

To: The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902.

From: Brian P. Hopper,
"Carra Puncta",
The Square,
Blackrock,
Dundalk,
County Louth.
A91 EH05

AN COIMISIÚN PLEANÁLA	
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05 JAN 2026	
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Time: 11:31	By: [Signature]

Reference: Louth County Council
2560319 - Marina Quarter Ltd.
Decision date: 03/12/2025

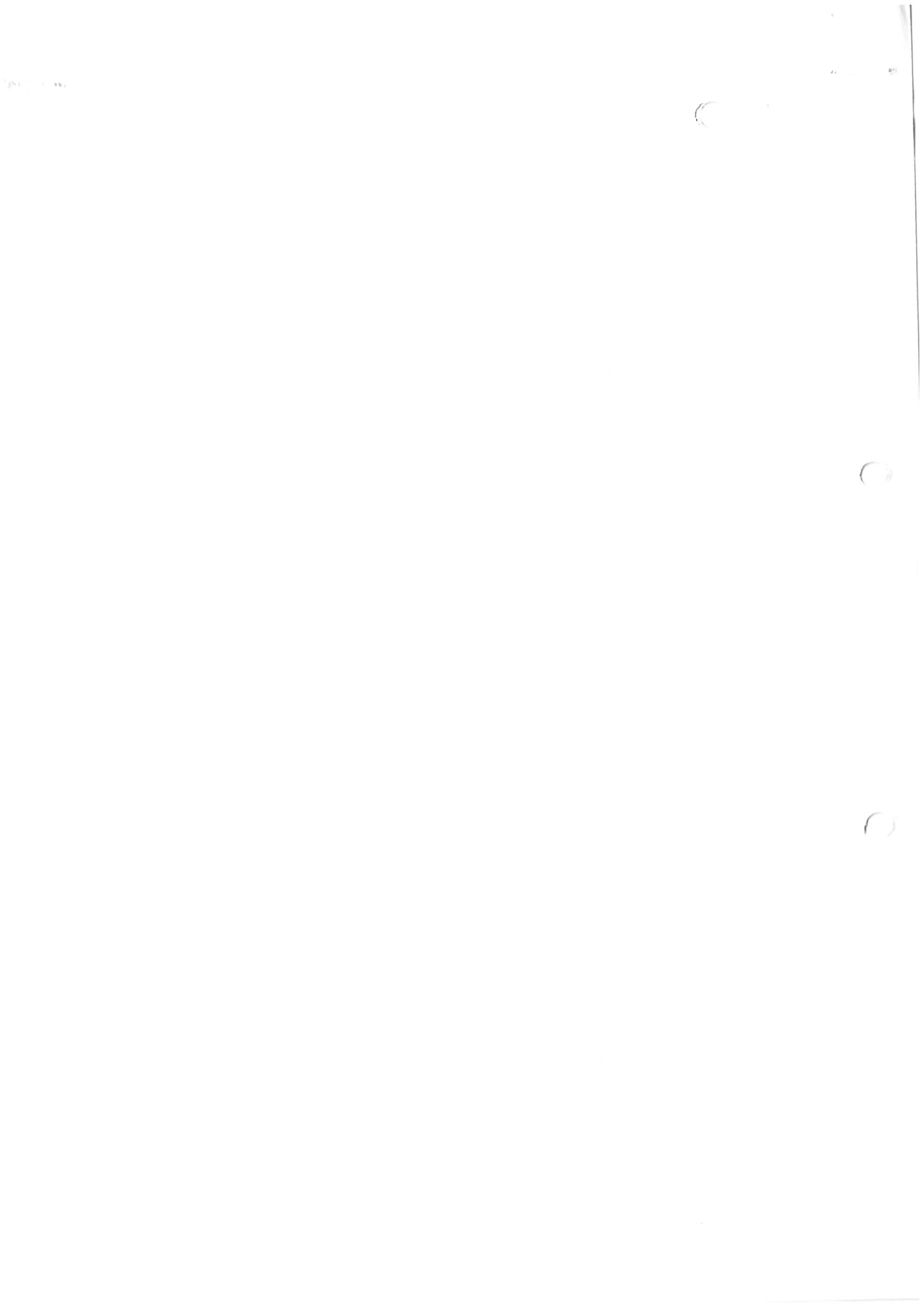
APPEAL

I wish to make an appeal against the grant of permission by Louth County Council on the following grounds:

1. WASTE WATER CONNECTION.

A "Confirmation of Feasibility" by Uisce Éireann for a waste water connection was contingent on a schedule of upgrade works planned by Uisce Éireann and the initial projected date of completion was stated as Q1, 2030 (as stated in a submission by Uisce Éireann to the Dundalk Local Area Plan 2024 – 2030).
{See Appendix B - Connection Application Summary – 30th October 2024 and Appendix C below.}

- (a) Following an on-line presentation organised by Independent County Councillor Maeve Yore (Dundalk UDC) on September 10th last, Uisce Éireann updated all attendees with the schedule of the upgrade works (to include the complete upgrade of Coe's Road Pumping Station and the Point Road Waste Water Treatment Plant) with a projected 5 to 7 year period



quired because of the need for modelling studies of the receiving waters, preparation of an EIAR (Environmental Impact Assessment Report), application for planning permission and an EPA license prior to construction getting underway to a completion date of 2033 with initial design and budgetary allocation / application scheduled to begin in 2026.

(b) The following is an excerpt from the **“Update with respect to public complaints regarding Blackrock Wastewater treatment plant and network”** sent to Blackrock residents following many complaints on pollution of the River Fane from a storm water outflow pipe connected to Cockle Hill Pumping Station:

“The next phase in relation to future development of Blackrock wastewater network, Uisce Éireann have completed the first phase of the Dundalk-Blackrock Drainage Area Plan (DAP). The DAP will be utilised in the development of plans and programmes for SWO improvement works where deemed necessary (subject to funding and national prioritisation). The next phase of the DAP is to develop a feasibility study report (FSR) regarding the options for the containment of storm water flows in the vicinity of the Cockle Hill PS. This will consider storm water storage at Cockle Hill and/or storage at other pumping stations and/or within the network.

The FSR will develop the preferred solution based on the most cost-effective option. Once this preferred option is selected, detailed design and planning will be required before construction could proceed. The preferred option will also have to tie in with other planned network upgrades and therefore at this stage it is very difficult to provide a timeframe other than it would not be any sooner than 2029. In addition, a project to connect an element of the Blackrock wastewater network to the Dundalk network feeding the Dundalk WWTP (Blackrock Local Network Reinforcement/Load Transfer project) is under assessment and subject to budget approval. Subject to that, it has been scheduled for completion by 2029.

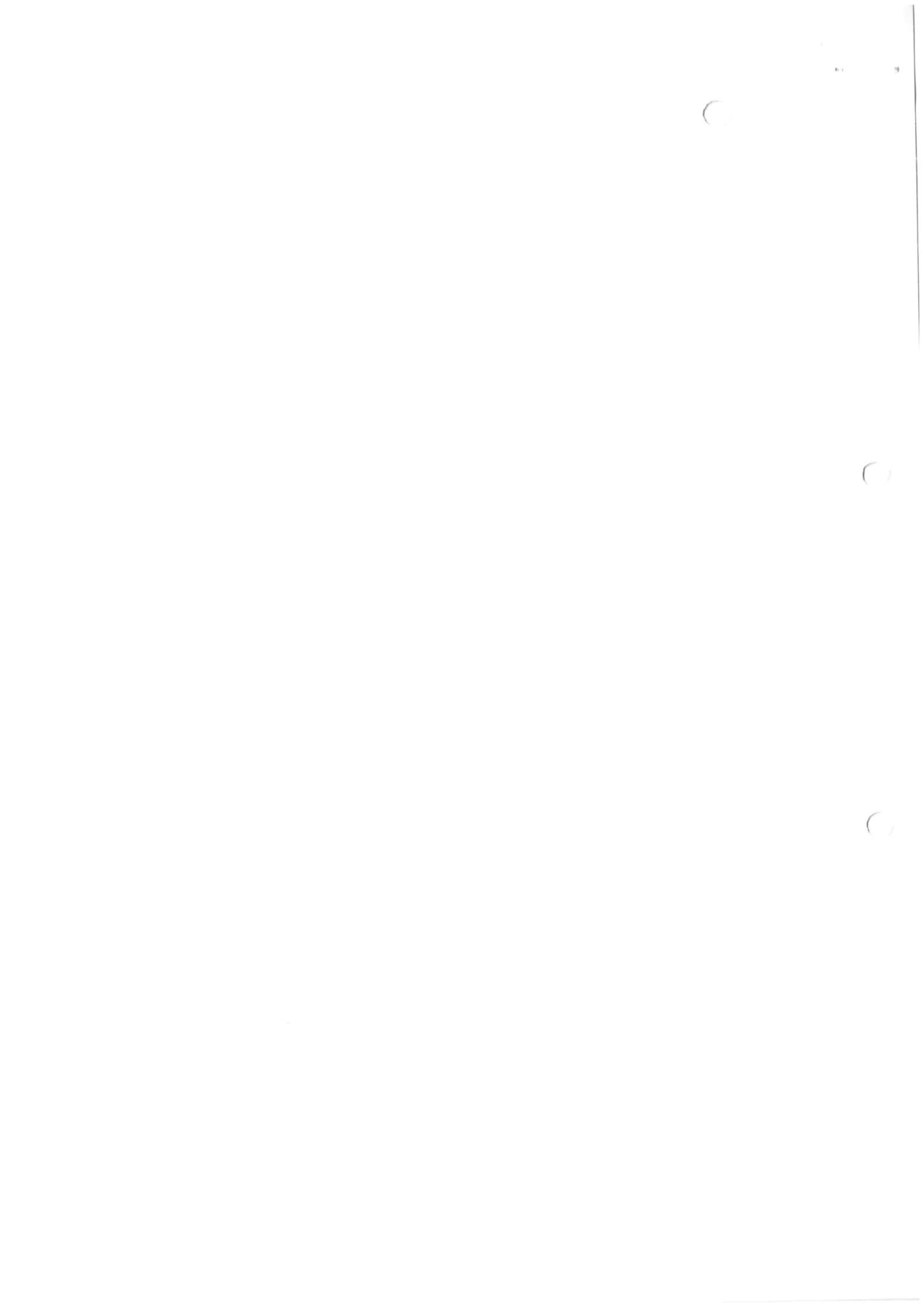
The Dundalk WWTP will be upgraded and detailed design is commencing, and this upgrade is being designed with sufficient treatment capacity to accept the full Blackrock load and to facilitate ultimately the de-commissioning of the Blackrock WWTP. Currently the programme for the Dundalk upgrade is 2033 and the full transfer of all the Blackrock load would then be dependent on a number of other network projects being completed. WWTP upgrade projects have typically 5-7 year delivery programmes (once detailed design has commenced) because of the need for modelling studies of the receiving waters, preparation of an EIAR (Environmental Impact



assessment Report), obtaining of planning permission, obtaining of an EPA license all of which has to be completed before construction can begin”.

- (c) It is abundantly clear that Uisce Éireann have to prioritise the works connected to the Blackrock agglomeration. The Blackrock WWTP is running well over design capacity and Cockle Hill PS has released 72,735,360 litres of sewage between 05/09/2024 and 05/09/2025 in 216 separate releases into the River Fane (from a combined sewer system) – these figures are available and can be verified.
- (d) Under close scrutiny by the European Commission (Directorate-General Environment), Uisce Éireann have now to prioritise the storm water containment / storage at Cockle Hill PS , prepare a feasibility study report and budgetary plan and have this work completed (projected for 2029) before the design / budgetary preparation for the complete Dundalk WWTP upgrade (estimated at between 5 and 7 years at a projected cost between €200m – €300m).
2033 is the projected date for completion of all works connected to this schedule of upgrade works – this casts doubts on whether the schedule of upgrade works can be completed within the timeframe of the current planning application, which at best can only be described as premature.
- (e) A strict condition of the confirmation of feasibility for a waste water connection is the restriction that **a connection cannot be effected until the upgrade works have been completed**. The Confirmation of Feasibility offer was valid for a period of ninety days from date of issue and dependant on signing and completion on receipt of grant of planning permission – that period has lapsed. Also, the current planning application falls outside the period of offer of connection.
{See Appendix A below}

On the basis of the updated schedule of infrastructure works connected to the provision of waste water for Dundalk / Blackrock and the risk of no connection being effected within the lifetime of the current planning application, I urge An Coimisiún Pleanála to reject this planning application.



2. THE ZONING OF LAND.

In a submission to the Dundalk Local Area Plan 2024 – 2030, Mc. Cutcheon Hally (acting for Marina Quarter Ltd) requested a change of zoning for two parcels of land which are the subject of the current planning application.

In submission 128(i), a request for a section of land to be changed from “A1 Existing Residential” to “A2 New Residential, Phase 1” was not dealt with due to the threat of a Judicial Review . The result is that a section of land intended to be developed as the main entrance to the proposed development site, and located in flood zones A and B, cannot be used / developed without the correct zoning being in place for this proposed planning application.

