalk WWTP currently has spare capacity.
Brief description of development site characteristics and potential impact mechanisms	Four European Sites, comprising two SACs and two SPAs occur within the wider area surrounding the project site. All other European Sites are located at a remote distance from the project site. European sites located in proximity to the subject site include: • Carlingford Mountain SAC (Site Code IE0000453) is 9.6 Km distant. • Dundalk Bay SAC (Site Code 000455) is 1.6km to the south east of the subject site. • Dundalk Bay SPA (Site Code 004026) is 1.44km to the south east of the subject site. • Stabannon & Braganstown SPA (Site Code IE0004091) is 8.3 Km distant. Potential Impact Mechanisms include: • Release of dust during construction phase. • Noise and traffic nuisance during construction and operational phases. • Pollution of water courses during the construction and operational phase of the development. Given the distance between the subject site and Stabannon & Braganstown SPA: Site Code:004091 and Carlingford Mountain SAC, Site Code: 000453 and the lack of a pathway between them, I am satisfied that both of these site can be screened out. The project is located c.1.6 Km & 1.44 Km, respectively, from Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). Therefore, there is no potential for loss or

	alteration of QI listed habitats as a result of the Proposed Development. The development lands were formerly in agricultural use and are located in an increasingly urbanised setting, close to roads and other built development. A tributary of the Castletown River flows along the site boundary to the north and east. The main channel of the Castletown River can be found c.1.1km to the north. These hydrological pathways lead to Dundalk Bay which is subject to two Natura 2000 designations. The tributary of the Castletown River provides a direct, natural, hydrological connection between the development site and Natura 2000 sites. In addition, there is an indirect pathway to Dundalk Bay via foul sewers and the municipal wastewater treatment plant. There are consequently pathways to the Dundalk Bay SAC and SPA. A new surface water drainage system is to be installed in accordance with SUDS principles. This will include attenuation storage, swale, rain garden and permeable paving with any overflow passing to the municipal storm sewer which runs to the north of the development site. In addition, a minimum 10m buffer zone is to be maintained along the tributary of the Castletown River and the existing hedgerow vegetation is to be preserved. Foul effluent from the proposed development will be sent to the wastewater treatment plant for Dundalk which discharges to Dundalk Bay. The Dundalk plant is licenced to discharge treated effluent by the EPA (licence number D0053-01) and is managed by Uisce Éireann. It treats effluent for a population equivalent (P.E.) on average of 61,000 and the annual max loading is within this limit. Emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive. The Annual Environmental Report for 2023, the most recent available, indicated that there were a number of exceedences of the emission limit values set under the Urban Wastewater Treatment Directive and these have been attributed to inadequate operational procedures/training, plant or equipment breakdown, broken sewer pipe and tank overflows. Monitoring of the receiving waters is undertaken and the AER states that "A deterioration in water quality has been identified [...]"
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	however it is not known if it or is not caused directly by the WWTP. Based on the above, and the effluent compliance results, the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality and the WFD status of the Castletown Estuary and Inner Dundalk Bay.” This being said sufficient loading exists at the wastewater treatment plant for the additional loading from this project (remaining capacity as per the 2023 AER was 6,960 P.E.). <u>Non-compliance issues at this facility are not related to treatment capacity.</u> Therefore, the additional loading will have no effect on the quality of the discharge from the wastewater treatment plant. The likely addition to the loading arising from this project is therefore not likely to have significant effects on Natura 2000 sites. I note that modern best practices aim to replicate natural processes by slowing, storing, and filtering water, rather than directing it straight to sewers or watercourses. I consider that the employment of standard engineering measures and the construction and waste management plan (C&WMP) will ensure that any possible indirect effects from the site works on the European Sites will be negligible and do not give rise to any reasonable scientific doubt regarding potential adverse effects. Construction works are confined to the area specified. Site specific conservation objectives (SSCO) have been compiled for the Dundalk Bay SAC (NPWS, 2011) and are outlined below in this AA Screening Report. The SSCO compiled for the Dundalk Bay SPA (NPWS, 2011) are also outlined. I have applied the source-pathway-receptor model in determining possible impacts and effects of the proposed development. The proposed development will not result in any direct effects on any European Site. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate
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	Assessment Tool (www.epa.ie), as well as by the information on file, and I have also visited the site. As set out in the preceding section of this assessment, there are potential indirect effects resulting from deterioration in water quality, arising from construction activities and discharge of foul and surface water. However, the employment of standard engineering measures and the construction and waste management plan (C&WMP) will ensure that any possible indirect effects from the site works on the European Sites will be negligible and do not give rise to any reasonable scientific doubt regarding potential adverse effects.			
Screening report	Yes OPENFIELD Ecological Services. ‘Appropriate Assessment Screening Report’ submitted (dated Dec 2024). The report concludes the following: ‘It is concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available’.			
Natura Impact Statement	No			
Relevant submissions	Yes. Concern raised that the planning authority has failed to carry out an assessment under Article 6 (3) of the Habitat Directive. The proposed development is within the Zol of Dundalk Bay SAC and Dundalk Bay SPA.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model 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.				
European Site (code)	Qualifying interests and conservation objectives	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Dundalk Bay SAC (000455)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220]	1.5km to the east of the subject site.	There is a watercourse to the northern and eastern side of the site, Castletown River tributary which	No