Even though the land in question was removed from the Local Area Plan 2024 - 2030 and therefore not subjected to the re-zoning as proposed by Local Councillors, no other developer was offered this form of relief from decisions made in the Local Area Plan – a decision many consider unfair and unjust.

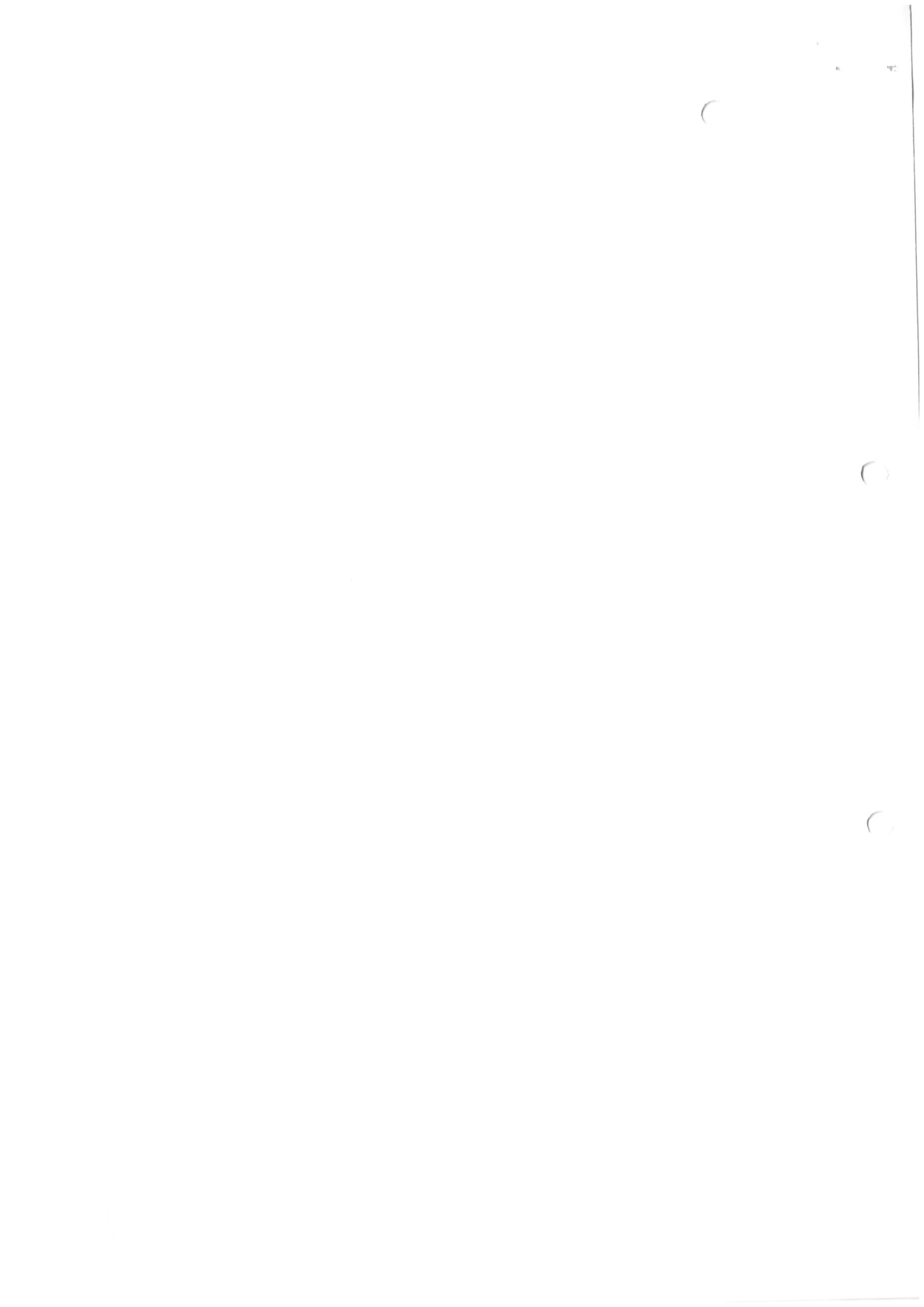
Due to a Judicial Review being lodged by Marina Quarter Ltd in The High Court (H.JR.2025.0000570), Louth County Council suspended the re-zoning of these lands (as passed by Local Councillors) and the change of zoning requested by McCutcheon Hally (for one section) was not carried forward either.

No order has been issued by Mr. Justice Richard Humphreys and the Judicial Review is in “suspension”. This suspension of the Judicial Review has rewarded the developer with the summary cancellation the Councillors’ re-zoning decision in The Dundalk LAP 2024 – 2030. This form of abuse of Judicial Review is currently being outlawed by the Irish Government.

On the basis of an incorrect zoning on a crucial section of land within this proposed development, I urge An Coimisiún Pleanála to reject this planning application.

3. SUBMISSIONS TO PLANNING

Even though some 26 submissions were received to **2560319** and 8 submissions were subsequently made to the further information request, little detail of these submissions appeared in the planners report. I attach copies of my own submission to planning file 2560319 and the subsequent FI request, as I



maintain these submissions together with the 25 other submissions were not given proper consideration by Louth County Council. **{ See appendices E and F below}**

Undue reliance on submissions by McCutcheon Hally (for Marina Quarter Ltd) seem to have formed the basis of the decision to grant (subject to appeal) - many of the original submitters feel aggrieved at this blatant imbalance in the planner's report.

Submissions from Statutory Consultees do not seem to have been properly considered / assessed in the planner's report, despite multiple submissions made by National Parks and Wildlife Services, The Office of Public Works and Louth Childcare Committee.

NPWS through their Development Applications Unit have made multiple submissions over the years urging caution on the proposed treatment of the phragmyte marsh areas, the natural landward extension of the phragmytes, the discharge of stormwater into a channel directly into the Special Area of Conservation (SAC 000455) and Special Protected Area (SPA 004026) of Dundalk Bay and the overall treatment of an established and documented underground passage used by otters - the proposed plans for the area display utter disregard for this protected mammal.

The Office of Public Works have made multiple submissions stating quite clearly the case for an increased risk of flooding due to the discharge of storm water and the increased flow of storm water through adjacent private lands.

A "desk top study" of storm water flows provided by McCutcheon Hally (despite no visit / analysis performed on site) seem to have been accepted without any challenge whatsoever by Louth County Council – displaying a distinct lack of balance, fairness or objectivity in its assessment and decision making.

I urge An Coimisiún Pleanála to consider carefully the previous submissions by the aforementioned Statutory Consultees, to respect the advice offered and to reject this planning application.



4. THE DISCHARGE OF STORMWATER/ FLOODING.

The AA and EIAR supplied by McCutcheon Hally do not properly assess the cumulative effects of the increase of water flows through the adjacent private property "Mountain View" and onwards to the point of discharge into the SAC / SPA via a channel which will also have a proposed pumped drainage feed from the complete development site and do not cater for the backloading of this water through the existing culvert during high tidal movements. In fact, the Development Applications Unit of NPWS state quite clearly that the AA / EIAR do not demonstrate the discharging of this storm water will not have a negative effect on the qualifying interests of the SAC and SPA. The outlet pipe / headwall is proposed to be located within the area of SAC , SPA and Natura 2000.

By advising the developers that planning permission was not required as long as the discharge pipe was within the high water mark, Uisce Éireann erred and overstepped their authority. Any discharge into an enclosed bay which has the potential to damage the environment now requires Uisce Éireann, Louth County Council and the Environmental Protection Agency to jointly apply for planning permission for this discharge facility.

Uisce Éireann have on many occasions referred to the dangers of pollution of the marine environment due to discarded dog / cat faeces - it is common practice in housing estates to witness faeces swept into public drains.

Water run-off from house fires becomes contaminated with a wide array of toxic and carcinogenic chemicals from the burning of household materials, plastics, and building components. This "firewater" can cause significant environmental damage and normally finds its way through storm water / road drainage in housing estates. The channeling of this waste / storm water and the deposition into the SAC / SPA poses an unacceptable risk to the environment.

On the basis of incorrect / insufficient flood data supplied with this application and the risk to the environment from unregulated / untreated discharges, I urge An Coimisiún Pleanála to reject this planning application.



5. LAND OWNERSHIP.

A letter provided by Louth County Council reporting to have taken in charge private lands adjoining the R172 seems to have been issued without proper authority.

Two separate landowners state quite clearly the lands in question are held in freehold and without incumbrance. Louth County Council have not indicated any agreement exists and the whole matter will be contested legally.

During submissions by McCutcheon Hally for Marina Quarter Ltd., it is stated that the provision for a south bound bus stop could not be facilitated because agreement from the landowner was not sought or given. The glaring anomaly here relates to the private holding of the land to the eastern side of the R172, yet when it suits the developer, that the same land will be taken over, raised and altered to suit sightlines and assumed into the developers holding. The raising and re-alignment of the land around the entrance will also adversely affect the entrance plot / flowerbed which is maintained by Blackrock Tidy Towns – a central feature of the entrance to the village of Blackrock. For most of its length, this land to the eastern side of the R172 has no kerbing and does not contain or constitute a footpath. There does not exist any boundary wall – only a raised earth mound or fence / hedgegrow.

I urge An Coimisiún Pleanála to examine the whole matter of land ownership, not have the planning process used to assume required land into the developer's holding at the expense of registered landowners and reject this planning application.

6. EXTANT PERMISSION.

References exist throughout the planning application and indeed the planner's report to an "extant planning permission" covering this development site. These references currently have no legal basis and should be expunged from the current planning application.

Following an unsuccessful attempt to seek an extension of duration to the original 2019 SHD planning permission, Louth County Council issued



contractors for Marina Quarter Ltd a notice to vacate the site on January 15th, 2024 and cease all works.

Despite a failed attempt by McCutcheon Hally to demonstrate that Section 42(1) of the Planning and Development Act 2000 (as amended) had been complied with, Louth County Council found the developer in default of three separate planning conditions, and found they had used an unauthorised entrance and that works stated to have taken place had not in fact taken place, and that a substantial order of €15 million of timber frames from Keenan Timber Frames had not in fact been placed. The application was fraudulent.

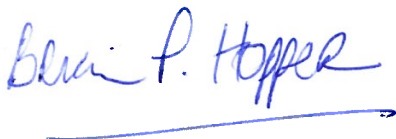
A letter of complaint was sent by myself to Ms. Joanna Kelly (then Senior Planner with LCC and formally Senior Planning Inspector with ABP and centrally involved with the original 2019 SHD (ABP-303256-18) application which was decided by Mr. Paul Hyde) to detail the discrepancies in works carried out to comply with the conditions attached to the extension of duration – an application which was refused.

Despite all the “illegality” surrounding all the work to secure an extension of duration, no infringement action was ever taken against the developers, Marina Quarter Ltd – the site currently remains with all illegal works in place.
{See Appendix D below}

I have attached the previous submissions I have made to Louth County Council in Planning Application 2560319, as I do not consider it has been properly accounted for in the planner’s report. It contains details of road safety data from the RSA 1996 – 2015 and many contextual photographs relevant to this planning application.

In summary, I urge An Coimisiún Pleanála to reject the grant of permission by Louth County Council of this planning application by Marina Quarter Ltd.

Yours sincerely,



Brian P. Hopper

02 January 2026



UISCE EIREANN BRIEFING NOTE

Wastewater Infrastructure in Dundalk and Blackrock, Co. Louth

September 2025

Uisce Éireann planning significant Investment in Dundalk and Blackrock wastewater infrastructure

Uisce Eireann is planning significant upgrades to wastewater infrastructure in Dundalk and Blackrock over the coming years. While detailed project budgets are not yet finalised for all of these projects, we expect to invest upwards of €200m over the next 10 years to future proof growth and protect the environment.

Key planned projects include: Dundalk Wastewater Treatment Plant upgrade, Blackrock wastewater load transfer, Coes Road, Boyle O'Reilly & St. Helena's Rising Main and network upgrades, Cocklehill Pump Station upgrade, Blackrock tidal inflow reduction, stormwater management, infiltration programme, critical assets survey and network studies.

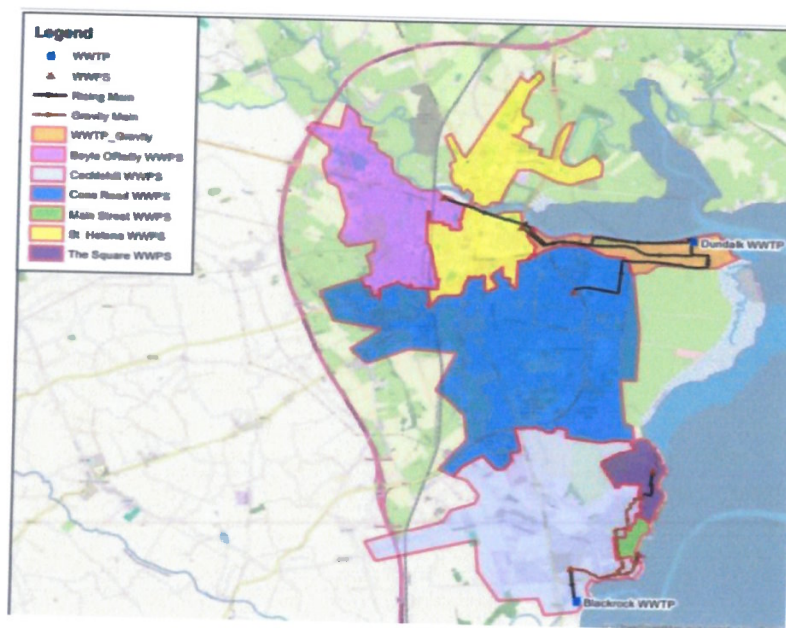


Figure 1. Location of wastewater infrastructure and areas served by pumping stations



The Dundalk WWTP will be upgraded to facilitate continued growth in Dundalk and to include sufficient treatment capacity to accept the wastewater from Blackrock and de-commission the existing Blackrock WWTP. A project to transfer wastewater treatment from Blackrock to Dundalk is currently being planned.

It is difficult to give exact completion timelines for all this work given the variables that impact project timelines. These projects are included in our next investment plan up to 2029 and assuming we get approval from our regulator, the Commission for Regulation of Utilities to make this investment, the required government funding to support it, and the consents we require, they will be progressed as a matter of priority. Projects like the wastewater treatment plant upgrades typically take 5-7 years to complete because of the need for modelling studies of the receiving waters, preparation of an EIAR (Environmental Impact Assessment Report), application for planning permission and an EPA license prior to construction getting underway.

As there is still additional capacity in the Dundalk WWTP, we can begin to transfer part of the wastewater load from Blackrock before the Dundalk upgrade is complete, but it still requires other network projects to be done including new rising mains to be constructed before this can start to happen. The transfer from Blackrock must be balanced with the growth in Dundalk to ensure both plants remain compliant with their current licences.

Addressing concerns about current wastewater infrastructure in Dundalk and Blackrock

Capacity of Dundalk Wastewater Treatment Plant

Dundalk WWTP currently has a design capacity of 71,000 PE (Population Equivalent) and available capacity to facilitate short term growth. Uisce Éireann is planning to upgrade the and increase the treatment capacity to approximately 125,000 PE to allow for continued growth in Dundalk and Blackrock and to allow for the transfer of the current load treated at Blackrock back to Dundalk and decommissioning of the existing Blackrock Plant. Any developer or business wishing to get a new water or wastewater connection should contact the Uisce Éireann Connection and Developer Services Team as early as possible in their own planning process. We are also working closely with Louth County Council to understand the growth they are expecting to see in Dundalk and across Louth over the coming years and to align the delivery of the required water and wastewater infrastructure to facilitate that growth.

Network issues in Dundalk

Intermittent flooding has been an issue in the past in Dundalk at times of very heavy rainfall. Uisce Éireann and Louth County Council both have a role in managing surface water drainage. Uisce Éireann is responsible for the wastewater foul network (sewers), storm water overflows, pump stations (including those managed on our behalf by private contractors) and wastewater treatment plants. The wastewater network in Dundalk requires significant investment to address problems and we have plans in place for that as outlined above. Due to its coastal location, tidal ingress and siltation have been issues that compromised the networks and led to blockages and overflows in Dundalk in the past. In addition to the longer term investment we will be making, Uisce Éireann has also carried out significant work in recent years to alleviate these issues in the short term including extensive sewer surveys, sewer cleaning and sewer relining. Work has also been undertaken to prevent tidal ingress into the wastewater network.



What are storm water overflows and why are they necessary?

Storm Water Overflows (SWO's) are an essential part of our wastewater network. At times of very heavy rainfall, when huge volumes of water runs off streets, roads, open landscape and public open spaces, storm water overflows allow excess flows to be collected and discharged into the sea, rivers or other watercourses in a controlled and regulated way. SWO's protect homes, gardens, roads and open spaces from wastewater flooding and discharges by preventing excess flows from backing up in wastewater networks and overflowing in public areas, homes or businesses.

When SWO's discharge to open water, they normally do not have a lasting effect on bathing waters as discharges are heavily diluted, tides and winds disperse spills, and sunlight provides natural UV disinfection for any bacteriological contamination in the overflow. Uisce Éireann has many SWO's at locations around the country and they are an important part of our wastewater infrastructure.

Future investment and upgrades to SWO's can involve the addition of storage tanks to reduce the frequency and volume of overflows to open water at times of heavy rainfall, diversion of flows to other locations, as well as taking steps to reduce the volume of surface water run-off that comes into surface water drains and wastewater networks. Significantly reducing discharges from SWO's will require decades of investment of hundreds of millions of euro. It will also require co-operation with other agencies responsible for surface water drainage including Local Authorities and the OPW for example.

Addressing recent concerns regarding overflows at Blackrock Beach

Uisce Éireann are aware of recent reports and queries to Louth County Council related to decaying seaweed and concerns about pollution along the beach at Blackrock. Louth County Council (LCC) Environment Section confirmed that complaints had been received that their investigations did not find any evidence of pollution. Site visits by the Council confirmed the presence of decomposing seaweed on the shore which is a natural process at many coastal locations. Louth County Council also confirmed that they could not remove material from these locations as they are protected areas.

Wastewater infrastructure and bathing water quality at Blackrock

Urban wastewater is only one factor affect bathing water quality. Dog and bird faeces, runoff from roads, agriculture, forestry, misconnections, and septic tanks also contribute.

Uisce Eireann operates Cocklehill pump-station, a storm water overflow and a wastewater treatment plant at Blackrock. Significant investment has been made to improve wastewater infrastructure at Blackrock WWTP and agglomeration since 2020.

Blackrock WWTP

The wastewater treatment plant in Blackrock is red on Uisce Eireann's Wastewater Capacity Register. The plant continues to treat the wastewater it currently handles. Prior to the planned upgrade of Blackrock WWTP or future diversion of existing flows to Dundalk WWTP, the plant will be able to receive additional but limited volumes of pre-treated wastewater on a temporary basis subject to specific conditions and final grant of planning permission by the planning authority. Any developer or individual seeking a new water or wastewater connection should contact our Connection and Developer Services Team as early as possible in their own planning process.

Water quality sample results from the Fane River upstream of the Blackrock Wastewater Treatment plant record a 'moderate' water quality status. Water quality sample results from the Fane River downstream of the WWTP record a 'high' water quality status.

Cocklehill Pump Station and SWO

€3.8m has been invested in Cocklehill Pumping Station in 2024 and further improvements are planned. Managed overflows from Cocklehill SWO represent a small percentage of total

wastewater flow in this network per annum and overflows are usually heavily diluted with high rainfall.

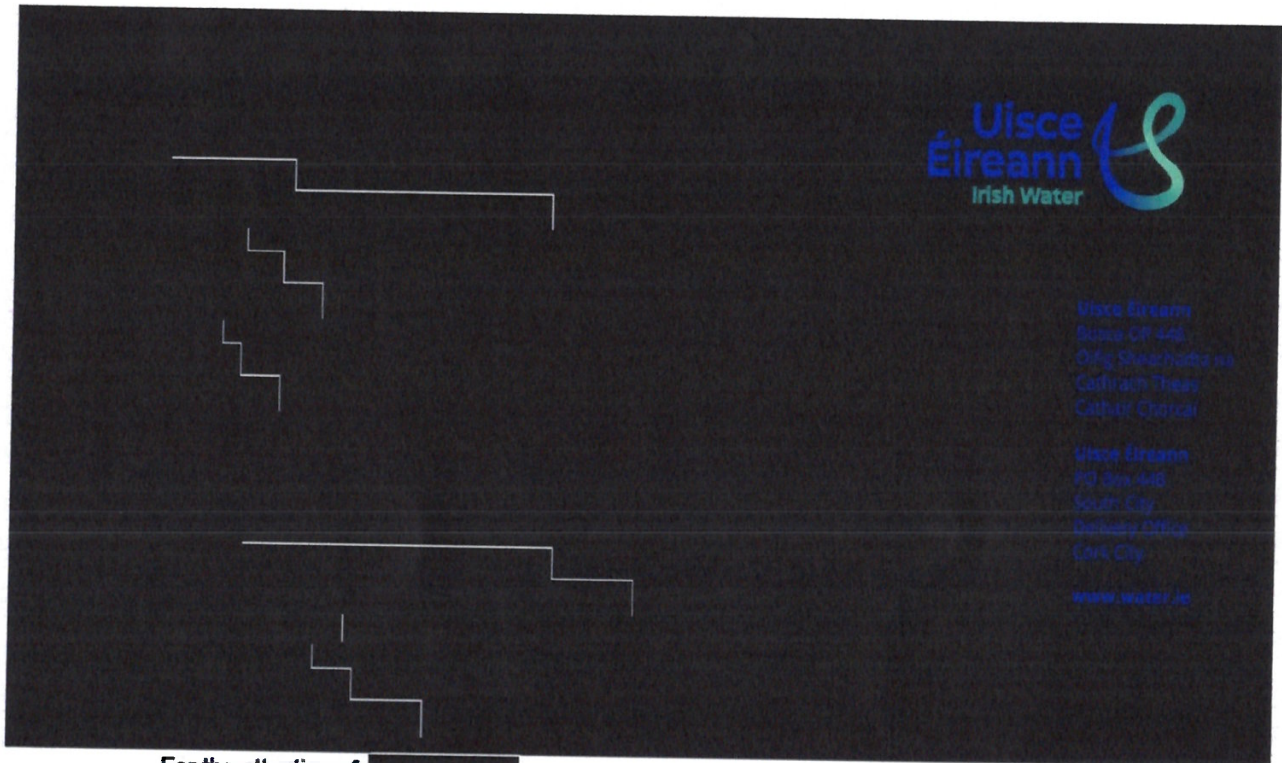
More severe rainfall events will bring additional challenges managing storm water overflows and Uisce Éireann has plans in place to upgrade this overflow as part of the Dundalk-Blackrock Drainage Area Plan (DAP). The first phase of this plan is complete, and the next phase will include a feasibility study report for management of storm water flows. Once this has been done a preferred option will be identified, detailed design will be carried out, a planning application will be submitted and once it is granted, construction can begin. Options for this SWO could include a new storage tank or the diversion of overflows from Blackrock to another location for example.

Given the multiple steps that must be completed, it will take several years to complete assessment, design, planning and construction. Any upgrades to the infrastructure will be tied into the delivery of other related projects delivering improvements to wastewater infrastructure in Blackrock and Dundalk. In the meantime, Uisce Éireann are engaging with the EPA in relation to the SWOs from Cocklehill PS.

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For the attention of: [REDACTED]

Our Ref. [REDACTED]

Self-Lay Connection Agreement - Phase 1, Haggardstown, Blackrock, Louth Date:
30 October 2024

SUBJECT TO CONTRACT

Dear Applicant,

Outcome of your Connection Application - Summary

We have completed the review of your Connection Application.

Uisce Éireann has reviewed your application for a Self-Lay connection(s) to the Network(s). Based upon the details provided by you, Uisce Éireann can offer you a connection(s) for your Development in accordance with the terms of this Connection Offer.



Where can you find more information?

You can find more information about the terms of your Connection Offer in this **Connection Offer letter** and enclosures. Please read this Connection Offer letter and the following enclosed documents, in particular:

- General Conditions for Self-Lay Connections (Appendix 2)
- Special Conditions (Appendix 3)

If you have any queries in relation to this Connection Offer, please contact our Customer Service Department at:

Telephone: 1800 278 278 or +353 1 707 2828

Email: newconnections@water.ie

Stiurthoirí / Directors: Tony Keohane (Cathaoirleach / Chairman), Niall Gleeson (POF / CEO), Christopher Banks, Fred Ba'tl, Gerard Britchfield, Liz Joyce, Patricia King, Eileen Maher, Cathy Mannion, Michael Walsh.

Oifig Chlaraithe / Registered Office: Teach Colvill, 24-26 Sraid Thalboid, Baile Atha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland 001NP86

Is cuideachta ghníomhaíochta ainmnithe ala faoi theorainn scaireanna Cúisce Éireann / Uisce Éireann is a design activity company, limited by shares.

Claraíthe in Éirinn Uimh.: 530363 / Registered in Ireland No.: 530363.



Web: www.water.ie/contact-us

Next Steps¹ to proceed with this Connection Offer:

- Sign and return the Letter of Acceptance (see attached)
- Pay the Connection Charge (see Section 3(a) below)
- Provide any required Self-Lay Surety (per 3(b) below, including a completed Deposit Agreement)
- Provide any Required Security (see Appendix 8)
- You have **90 days** from the date of this Connection Offer to accept the offer.

What to do after Acceptance of the Connection Offer?