	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Conservation objectives – refer to NPWS Conservation Objectives Dundalk SAC and Dundalk SPA, Dept. Arts, Heritage and the Gaeltacht, 19 July 2011, version 1.0		discharges to Dundalk Bay. Therefore, there is an indirect hydrological link. While pollution to the tributary of the Castletown River may occur, and measures will be taken to avoid this during construction, no effects are likely to arise to Natura 2000 sites in Dundalk Bay. This is due to the significant separation distance, 1.5km following the hydrological pathway of the tributary of the Castletown River. SUDS measures have been incorporated into this project. SUDS are not mitigation measures in an AA context. These standard measures will ensure that no negative effects to surface water quality or quantity will arise from this source. In addition, a 10m buffer zone is to be maintained along the tributary of the Castletown River and the existing hedgerow vegetation is to be preserved. No significant effects to Natura 2000 sites are likely to arise from this source.	
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			There is a pathway from the development site via surface and wastewater water flows to Dundalk Bay via the surface water sewer and the Dundalk wastewater treatment plant respectively. Sufficient loading exists at the wastewater treatment plant for the additional loading from this project (remaining capacity as per the 2023 AER was 6,960 P.E.). Non-compliance issues at this facility are not related to treatment capacity. Therefore, the additional loading will have no effect on the quality of the discharge from the wastewater treatment plant. The likely addition to the loading arising from this project is therefore not likely to have significant effects on Natura 2000 sites. Water supply via public mains will not impact on the habitat. Due to distance, operational impacts via noise, visual intrusion, hydrocarbons will not	
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			impact on the habitat.	
Dundalk Bay SPA (004026)	Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) [A053] Pintail (<i>Anas acuta</i>) [A054] Common Scoter (<i>Melanitta nigra</i>) [A065] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Herring Gull (<i>Larus argentatus</i>) [A184]	1.5 km to the east of the subject site.	Same as above.	No

	Wetland and Waterbirds [A999] Conservation objectives – refer to NPWS Conservation Objectives Dundalk SAC and Dundalk SPA, Dept. Arts, Heritage and the Gaeltacht, 19 July 2011, version 1.0			
Carlingford Mountain SAC (000453)	Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Alkaline fens [7230] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Conservation objectives – refer to NPWS Conservation Objectives Carlingford Mountain SAC, Dept. Arts, Heritage and the Gaeltacht, 17 Dec 2021, version 1.0	7.8 km to the east of the subject site.	No direct hydrological or ecological connections. No direct physical effects. Due to distance	N

Stabannan-Braganstown SPA (004091)	Greylag Goose (Anser anser) [A043] Conservation objectives – refer to NPWS Conservation Objectives Stabannan-Braganstown SPA, Dept. Arts, Heritage and the Gaeltacht, 15 th Nov 2022, version 1.0	13 km to the south west of the subject site.	No direct hydrological or ecological connections. No direct physical effects. Due to distance.	N
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

In terms of Carlingford Mountain SAC and Strabannan-Braganstown SPA, there are no direct or indirect impacts foreseen, due to distance.

There is an indirect hydrological connection, via Castletown River, to the Dundalk Bay SAC and Dundalk Bay SPA and an indirect hydrological pathway via foul wastewater.

Surface water will be treated on site through proposed SUDs measures as standard for development of this nature. There will be adequate measures in place to prevent the discharge or overflow of contaminated rainwater during construction and operation.

Sufficient loading exists at the Dundalk wastewater treatment plant for the additional loading from this project (remaining capacity as per the 2023 AER was 6,960 P.E.). The UE capacity register indicates capacity. Non-compliance issues at this facility are not related to treatment capacity. Therefore, the additional loading will have no effect on the quality of the discharge from the wastewater treatment plant.