- Submit a Commencement Notice (see General Condition 11.3)
- Arrange a Pre-Commencement Meeting (and provide a first draft of the Register of Premises Served) (see General Condition 11.3)

Prior to connection to the Network(s), you must²:

- Complete the Water & Wastewater Services Infrastructure in accordance with this Connection Agreement
- Provide all Final Documents
- Provide all required Deeds of Grant of Wayleaves and Easements (including for any Arterial Pipe(s)- see Appendix 3, Part 3 (if applicable)) (per General Condition 13)
- Provide a Register of Premises Serviced (per General Condition 18)

Unauthorised Connections:

As per the conditions set out in Appendix 3 herein, Uisce Eireann will deliver the full physical connection works on the public side from its Network(s) to your property boundary. Only Uisce Eireann or our authorised agents are permitted to make the Connection to its network.

In instances where a Connection has been made, either directly or indirectly, to the network without consent, this constitutes an illegal Connection under the Water Services Act of 2007. Where Uisce Eireann becomes aware of illegal connections to the water and wastewater networks, it maintains the right to prosecute or take appropriate action. Uisce Eireann reserves the right to disconnect connections completed by another entity.

If you wish to proceed with this Connection Offer, please complete the Next Steps listed above.

Yours sincerely



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Dermot Phelan

Connections Delivery Manager

¹ The purpose of this list is to draw particular attention to the key deliverables in the Connection Agreement. Developers are required to adhere to all requirements specified in the Connection Agreement.

² See General Condition 11.15.



Web: www.water.ie/contact-us

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Yours sincerely



Dermot Phelan

Connections Delivery Manager

¹ The purpose of this list is to draw particular attention to the key deliverables in the Connection Agreement. Developers are required to adhere to all requirements specified in the Connection Agreement.

² See General Condition 11.15.

Outcome of your Connection Application - Details

Providing a connection between the:

Water Works and Wastewater Works
(the “Network(s)”) **AND**

**The development located at Phase 1, Haggardstown, Blackrock, Louth (the
“Development”, as further described below)**

Following receipt of your application for a connection of your Development to the Network(s) (the “**Connection Application**”, a copy of which is included in **Appendix 1**), Uisce Éireann is pleased to offer you (“**You**” or the “**Developer**”), a Connection between the Network(s) and the Development, subject to and in accordance with the conditions set out in this Connection Offer (the “**Connection Offer**”), the General Conditions for Self-Lay Connections (the “**General Conditions**”, copy attached in Appendix 2) and any Special Conditions pertaining to this connection (the “**Special Conditions**”, as may be attached in Appendix 3).

1. Connection Agreement

We enclose a Letter of Acceptance for your consideration.

We would encourage You to read the entirety of this Connection Offer including the appendices hereto and, in particular, the General Conditions and the Special Conditions. If You are satisfied with these and wish to proceed, please:

- a) arrange for the Letter of Acceptance, duly executed by You, to be returned to **Uisce Éireann, PO Box 860, South City Delivery Office, Cork City** marked for the attention of *Dermot Phelan, Connections Delivery Manager*,
- b) arrange for payment of the Connection Charge in accordance with section 3(a) below;
- c) provide the required Self-Lay Surety (per 3(b) below);
- d) provide confirmation that any Required Security, as specified in Appendix 8 hereto, has been put in place.

You and Uisce Éireann acknowledge that there shall be no intention to create any legally

binding contract between You and Uisce Éireann unless and until You have complied with the steps outlined at 1 (a) – (d) above. If, in the opinion of Uisce Éireann, You have not fully complied with any of the steps outlined at 1 (a) – (d) above, no legally binding contract shall come into force between You and Uisce Éireann.

Once You have fully complied with the steps outlined at 1 (a) – (d) above, the Connection Agreement shall become legally binding on You and Uisce Éireann (to the extent that any of the steps outlined at 1 (a) – (d) occur on different days, the Connection Agreement shall commence on the last date on which all the steps have been fully complied with).

The **Connection Agreement** is comprised of this Connection Offer, the General Conditions, the Special Conditions and the remaining appendices hereto. In the event and to the extent that any conflict or inconsistency arises as between these documents, the following order of precedence shall apply:

- i. Special Conditions
- ii. General Conditions for Self-Lay Connections
- iii. Connection Offer (and the remaining appendices hereto).

Uisce Éireann's decision to make a Connection Offer to You is made in reliance on the information contained in and submitted with the Connection Application. If the information supplied is incorrect or found to be materially inaccurate in any way, Uisce Éireann reserves the right to apply additional Connection Charges, to impose additional contract terms and/or take any steps in accordance with the General Conditions.

This Connection Offer is based on a high-level desk top analysis carried out by Uisce Éireann on the feasibility of a connection for your Development. Once the Connection Offer has been accepted by You, Uisce Éireann will begin a detailed design of the connection. If during the process of detailed design Uisce Éireann, at its discretion, forms the opinion (acting reasonably) that either:

- A. a connection to your Development is not feasible or practicable or safe to complete; or
- B. a connection to your Development would involve the expenditure by Uisce Éireann of monies in excess of that provided for by way of the Connection Charge,

then the Connection Agreement may be terminated by Uisce Éireann by way of written notice to the Customer.

The Connection Agreement shall constitute the entire agreement between You and Uisce Éireann.

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Any reference in this Connection Offer to an Appendix is to an appendix to this Connection Offer.

The relevant Local Authority referred to in the General Conditions is: Louth County Council

2. Validity of Connection Offer

You have 90 days from the date of this Connection Offer to comply with the steps outlined at 1 (a) – (d) above in order to validly accept this Connection Offer. Thereafter, the Connection Offer shall lapse unless otherwise agreed in writing by Uisce Éireann.

3. Connection Charge & Self-Lay Surety

The Connection Charge(s) shall be determined in accordance with Uisce Éireann's Connection Charging Policy as set out in the Water Charges Plan (which can be found at www.water.ie/connections)

(a) Connection Charge

The Water Connection Charge €339,892.00

The Wastewater Connection Charge €672,819.00

The Connection Charge is €1,012,711.00 (the “**Connection Charge**”); a breakdown of the Connection Charge is set out in Appendix 4.

Payment of the **Connection Charge** can be made by:

- a. Cheque, made payable to “Uisce Éireann” or
- b. Money Transfer, by EFT to the following bank account:

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Please note that You must quote the Uisce Éireann reference number specified above in any communications and when making payment (see ‘*Our Reference*’ on the first page of this letter). The Connection Charge will only be deemed paid when funds have cleared in Uisce Éireann's bank account.



(b) **Self-Lay Surety**

In addition to the Connection Charge, You will also be obliged to provide Uisce Éireann with a Self-Lay Surety in the amount of €183,375.00 (the “Self-Lay Surety”); a

breakdown of the Self-Lay Surety is set out in Appendix 4. The Self-Lay Surety can be made in the form of a cash bond (Please see Deposit Agreement in Appendix 8) or, alternatively, in any of the forms outlined in Uisce Éireann’s Financial Security Policy (available at www.water.ie/connections). Please refer to General Conditions 10 & 11 for further information in respect of the Self-Lay Surety.

Payment of the **Self-Lay Surety** can be made by:

- a. A separate Cheque, made payable to “Uisce Éireann” or
- b. Money Transfer, by EFT to the following bank account:

[Redacted Bank Account Information]

[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]

Please note that You must quote the Uisce Éireann reference number specified above in any communications and when making payment (see ‘Our Reference’ on the first page of this letter). The Self-Lay Surety will only be deemed paid when funds have Queries

If You have any queries in relation to the payment of the Connection Charge/Self-Lay Surety or otherwise, please contact Uisce Éireann Customer Service Department:

Telephone: 1800 278 278 or +353 1 707 2828

Email: newconnections@water.ie

4. Disputes

Any dispute in respect of the terms of this Connection Offer (including in relation to the Estimate of Connection Costs) may, upon your application, be referred to the Uisce Éireann complaints



process. Details of the Uisce Éireann Complaints Process are available on the Uisce Éireann website.

Once a legally binding Connection Agreement is entered into, all disputes in relation to your agreement with Uisce Éireann shall be resolved pursuant to General Condition 36.

5. Next Steps

Accept the Offer: Once You have complied with the steps outlined at 1 (a) – (d) above, You will receive a receipt of payment and Uisce Éireann or its agent will contact You in accordance with the General Conditions.

Submit Your Commencement Notice at least fourteen (14) days in advance of commencement of the Self-Lay Works – email developerscheduling@water.ie (see General Condition 11.3.1).

Arrange a Pre-Construction Site Meeting with Uisce Éireann – email developerscheduling@water.ie, giving at least ten (10) days' notice (see General Condition 11.3.2)

Letter of Acceptance (This Copy to be retained by You)

I/We refer to the Connection Offer dated 30/10/2024. I/We confirm that I/we have read and understood the Connection Offer and the Appendices attached to the Connection Offer comprising the following:

Appendix 1	Connection Application
Appendix 2	General Conditions for Self-Lay Connection
Appendix 3	Special Conditions
Appendix 4	
Appendix 5	Connection Charge Summary Specification
Appendix 6	Codes of Practice and Standard Details Forms of Deed of Grant
Appendix 7	
Appendix 8	Required Security (as applicable)
Appendix 9	Quality Assurance Regime
Appendix 10	Register of Premises Serviced

Note: The documentation contained in **Appendix 6** and **Appendix 9** are included in the Memory Stick accompanying the Connection Offer. By accepting this letter, the Developer acknowledges and agrees that he/she has accessed the said Memory Stick and read and understood the contents thereof and that he/she acknowledges that these documents form part of the Connection Offer.

I/We also confirm that I/we will complete the Register of Premises Serviced (contained in **Appendix 10**) and provide it to Uisce Eireann at the required intervals.

I/We acknowledge that the Connection Agreement is formed by acceptance of the Connection Offer, which consists of the documents set out above, and I/we accept Uisce Eireann's Connection Offer for connection to the Network(s) specified in the Connection Offer on the terms and conditions set out therein.

I/we have read, understood, accept and agree to comply in full with the terms of the Connection Offer dated [30/10/2024] and all documents forming part of the Connection Agreement.

I/we further understand and acknowledge that there shall be no intention to create any legally binding contract between me/us and Uisce Eireann unless and until I/we have:

- a) completed and returned this Letter of Acceptance;
- b) paid the Connection Charge;
- c) provided the required Self-Lay Surety. The Self-Lay Surety can be made in the form of a cash bond or, alternatively, in any of the forms outlined in Uisce Eireann's Financial Security Policy (available at www.water.ie/connections);
- d) provided confirmation any Required Security, as specified in Appendix 8 of the Connection Offer, has been put in place.



I/we have received the payment for Connection Reference CDS2200761301 via

Electronic Funds Transfer EFT
Cheque

I/we have made Self-Lay Surety payment for Connection Reference CDS2200761301 via

Electronic Funds Transfer EFT
Cheque

I/we have completed any ancillary agreement documents required under the Uisce Eireann Financial Security Policy in connection with the Self-Lay Surety

Developer Name: [REDACTED]

Developer Address: [REDACTED]

Developer Reference: [REDACTED]

Developer Site Address Phase 1, Haggardstown, Blackrock, Louth

Developer's signature: [REDACTED]

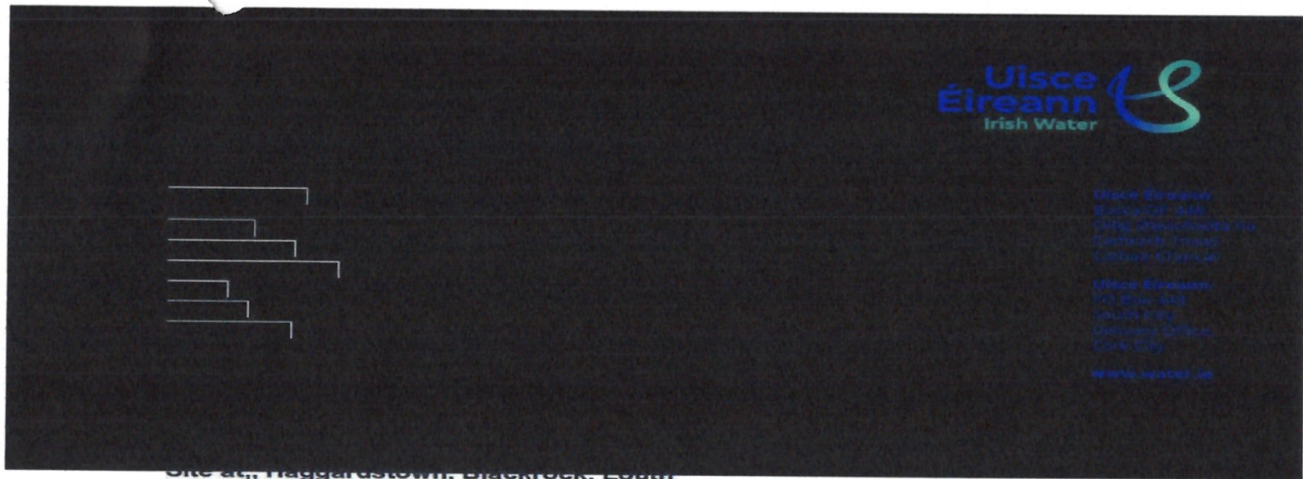
For and on behalf of: [REDACTED]

Print full name of Developer in BLOCK _____

DAVID KENNEDY

Letters: Date: 12/11/2024

APPENDIX C.



We have completed the review of the Pre-Connection Enquiry.

Uisce Éireann has reviewed the pre-connection enquiry in relation to a Water & Wastewater connection for a Multi/Mixed Use Development of 503 unit(s) at Site at,, Haggardstown, Blackrock, Louth, (the **Development**).

Based upon the details provided we can advise the following regarding connecting to the networks;

- **Water Connection** Feasible without infrastructure upgrade by Uisce Éireann
- **Wastewater Connection** - Feasible Subject to upgrades
Upgrade works are required to increase the capacity of the existing wastewater network. Uisce Éireann currently has a project on our current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by Q1 2030 (this may be subject to change) and the proposed connection could be completed as soon as possible after these works.
Customer to engage at Connection Application stage.

Stiurthoir/Directors: Niall Gleeson (POF / CEO), Jerry Grant (Cathaoirteach / Chairperson), Gerard Britchfield, Liz Joyce, Michael Nolan, Patricia King, Eileen Maher, Cathy Mannion, Paul Reid, Michael Walsh.

Oifig Chlaraithe / Registered Office: Teach Colvill, 24-26 Sraid Thalboid, Baile Atha Cliath 1, 001 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86

Where a connection is proposed in advance of the Coe's Rd Project the following interim solution is required as per below.

Flows from the pumping station constructed under Phase 1 of the development (serving 200 units) shall not be increased during daytime hours (ie 7am to 7pm). This would amount to approximately 61m3 total volume pumped in these hours. The remaining balance of flows would be stored during the day then discharged in the night (7pm to 7am)

Dosing would be required to avoid septicity

This arrangement would be temporary until the Coe's road upgrade project is completed.

Once this is completed the pumping station can operate as normal through out the day. This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann.

As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted. The connection application is available at www.water.ie/connections/get-connected/

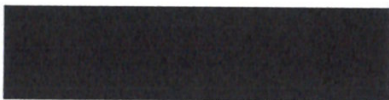
Where can you find more information?

- **Section A** - What is important to know?
- **Section B** - Details of Uisce Éireann's Network(s)

This letter is issued to provide information about the current feasibility of the proposed connection(s) to Uisce Éireann's network(s). This is not a connection offer and capacity in Uisce Éireann's network(s) may only be secured by entering into a connection agreement with Uisce Éireann.

For any further information, visit www.water.ie/connections, email newconnections@water.ie or contact 1800 278 278.

Yours sincerely,



Dermot Phelan

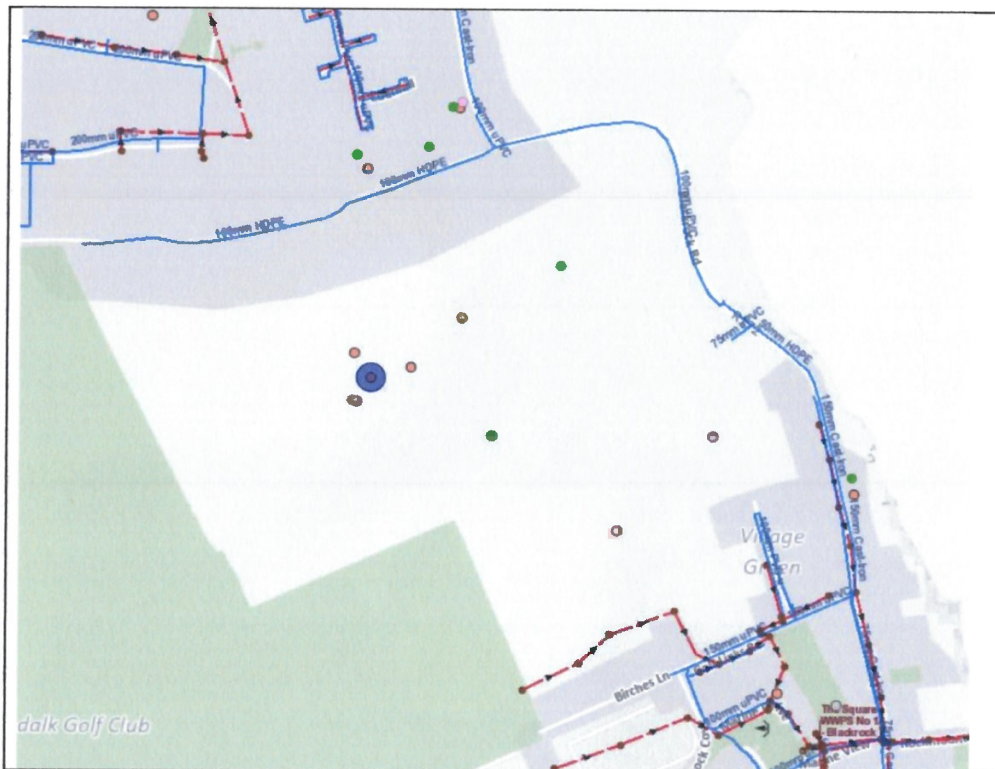
Connections Delivery Manager



Section B – Details of Uisce Éireann’s Network(s)

The map included below outlines the current Uisce Éireann infrastructure adjacent the Development: To access Uisce Éireann Maps email datarequests@water.ie

Reproduced from the Ordnance Survey of Ireland by Permission of the Government.
License No. 3-3-34



Note: The information provided on the included maps as to the position of Uisce Éireann’s underground network(s) is provided as a general guide only. The information is based on the best available information provided by each Local Authority in Ireland to Uisce Éireann.

Whilst every care has been taken in respect of the information on Uisce Éireann’s network(s), Uisce Éireann assumes no responsibility for and gives no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided, nor does it accept any liability whatsoever arising from or out of any errors or omissions. This information should not be solely relied upon in the event of excavations or any other works being carried out in the vicinity of Uisce Éireann’s underground network(s). The onus is on the parties carrying out excavations or any other works to ensure the exact location of Uisce Éireann’s underground network(s) is identified prior to excavations or any other works being carried out. Service connection pipes are not generally shown but their presence should be anticipated.

APPENDIX D.

**“Carra Puncta”,
The Square,
Blackrock,
Dundalk,
County Louth.
A91 EH05**

**Ms. Joanna Kelly,
Senior Planner,
Planning Section,
Louth County Council,
Crowe Street,
Dundalk,
County Louth.
A91 W20C**

February 11th, 2025

Dear Ms. Joanna Kelly,

I write to you to highlight some matters on a recent application for Extension of Duration of Planning Permission permitted under ABP-304782-19 & LCC 19 /590 and referenced under Planning Application 252.

I wish to make specific references to a cover letter by McCutcheon Halley, Chartered Planning Consultants on behalf of Kingsbridge Consultancy Ltd / Marina Quarter Ltd / Glenveagh Homes PLC.

Expiration of Planning Permission.

McCutchen Halley stated the expiration date of January 26th, 2025. This is factually incorrect as the expiration date (as confirmed by your own Planning Department) was in fact January 15th, 2025. McCutchen Hally further requested a three year extension of permission to January 24th, 2028. For a firm of consultants to make a basic error like this is inexcusable. Indeed the fact that their letter was dated January 14th, 2025 and

sent to your department one day before the date of expiration indicated a contempt for the process and left your department with little or no advance notice. The letter contains deliberate misleading statements which should render it inadmissible.

Commencement of Works

Under section 42(1)(a) of The Planning and Development Act 2000 your Authority has to be satisfied the development to which the permission relates was commenced before the date of expiration of the appropriate period sought to be extended.

The contractors, Keggall Construction, moved on site on December 10th / 11th, 2024 under Commencement Notice 123135L and, despite not conforming to most of the conditions under the Grant of Permission, continued to carry out works with little regard to your own Enforcement Notice of December 19th, 2024 (UD-24/252). Despite many contacts made to Enforcement, I have not been able to confirm whether the contractors were sanctioned or whether they conformed to conditions – some internal memos under 19/590 remain unresolved. The contractors moved off site on January 15th, 2025 through an unauthorised works entrance they created on Birches Lane.





The foundation trenches for 5 units.

Substantial Works.

McCutcheon Halley detailed the nature of what they considered “substantial works” carried out in order to satisfy the condition (iii) of Section 42(1)(a) of The Planning and Development Act 2000.

1. Excavation of temporary site entrance. These entrances on both Bóthar Maol and Birche’s Lane were contra to Planning Permission. One entrance excavated on Bóthar Maol was reinstated after intervention by locals (including myself). The fact that McCutcheon Hally provided a map indicating “temporary / permanent roads constructed” as part of their submission indicated their contempt for the whole Planning Process.
2. Pouring of Lean Mix to bring up to foundation level for 5 no. houses. As can be seen from the enclosed aerial photograph this work was never carried out – the excavated trenches remain empty. Enforcement need to carry out a site visit to examine the extent of works carried out and the condition of the site vacated on January 15th, 2025.

3. Fencing works. Fencing works were only carried out prior to the vacating of the site on January 15th, 2025. No fencing off of trees (a condition of planning grant) were carried out on site.

McCutcheon Halley attempted to define the term “substantial works” carried out in order to satisfy the requirement (iii) of Section 42(1)(a) of The Planning and Development Act 2000. They instanced -

Garden Village Construction Ltd. v Wicklow County Council .

This case is listed in 1993 under Mr. Justice Geoghegan of The High Court (1993 WJSC HC- 3610) . This case related to an extension of duration of planning of part of a development of 514 houses in Newtownmountkennedy, County Wicklow (references: 36/84, 56/84 and 1793/85) . The development was divided in sections and while some sections were substantially completed one section was the subject of this action taken in The High Court - I quote:

“The development to which the permissions relate: 514 houses with infrastructure (including roads, services, sewage treatment, works etc.) of which 124 have been built, including a 53 house section in the north east of the development which has been completed. The remaining sections of the overall development relate to 461 houses (of which 71 have been completed) in the remaining sections where the above permissions apply.”

The reference used by McCutcheon Halley to define “substantial works” or to avoid defining “substantial works” seem at variance with their statement : *“The Courts have consistently held that the term “substantial” should be given its ordinary meaning which is the opposite of “insubstantial”, and a mathematical formula should not be applied”* . No reference to this statement can be found in Court papers.

While I have not studied - *Frenchurch Properties Limited v Wicklow County Council (1991 WJSC – HC 1984)*, I doubt this case would shed any light to advance the case proffered by McCutcheon Halley that the excavation of trenches for the foundations of five units (as shown in the aerial picture above) or the excavation of temporary roads (in contravention of planning permission) can in any manner be considered as “substantial works” carried out to comply with section (iii) of Section 42(1)(a) of The Planning and Development Act 2000. It is up to the Planning Authority to define whether the works to date comply with this requirement.

By most Planning standards this work cannot qualify the site as a “developed site”.

The Elephant in The Room.

The requirement under section (iv) of Section 42(1)(a) of The Planning and Development Act 2000 for “the development to be completed within a reasonable time” cannot easily

be guaranteed within the timescale stated. In a recent application for extension of duration of an SHD Permission by Jan C Van Dijk , Louth County Council granted the extension to December 31st, 2026 – a little over two years.

In the letter by McCutcheon Halley covering the Application for the extension of Duration of Planning Permission permitted under ABP-304782-19 & LCC 19 /590 and referenced under Planning Application 252 , much reliance was made on the “Confirmation of Feasibility” for a wastewater connection for the first phase of the construction of 200 houses.

It is a matter of public record that this “Confirmation of Feasibility” was **NOT** completed by the date of this letter (January 14th, 2025) in the application made on behalf of Kingsbridge Consultancy Ltd / Marina Quarter Ltd / Glenveagh Homes PLC because a ”detailed design of connection” had not begun and a general “Termination of Agreement” was in place covering the 90 day requirement to comply with all conditions of the Connection Offer dated October 30th, 2024 and Letter of Acceptance dated November 12th, 2024. It is also clearly stated by Uisce Éireann that this Confirmation of Feasibility is based solely on a desktop study.

Under an LRD Planning Report (23 / 60476) by Louth County Council, concerns were expressed by Louth County Council’s Placemaking and Physical Development Section that the applicant in this case was simply shifting the onus to Louth County Council to undertake infrastructure works in order to facilitate the development . If anything occurred to adversely affect the delivery schedule of this Confirmation of Feasibility that is exactly what could happen and would represent an unacceptable risk to Louth County Council.

Notwithstanding the above, the whole matter of a wastewater connection in advance of the Coe’s Road Project, where an interim solution involving the restriction of 61m³ pumped during day time hours (7 am to 7 pm) and the retention on site of the remaining balance of flows, together with the requirement of dosing to avoid septicity, is not covered under Grant of Planning Permission in ABP-304782-19 & LCC 19 /590.

Planning permission for the self-lay wastewater connection or the retention tank / dosing facility required on site has never been subject to scrutiny under a planning application or grant of permission and cannot be a factor in the decision on the Application for Extension of Duration of Planning Permission permitted under ABP-304782-19 & LCC 19 /590 and referenced under Planning Application 252.