With standard mitigation no significant likely potential direct or indirect impacts, alone or in combination, on Dundalk Bay SAC and Dundalk Bay SPA during the construction and operational phases of this development is foreseen.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Dundalk Bay SAC (000455)	<u>Direct</u>	No

	There will be no direct impact on the SAC or its QIs as it is located entirely outside of the footprint of the proposed developmental site. Due to the distance of c1.5km, the nature and scale of the project, no direct effects on the terrestrial QI features are identified. <u>Indirect:</u> There is a possible hydrological connection to Dundalk Bay through the Castletown River tributary which is located to the north and east of the subject site and which discharges to Dundalk Bay. Potential indirect effects resulting from deterioration in water quality arising from construction activities and discharge of foul and surface water was considered. In order to comply with Policies and Objectives of the Louth County Development Plan standard construction phase surface water management measures, will be implemented for the project during its construction phase. These measures are standard measures that are implemented at construction sites to prevent the generation and release of contaminate surface water runoff.	
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	These measures relate to SUDs management, on-site storage to limit any emergency overflows, erosion and sediment control and the release of contaminating substances used during the construction phase. There is an indirect connection through the public foul drainage system. Foul effluent from the proposed development will be sent to the wastewater treatment plant for Dundalk which discharges to Dundalk Bay. The Dundalk plant is licenced to discharge treated effluent by the EPA (licence number D0053-01) and is managed by Uisce Éireann. It treats effluent for a population equivalent (P.E.) on average of 61,000 and the annual max loading is within this limit. Emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive. The Annual Environmental Report for 2023, the most recent available, indicated that there were a number of exceedences of the emission limit values set under the Urban Wastewater Treatment Directive	
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	and these have been attributed to inadequate operational procedures/training, plant or equipment breakdown, broken sewer pipe and tank overflows. Monitoring of the receiving waters is undertaken and the AER states that “A deterioration in water quality has been identified [...] however it is not known if it or is not caused directly by the WWTP. Sufficient loading exists at the wastewater treatment plant for the additional loading from this project (remaining capacity as per the 2023 AER was 6,960 P.E.). Non-compliance issues at this facility are not related to treatment capacity. Therefore, the additional loading will have no effect on the quality of the discharge from the wastewater treatment plant. The likely addition to the loading arising from this project is therefore not likely to have significant effects on Natura 2000 sites. The Uisce Éireann Wastewater Treatment Capacity Register, published in August 2025, indicates that the Dundalk WWTP (Reg. No. D0053) is “Green” and that a WWTP	
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	Project is planned/underway. • Green = spare capacity available. • UÉ issued the applicant with a Confirmation of Feasibility (COF) letter for the proposed development, which specified 'No Objection in principle'. Subject to the requirement that: 'The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement'. The employment of standard engineering measures and the construction and environmental management plan will ensure that any possible indirect effects from the site works on the European Sites will be negligible and do not give rise to any reasonable scientific doubt regarding potential adverse effects.	
	Likelihood of significant effects from proposed development (alone): N	
Dundalk Bay SPA (004026)	<u>Direct.</u> There will be no direct impact on the SPA or its QIs as it is located entirely outside of the footprint of the proposed developmental site. Due to the distance of 1.5km, the nature	No.

	and scale of the project, no direct effects on the terrestrial QI features are identified. <u>Indirect:</u> Same as above	
	Likelihood of significant effects from proposed development (alone): No	
The Screening report sets out the following in respect of cumulative impact arising from the development and other plans or projects: ‘Given that negative effects are not considered likely to arise, there are no projects, which acting in combination with the current proposal, can result in significant effects to Nature 2000 sites’. Extant permissions, and similar residential schemes, which are either proposed, planned or underway, have either been screened out or NIS carried out and will result in no adverse impacts. The Louth CDP and Dundalk LAP have been subject to NIS. The implementation of the plans will not have an adverse effect on a Natura 2000 site. It is not likely that there would be significant effects occurring in combination with other plans or projects.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
The employment of standard engineering measures and the construction and environmental management plan will ensure that any possible indirect effects from the site works on the European Sites will be negligible and do not give rise to any reasonable scientific doubt regarding potential adverse effects. Construction works are confined to the area specified. Furthermore, given that nature and scale of the proposed development and separation distances involved, I am satisfied that it will not have an impact on any European site by reason of wastewater discharge, noise, emissions, lighting, and human activity/disturbance. Therefore, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in the order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the sites conservation objectives and a stage 2 AA is not therefore required.		

Screening Determination

Finding of no likely significant effects

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

This determination is based on:

- the scale and nature of the development,
- distance from European site,
- the information provided in the submitted screening report,
- the AA screening determination, see Appendix 3,
- the lack of impact mechanisms that could significantly undermine the conservation status of qualifying interests,
- No mitigation measures, other than standard measures, were required to reach the conclusion.

Appendix 4: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500556-LH-26	Townland, address	Mount Avenue, Farrandreg, Dundalk, Co. Louth.
Description of project		Construction of 60 no. dwellings and all other site works.	
Brief site description, relevant to WFD Screening		The development is located on undeveloped grounds to the north west of Dundalk and which forms part of the overall Mount Avenue development lands. There is a standing stone and a construction compound on site, construction of housing, roads and services is underway on adjoining lands to the north, which form part of a Part 8 scheme A tributary of the Castletown River flows to the north and east of the site.	

Proposed surface water details	Surface water to be disposed of on site/ into the public surface water drainage system.
Proposed water supply source & available capacity	Public Supply – For Dundalk, the Uisce Éireann Capacity Register dated April 2026, and accessed on the 3 rd June 2026, indicates that there is 'Capacity Available – LoS improvement required'.
Proposed wastewater treatment system & available capacity, other issues	The subject proposal is for 60 houses. The Uisce Éireann Capacity Register dated April 2026, and accessed on the 3rd June 2026, indicates that the available capacity for the Dundalk WWTP is 'Green', a 'WWTP Project is planned/ is underway'. 'Green' means spare capacity available. The applicant has submitted a Confirmation of Feasibility from Uisce Eireann which states: 'No objection in principle.' Subject to: 'The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.'
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified 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 run-off, drainage, groundwater)
Ground Water Body	Underlying site	Louth (IEGBNI_NB_G_019)	Good	Not at Risk	Agriculture	Discharge to Groundwater
Castletown River	Castletown River, - tributary located to northern and partially to eastern boundary	Castletown_030 IE_NB_06C010310	Moderate	Monitoring	Agriculture	Discharge to Groundwater

Castletown Estuary	1Km to the east	water body code: IE_NB_040_0200	Poor	Monitoring	Agriculture	Indirect through Castletown River and indirect through Wastewater Treatment (discharge)
Inner Dundalk Bay	1.5km to the south east	Inner Dundalk Bay (IE_NB_040_0100)	Poor	Monitoring	Urban Wastewater	Indirect through Castletown River and indirect through Wastewater Treatment (discharge)

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	Louth (IEGBNI_NB_G_019)	Indirect impact via Potential hydrological pathway	Water Pollution Surface water run-off	Disposal on site through a SuDS designed system and also final disposal into	No	Screen out at this stage.

					the public surface water drainage system.		
2.	Site clearance & Construction	Castletown River_030 IE_NB_06C010310	Indirect impact via hydrological pathway.	Water Pollution	Use of Standard Construction Practice and 10m riparian strip / buffer.	No	Screen out at this stage.
3	Site clearance & Construction	Castletown Estuary IE_NB_040_0200	Indirect impact via hydrological pathway	Water Pollution	Use of Standard Construction Practice and dilution effect	No	Screen out at this stage.
4.	Site clearance & Construction	Inner Dundalk Bay (IE_NB_040_0100)	Indirect impact via hydrological pathway.	Water Pollution	Use of Standard Construction Practice and dilution effect	Unknown – Potential from cumulative development in the area.	Screen out at this stage.

OPERATIONAL PHASE							
5.	Drainage to ground	Louth (IEGBNI_NB_G_019)	Indirect impact via Potential hydrological pathway. Storm Water Drainage.	Water Pollution Surface water run-off	Disposal on site through a SuDS designed system and also final disposal into the public surface water drainage system.	No	Screen out at this stage.
6.	Surface Water Run-off	Castletown_030 IE_NB_06C010310	Indirect impact via Potential hydrological pathway	Water Pollution	SuDS features incorporated into development. Riparian strip	No	Screen out at this stage.

7.	Surface Water Run-off	Castletown Estuary water body code: IE_NB_040_0200)	Indirect impact via Potential hydrological pathway	Water Pollution	SuDS features incorporated into development. Riparian strip	No	Screen out at this stage
8.	Surface Water Run-off and indirect from foul drainage	Inner Dundalk Bay (IE_NB_040_0100)	Indirect impact via Potential hydrological pathway – Discharge of effluent	Water Pollution	SuDS and suitable foul drainage via the Dundalk WWTP.	No	Screen out at this stage.
DECOMMISSIONING PHASE							
9.	N/A	N/A	N/A	N/A	N/A	N/A	N/A