McCutcheon Halley, on behalf of Kingsbridge Consultancy Ltd / Marina Quarter Ltd / Glenveagh Homes PLC, have clearly stated in submissions to the Material Alterations to The Dundalk Local Area Plan 2024 – 2030 (LH – C100 – DLK - MA10) that it is the clear intention of Kingsbridge Consultancy Ltd / Marina Quarter Ltd / Glenveagh Homes PLC to submit another new LRD planning application.

“As noted in the introduction, our client is in the process of preparing a revised planning application for a Large-Scale Residential Development, which addresses the refusal reason issued by the Board under ABP Ref no. 319077-24 (P.A. Ref no. 23/60476)”.

A new planning application is required to cover the proposed wastewater infrastructure involving the use of the public road network, and the associated treatment / holding facilities on site. Perhaps the whole matter of the development of this site is best left for determination under a new Planning Application.

I do realise there is no formal route of appeal or submission under the Extension of Duration of a Planning Permission, but I regard the misleading and deceitful nature of the submission by McCutcheon Halley, published on Louth County Council’s website, warrants closer scrutiny. I would urge you as Senior Planner (a professional with more knowledge of the history of this planning application than most due to your previous involvement while a Senior Planning Inspector with An Bord Pleanála) to consider the points I have raised in your determination of this Planning Application 252.

Yours sincerely,

Brian P. Hopper.

APPENDIX E.

“Carra Puncha”,

The Square,

Blackrock,

Dundalk,

County Louth.

A91 EH05.



Planning Application : 2560319

Ref: Application for Permission for a 7-Year Large Scale Residential Development comprising 502 no. units at Haggardstown and Marshes Upper, Dundalk.

Dear Sirs,

I, the undersigned, wish to make the following submission on the Planning Application by Marina Quarter Limited for a Large Scale Residential Development with an extended 7-year grant at Haggardstown / Blackrock, County Louth – reference number : 2560319.

1. THE ZONING OF THE SITE.

The site in question is comprised of two separate parts – the main site and a separate and distinct strip of land leading from the R172 into the main site.

This strip of land proposed for development as the only vehicular entrance to the development is currently zoned A1 Existing Residential.

It is noted that A1 Existing Residential *“is designated to safeguard the established residential character and amenity of the area ... to integrate with the existing built environment and not have undesirable effects on the area”*

Efforts were made in the Dundalk Local Area Plan 2024 – 2030 in a submission by McCutcheon Halley on behalf of Glenveagh Homes Ltd to have this strip of land rezoned but this was rejected – the strip of land was never properly zoned when purchased from the previous owner and no effort was made to have the land properly zoned for this development since 2019.

A2 New Residential Phase 1 zoning would be required for this proposed development but currently is not in place.

The main site was rezoned under the Dundalk Local Area Plan 2024 – 2030 by Louth County Council and has a current status of “Strategic Reserve”

Although the whole matter of the rezoning of this land is currently before the High Court
– **Glenveagh Homes Ltd v Louth County Council (H.JR.2025.0000570)**

the status of this case is indicating that the statutory period of determination of eight weeks has passed and the matter has not been determined by Mr. Justice Humphreys, has had the Statement of Grounds amended and is currently deferred for mention on the 10th October 2025.

Louth County Council are correctly contesting the Judicial Review case as a reversal of the decision in the Dundalk Local Area Plan 2024 – 2030 would set an onerous precedent where any or all landowners / developers who feel disaffected by decisions made and duly passed under the Dundalk Local Area Plan process could seek relief under the same conditions demanded by Glenveagh Homes Ltd.

Currently the site has no planning permission.

Consultants McCutcheon Halley for Marina Quarter Ltd. sought an Extension of Duration under Planning Application 252 up to January 24th 2028 in a letter to Louth County Council dated January 14th, 2025.

Under section 42(1)(a) of The Planning and Development Act 2000 a Planning Authority has to be satisfied the development to which the permission relates was commenced before the date of expiration of the appropriate period sought to be extended. McCutcheon Halley erroneously stated the expiration date as the 26th of January, 2025.

The contractors, Keggall Construction, moved on site on December 10th / 11th, 2024 under **Commencement Notice: 123135L** and, despite not conforming to most of the conditions under the 2019 Grant of Permission, continued to carry out works with little regard to a **Louth County Council Enforcement Notice of December 19th, 2024 (UD-24/252)**.

This letter of warning sent by Louth County Council was issued under section 152 of the Planning and Development Act 2000 (as amended) for alleged non-compliance with four conditions of the SHD Grant Ref: 19/590 and ABP 304782/19 . Conditions 18, 19, 20 and 23 were highlighted as non-compliant.

The contractors were sanctioned by Louth County Council by way of an advisory letter stating “no further works were to be carried out on site” and moved off site on January

15th, 2025 through a works entrance they created (contra to planning conditions) on Birche's Lane.

McCutcheon Halley detailed the nature of what they considered "substantial works" carried out in order to comply the condition (iii) of Section 42(1)(a) of The Planning and Development Act 2000. It is left to each Local Authority to examine and quantify what constitutes "substantial works".

4. **Excavation of temporary site entrance.** These entrances on both Bóthar Maol and Birche's Lane were contra to Planning Permission. One entrance excavated on Bóthar Maol was reinstated after intervention by locals. The fact that McCutcheon Halley provided a map indicating "*temporary / permanent roads constructed*" as part of their submission indicated their contempt for the whole Planning Process.
5. **Pouring of Lean Mix to bring up to foundation level for 5 no. houses.** As can be seen from the enclosed aerial photograph this work was never carried out – the excavated trenches remain empty. Louth County Council Planning Enforcement carried out a site visit to examine the extent of works carried out and the condition of the site in January 2025.



6. **Fencing works.** Fencing works were only carried out prior to the vacating of the site on January 15th, 2025. No fencing off of trees (a condition of planning grant) were carried out on site.

7. **Substantial Works.** Planning Enforcement requested sight of orders for timber frames at Keenan Timber Frames (as stated by McCutcheon Halley as evidence of “substantial works completed”), but no orders could be shown.

The nature of the submission to Louth County Council by McCutcheon Halley for Glenveagh Homes and published at the time on the Louth County Council website, could best be described as misleading and deceitful in nature.

There were strenuous efforts made to demonstrate advanced purchases of materials and works completed - case law was referenced in an attempt to redefine “substantial works carried out” but there was little prospect of compliance with condition (iii) of Section 42(1)(a) of The Planning and Development Act 2000 after the Planning Authority inspection and assessment. No proof of advance orders was found during an inspection of Keenan Timber Frames by Louth County Council – condition 42(1)(a) was deemed unfulfilled.

SUMMARY OF SECTION 1 – THE ZONING OF THE SITE

- The site has no zoning for development and is without planning permission.
- The entrance land has the incorrect zoning for this development.
- Reference is made in section 7.7 of the submitted 2025 Planning Statement by McCutcheon Halley on behalf of Marina Quarter Ltd. to “the extant SHD permission (ABP Ref: 304782-19) on the subject lands “. This statement is incorrect – that permission is now defunct.
- The developers require a Material Contravention to Planning which is currently not in place for this site.

2. FLOODING ALONG THE R172 and LOCAL AREA .

I wish to preface this section of my submission by referencing a submission by The Office of Public Works (OPW) to the Dundalk Local Area Plan 2024-2030. With specific reference to Blackrock and indeed this proposed development and the proposed entrance on the R172 the OPW state:

“Areas of undeveloped land in Blackrock which overlap with Flood Zones A and B, including adjacent to Coast Road and west of Dublin Road, have been zoned highly vulnerable Existing Residential and less vulnerable General Employment. These lands have, as Site 16, been assessed against the criteria of the Plan Making Justification Test, and have been found not to have satisfied part 2. As set out above, if undeveloped lands have not satisfied the Justification Test, following the sequential approach substitution might be used to rezone the lands for usage appropriate to the level of flood risk”

11



This statement is unequivocal - substitution should be used to rezone the lands for usage appropriate to the level of flood risk. The guidance states that at the first and earliest stage of a planning application that application should be rejected by the planning authority.

On page 54 of the submission by McCutcheon Halley on behalf of Marina Quarter Ltd., IE Consulting state: *Where “Highly Vulnerable Development” is proposed within the delineated tidal Flood Zone ‘A’ or Flood Zone ‘B’, the planning authority must be satisfied that the development satisfies the criteria of the Justification Test as described Box 5.1 of the guidelines which they duplicated in the submission.*

IE Consulting also state that An Bord Pleanála *“permitted the use of the proposed entrance on the R172 to serve 483 no. housing units at the same location (ABP Ref: 304782)”*. In fact the Planning Inspector for An Bord Pleanála replied to a submitted query on the use of a removable bollard on a proposed pedestrian entrance on Bóthar Maol (to convert that pedestrian entrance to a vehicular entrance) and clearly stated the use of the removable bollard was to facilitate the use of this “secondary entrance” in the event of a flooding incident on the R172. This was not, by any interpretation, a permission to use the proposed entrance on the R172 by An Bord Pleanála.

It seems, from planning documents submitted with this planning application, that Marina Quarter Ltd. intends to pipe and force all drainage / flood / storm waters at the proposed entrance and from the main entrance avenue through piping and into neighbouring property without seeking permission and without any regard to the probability of causing or exacerbating the flooding of the neighbouring property at Mountain View. This cannot be permitted by any planning authority.

The maps and drawings supplied with this planning application by McCutcheon Hally in relation to drainage and flooding are, in parts, of such poor quality they are indecipherable.

This application should be rejected by Louth County Council.

The following extract is taken from The Office of Public Works (OPW) advisory booklet to Local Authorities – “The Planning System and Flood Risk Management” :

“Assessment of major proposals for development in areas of flood risk pending implementation of these Guidelines”

5.27” From a flood risk management perspective, proposals fitting into this category should be considered as though the land was not zoned for development. In such situations the applicant should be required, in consultation with the planning authority,



to prepare an appropriate SFRA and to meet the criteria for the Justification Test as it applies to development plan preparation. The planning authority must then assess the proposal against the Justification Test as it applies to the development management process.

Where the information is not sufficient to fully assess the issues involved, the development should not be approved on the basis of flood risk and / or on the grounds of prematurity prior to addressing flood risk as part of the normal review of the development plan for the area”.

As previously stated, these lands have been assessed against the criteria of the Plan Making Justification Test, and have been found not to have satisfied part 2. If undeveloped lands have not satisfied the Justification Test, following the sequential approach substitution might be used to rezone the lands for usage appropriate to the level of flood risk - the proposed development should not be approved for planning.

The applicant, Marina Quarter Ltd. through its agents Mc Cutchero Halley have not assessed the likely significant, direct negative effect the drainage of the entire site into the flood plain will have on the adjacent properties nor have they properly assessed the effect on the Natura 2000 site.

In the Louth County Development Plan 2021 -2027 – Dundalk Zoning and Flood Zones and in particular the OPW CFRAM Study the impact of Flood Zone A can be clearly seen in reference to the local flood plain and proposed siting of the stormwater discharge pipe. It is incumbent on the applicants to find other sustainable uses for the stormwater, other than to conveniently dump everything into the adjacent Natura 2000 site.

Marina Quarter Ltd. and their agents Mc Cutcheon Halley have erred in their approach to the sensitive area of Dundalk Bay. They have quite clearly stated that as the outfall pipe and associated works fall inland of the high-water mark (HWM) and no permission or foreshore licence is required for the works.

The designations of SPA / SAC / NHA are not bound or defined by the high water mark. All flood zone areas around the R172 are under the control of National Parks and Wildlife Service.

Of particular importance for any works to be carried out on the proposed storm water pipe is the requirement to seek Ministerial consent under the following Statutory Instruments:

S.I. No. 609 of 2019 - European Union Habitats (Dundalk Bay Special Area of Conservation 000455) Regulations 2019

and

S.I. No. 310 of 2012 – European Communities (Conservation of Wild Birds (Dundalk Bay Special Protection Area 004026)) Regulations 2012.

- Of particular note under the above Statutory Instruments, are ARC 24 & 25 and any proposed works to affect watercourses or waterbodies.
- Also of particular note is the pervious National Parks and Wildlife Service submission which raises the following point:
“An assessment of the potential effects on water flows to the Phragmites swamp habitat to the landward of the R172 Road included within the Dundalk Bay SAC of the construction of the development entrance proposed from this road to its current design; and, if this assessment suggests there will be a significant reduction in water flows to the swamp area, a modified design for the entrance to the proposed development to maintain as far as is feasible current rates of water flow to the Phragmites swamp”.

Further information on waterflows are included in section 4 of this submission below

SUMMARY OF SECTION 2 - FLOODING ALONG THE R172 and LOCAL AREA

- The Office of Public Works (OPW) has advised the entrance on the R172 is located in Flood Zone, the site has failed the Plan Making Justification Test Part 2 and following the sequential approach, substitution should be used to rezone the lands for usage appropriate to the level of flood risk.
- The Office of Public Works (OPW) advise that the planning application should be rejected at the earliest opportunity in the planning process.





Picture of Flooding in Wet Woodland at Proposed Entrance on R172

Further information on waterflows are included in section 4 of this submission below



3. ROAD SAFETY AUDIT - RSA COLLISION DATA ANALYSIS 1996-2015

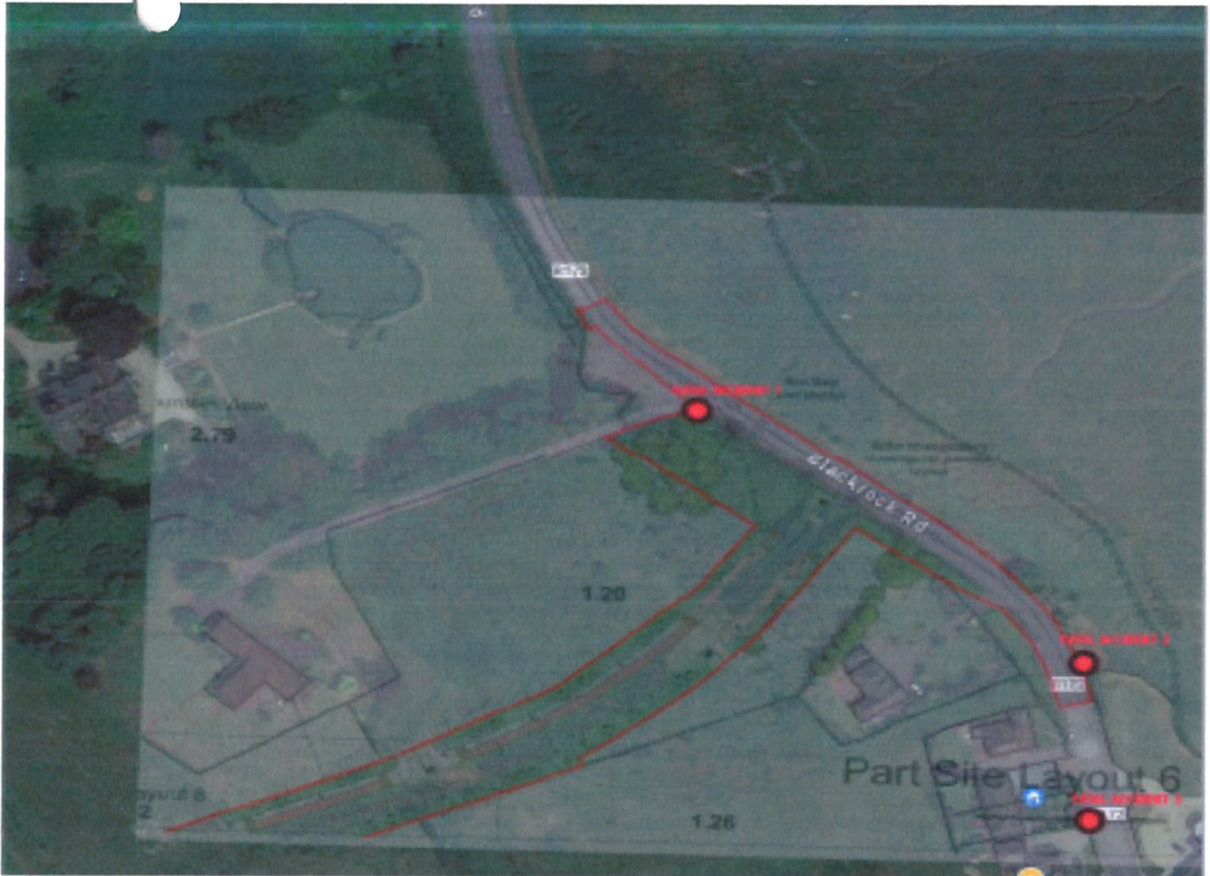
As this proposed development can accurately be described as a car-centric development with no dual northbound and southbound bus stops, the accident history of the immediate area becomes extremely important.

There have been three recorded fatal accidents within 100m of the proposed entrance on the R172 – one on the perimeter wall of the site itself. (see image below).

- In the event of a fatal accident, the normal procedure for Ambulance / Gardai is to have the roads closed to facilitate rescue / recovery and indeed an extended road closure period to facilitate an forensic investigation of the accident scene.
- How do residents of the proposed development enter / exit the only vehicular entrance in the event of a road closure?
- How do emergency services attend a house fire or a medical incident in the event of a road closure ?







RECORDED FATAL ACCIDENTS IN VACINITY OF PROPOSED ENTRANCE

Collision analysis for specific stretch of the R172, County Louth

Introduction

Prior to 2014, the Gardaí completed a form (C(T)68) on the initial investigation of each road traffic collision in which a fatality, serious or minor injury had occurred. Since 2014, the Road Safety Authority (RSA) receives an electronic copy of this information. The forms, and now the electronic versions, are completed by the Gardaí and forwarded to the Research Department of the RSA for statistical analysis. The data, relating to fatal, serious, and minor injury collisions occurring on a public road, is analysed, and included in the Road Collision Factbook published annually by the RSA.

The information in this report is extracted from the RSA collision dataset and database. The data relates to fatal, serious, and minor injury collisions only. Material damage collisions and collisions not reported to An Garda Síochána are not included in the analysis. Material damage collisions are collisions where no deaths or injuries occur, but damage is caused to a vehicle or property.

Data covering a period from 1996 to 2015 was used in this analysis.

Please be advised that every effort is made to ensure the accuracy of the location of collisions and the inclusion of all relevant collisions. However, this is dependent on the initial reporting of the incident. For instance, some collisions are reported after the fact. Therefore, it may not always be possible to get accurate location information.

Casualty collisions on specific stretch of the R172, County Louth

Between 1996 and 2015 there were 12 road traffic casualty collisions * on specific stretch of the R172, County Louth, (please see image below). The red points illustrate where a casualty collision occurred.

Figure 1, Collisions on specific stretch of the R172, County Louth, 1996 -2015



RSA Collision Analysis Data 2016 – 2021



Collision analysis for specific stretch of the R172, County Louth

Introduction

Prior to 2014, the Gardaí completed a form (CT)68 on the initial investigation of each road traffic collision in which a fatality, serious or minor injury had occurred. Since 2014, the Road Safety Authority (RSA) receives an electronic copy of this information. The forms, and now the electronic versions, are completed by the Gardaí and forwarded to the Research Department of the RSA for statistical analysis. The data, relating to fatal, serious, and minor injury collisions occurring on a public road, is then analysed, and included in the Road Collision Factbook published annually by the RSA.

The information in this report is extracted from the RSA collision dataset and database. The data relates to fatal, serious, and minor injury collisions only. Material damage collisions and collisions not reported to An Garda Síochána are not included in the analysis. Material damage collisions are collisions where no deaths or injuries occur, but damage is caused to a vehicle or property.

Recent data covering a period from 2016 to 2021 was used in this analysis. Data for 2020-2021 is considered provisional and subject to change. Data for 2022 and 2023 is currently being analysed by the Research Department and, as such, is unavailable for inclusion.

Please be advised that every effort is made to ensure the accuracy of the location of collisions and the inclusion of all relevant collisions. However, this is dependent on the initial reporting of the incident. For instance, some collisions are reported after the fact. Therefore, it may not always be possible to get accurate location information.

Casualty collisions on specific stretch of the R172, County Louth

Between 2016 and 2021* there were 4 road traffic casualty collisions on specific stretch of the R172, County Louth, (please see image below). The red points illustrate where a casualty collision occurred.

Figure 1, Collisions on specific stretch of the R172, County Louth 2016-2021



*Please note, data is provisional and subject to change.

SUMMARY OF SECTION 3 – ROAD SAFETY AUDIT

- This data is not included in the planning application submitted by McCutcheon Halley for Marina Quarter Ltd . Planning permission cannot be granted because of the danger to life posed by this application for planning permission.

4. PROPOSED STORMWATER OUTLET PIPE (SWO).

It is unclear from submitted planning documents where exactly it is intended to locate the storm water outlet pipe (SWO) and associated headwall – exact measurements or GPS coordinates for the location are not available in this planning application.

The late Mr. Conor Connolly stated no consent had been sought or given for the location of this proposed outlet pipe on his land in application 195/90 where he listed freehold ownership of land above and below ground under folios LH 12182 and LH 12784 and noted ownership to the centre of the road from both sides of the R172.

There are a number of issues with the proposed location of this storm water outlet pipe (SWO)

- The proposed location of this SWO is within a Natura 2000 registered site comprising of a National Heritage Area (NHA), a Special Protected Area (SPA 004026) and a Special Area of Conservation (SAC 000455). Any work proposed to be carried out in this area is specifically covered under Statutory Instrument SI No. 609 of 2019 – European Habitats (Dundalk Bay SAC 000455) and Statutory Instrument SI No. 310 of 2012 – European Communities Conservation of Wild Birds (Dundalk Bay SPA 004026). Under both Statutory Instruments, Ministerial consent is required for any works carried out in this area. Also of particular note under these Statutory Instruments are ARC 24 and 25 and any proposed works which will affect watercourses and waterbodies. None of these requirements have been fulfilled in this planning application.
- The Statutory Consultee in this case is National Parks and Wildlife Service – they have not been consulted in the planning process for this proposed development.
- During previous Planning Application submissions, NPWS urged a cautious approach be taken to the drainage around the R172 proposed entrance and the potential of flooding of adjacent private lands and recommended the wet woodland (at the proposed entrance), the interconnecting watercourse through private lands and the phragmite bog to the western or landward side of the R172 be preserved and maintained as part of the Special Area of Conservation (SAC –

000455) because of their contextual proximity and interconnecting qualifying habitats.



EPA map indicating boundary of SAC 000455

- The Environmental Protection Agency (EPA) have an overall remit in the regulation, listing and monitoring of all SWO pipes in Ireland. The EPA have not been notified or consulted regarding the location or construction of this proposed SWO .
- Currently there are some twelve listed SWO pipes located throughout the Blackrock area which are noted in Uisce Éireann annual environmental reports

(AE). The output of these SWO pipes are noted as “unmonitored” and “unknown”.

There are an unknown number of SWO pipes which are not listed by Uisce Éireann throughout Blackrock and are currently under investigation by the EPA and are suspected as the main sources of pollution in Dundalk Bay.

It is near impossible to control the type of waste material the general public will sweep into roadside drains throughout any housing development and no monitoring or controls have been proposed or put in place for this proposed development and the proposed SWO pipe.

- The proposed location of this SWO pipe and headwall is in the immediate vicinity of an under road culvert used by sea otters to transit between the SAC and an otter holt on adjacent private land. In application 19/590 an environmental company, McBreen Environmental, employed to prepare a NIS survey, found and documented an otter spraint at the location of this culvert. The otter is a highly protected species and the potential of adverse effects on the natural water flows require to be assessed – no data has been published.
- There is a specific requirement raised in previous applications on this site by National Parks and Wildlife Service (NPWS). The Development Applications Unit (DAU) of NPWS raises the following:
“An assessment of the potential effects on the water flows to the Phragmite Swamp Habitat to the landward side of the R172 road included within the Dundalk Bay SAC of the construction of the development entrance proposed from the road to its current design; and, if this assessment suggests there will be a significant reduction in water flows to the swamp area, a modified design for the entrance to the proposed development to maintain as far as is feasible current rates of water flow to the Phragmites swamp”
- The overall design proposal for drainage and stormwater disposal from the proposed entrance and forced transition through private lands at Mountain View and the disposal of stormwaters through the proposed SWO have the combined prospect of an uncontrolled flooding and uncontrolled watercourse redirection in the immediate vicinity of this area of SAC and its landward transition area. No account of the watercourse redirection or the resulting effects on this sensitive environment have been assessed in the preparation of this development and no consultation with NPWS has taken place.
- The Dundalk Flood Relief Project is currently at an advanced stage of planning and it is proposed to install a hard flood relief barrier along the R172 and in

particular in an area known locally as Connolly's Corner (opposite the entrance to Bóthar Maol). The proposal to locate a SWO from this development would seem to conflict with the hard flood relief barrier. No account or reference to the Flood Relief exists in this planning application.

Considerable attention to the course of this Dundalk Flood Relief infrastructure is required during assessment by the Planning Authority and the proposed SWO from this development cannot be permitted.

SUMMARY OF SECTION 4 – PROPOSED STORMWATER OUTLET PIPE (SWO)

- The submitted plans fail to provide sufficient detail for grant of planning permission





Picture of SPA / SAC at Proposed siting of Stormwater Outlet / Headwall

5. PROPOSED SEWAGE CONNECTION.

The proposed wastewater connection from the Marina Quarter Ltd development to a point on Finnibair Industrial Estate, Marshes Upper, Dundalk - opposite a factory owned by Glenveagh is fraught with potential pitfalls.

1. There are no specifications / drawings / plans / maintenance schedules or indeed any other details attached to this planning application prepared by McCutcheon Halley for Marina Quarter Ltd for the proposed tanking , treatment for septicity and forward pumping of sewage from the first 200 houses to Finnibair Industrial Estate. This facility should be subject to scrutiny by the EPA – to date no consultation has taken place.
2. A scoping of the local wastewater infrastructure along the R172 and into Finnibair Industrial Estate has taken place but no work has yet proceeded on the proposed connection. This has been the modus operandi of Glenveagh Homes / Marina Quarter Ltd since acquiring this site – multiple, sequential planning applications over the past six years, non commencement of works and a failed, last-minute, attempt to gain an extension of duration.
3. The provision for connection of some 200 houses with on-site holding tanks and the conditions surrounding the discharge of sewage to the network at off peak times together with the condition of treatment on-site for septicity is fraught with potential issues. The **“Confirmation of Feasibility”** cover letter from Uisce Éireann can best be described as highly conditioned. Any potential delays in timelines on delivery of upgrades in the Dundalk WWTP at Point Road (D0053-01) will expose Louth County Council to an undue financial burden involved in completion of connection and provision of services in the event of planning permission grant and non-delivery by Uisce Éireann of facilities within the seven year timeframe of the planning permission sought.
4. At present the Dundalk WWTP at Point Road (D0053-01) is non-compliant for total Nitrogen mg/l and total Phosphorous mg/l and is in breach of the ELV attached to the WWTP licence (as stated in the 2024 AER attached to D0053-01 and published by Uisce Éireann) . Facilities to install nutrient removal and storm water balancing tanking are in progress / planning. These necessary improvements / upgrades will delay the proposed upgrading of the WWTP beyond the projected timeframe of Q1 , 2030.
5. The installation of disinfection to the WWTP in order to mitigate the observable negative effect the discharges from the WWTP is having on the water quality in the Castletown River Estuary and Inner Dundalk Bay which is also contributing negatively to the European Waste Framework Directive (WFD) status of both waterbodies (as stated in the 2024 AER attached to D0053-01 and published by

Uisce Éireann) requires a substantial investment program which in turn will effect the timeline in the delivery of upgrades to the Point Road WWTP (D0053-01) beyond the stated Q1, 2030 timeframe.

6. In a submission to the Dundalk Local Area Plan 2024-2030, Uisce Éireann stated that upgrades to the Dundalk WWTP at Point Road would be completed by Q3, 2029 and within the timeframe of that development plan. This schedule seems now near impossible to achieve and deliver on time. This will seriously impede the provision of wastewater infrastructure / treatment required for future housing delivery in the area.
7. The provision (with restrictive conditions) suggested by Uisce Éireann for the connection of the first 200 units of the proposed large scale residential development by Marina Quatered Ltd. and the follow up provision of services for the remaining 302 units within the proposed seven year timeframe of the planning permission sought seems unachievable. The potential exposure to Louth County Council for the completion of services if planning permission is granted is indeed onerous.
8. All data supplied by Uisce Éireann for the provision of connection to Coe's Road PS for the first 200 units in this proposed LRD development and onward to Dundalk WWTP at Point Road are based on the minimum calculated output to the WWTP from individual houses in the proposed development by Marina Quarter Ltd and based on capacity to deal with 60g BOD/person load. The EPA recommends the testing to EN 12566:3 standard for wastewater treatment systems and the defining of hydraulic loading in WWTP be calculated to the requirements of 150 litres per person criteria. The application of these figures would result in a Pe of 5 for a three bedroom household and a Pe of 4 for a two bedroom household. This calls into question the calculated loading to the WWTP (and the calculated spare capacity at the WWTP) from the proposed LRD development and the associated treatment / holding facilities on site.
9. The calculated spare organic capacity (Pe) for the Dundalk WWTP at Point Road (D0053-01) is stated in the 2024 AER report as published by Uisce Éireann at 12876.
As the Dundalk WWTP also handles a large quantity of Domestic / Septic Tank Sludge, Industrial / Commercial Sludge and "Other" with a combined Pe of 364. This section of the loading associated with Dundalk WWTP will increase exponentially over the next few years with the proposals (at planning stage) for the "temporary" installation of on-site surface WWTP in new housing estates where proposals also include the disposal and treatment of sludge at Dundalk WWTP. The proposals for on-site treatment of sewage in new housing

developments are being proposed to safeguard existing WWTP from being overwhelmed.

Below are extracts from the **“Confirmation of Feasibility”** proffered by Uisce Éireann in relation to the proposed connection for the first 200 units in the Marina Quarter Ltd site in Blackrock

“We have completed the review of the Pre-Connection Enquiry. Uisce Eireann has reviewed the pre-connection enquiry in relation to a Water & Wastewater connection for a Multi/Mixed Use Development of 503 unit(s) at Site at,, Haggardstown, Blackrock, Louth, (the Development). Based upon the details provided we can advise the following regarding connecting to the networks; • Water Connection • Wastewater Connection Feasible without infrastructure upgrade by Uisce Eireann Feasible Subject to upgrades Upgrade works are required to increase the capacity of the existing wastewater network. Uisce Eireann currently has a project on our current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by 01 2030 (this may be subject to change) and the proposed connection could be completed as soon as possible after these works. Customer to engage at Connection Application stage”.

“Where a connection is proposed in advance of the Coe’s Rd Project the following interim solution is required as per below. - Flows from the pumping station constructed under Phase 1 of the development (serving 200 units) shall not be increased during daytime hours (ie 7am to 7pm). This would amount to approximately 61m³ total volume pumped in these hours. The remaining balance of flows would be stored during the day then discharged in the night (7pm to 7am) Dosing would be required to avoid septicity This arrangement would be temporary until the Coe's road upgrade project is completed. Once this is completed the pumping station can operate as normal through out the day. This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann. As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted”.

SUMMARY OF SECTION 5 – PROPOSED SEWAGE CONNECTION

- The proposal is incomplete and fraught with timeline delivery issues – posing an unacceptable financial risk to Louth County Council for completion of connection in the event of non-delivery of upgrades to WWTP D0053-01 within the lifetime of the 7-year LRD permission sought.
- In various submissions to the Dundalk Local Area Plan 2024-2030, Uisce Éireann have quoted completion of upgrade works in “Q3 2029” and again “Q1 2030” .
- With works being carried out involving tertiary treatment facilities (to comply with the EU Nitrates Directive – 91/676/EEC) together with planned balance tank augmentation works, these timelines cannot be guaranteed.
- The very real and urgent requirement to fit disinfection facilities in order to control the dangerous bacteria levels in the receiving waters of the Castletown River and Dundalk Bay will place additional budgetary and timeline delivery constraints on Uisce Éireann.
- The provision of a connection with holding facilities on-site, together with restrictions on discharge times, is deemed by Uisce Éireann as an “*interim solution*” and is dependent on upgrade works (unspecified work and timeframes) being carried out on Coe’s Road PS under The Coe’s Road Project.
- It is clearly stated: “*This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure*”
- Yet another condition states: “*As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted*”

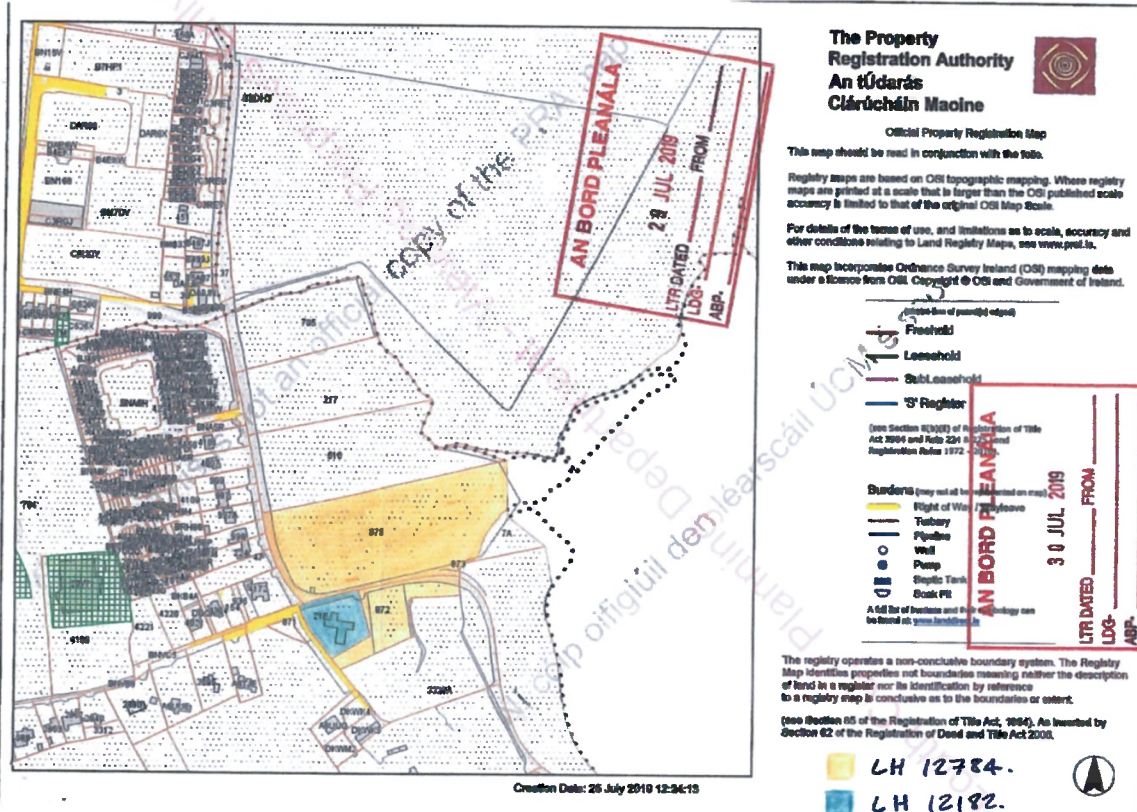


LEGAL OWNERSHIP OF LANDS.

As already stated in section 4 above the legal ownership of lands to be used for the construction of the stormwater outlet pipe on the R172 has been established and the use of the freehold interest both above and below the land has not been sought or granted.

The late Mr. Conor Connolly stated no consent had been sought or given for the location of this proposed stormwater outlet pipe on his land in application 19/590 where he listed freehold ownership of land above and below ground under folios LH 12182 and LH 12784 and mentioned ownership to the centre of the road from both sides of the R172. Ownership presently rests with next of kin.

A certified Official Property Registration Map was supplied to An Bord Pleanála outlining the property portfolios (see below)



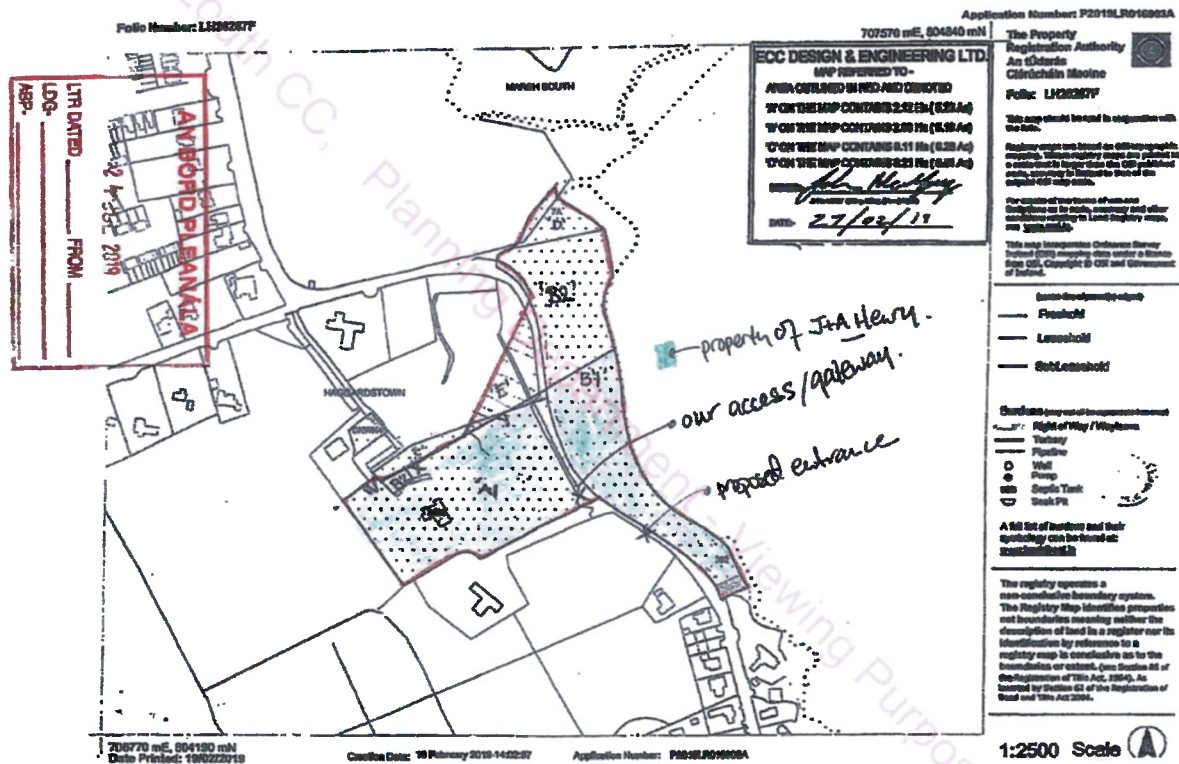
Also, a certified official Property Registration Map was supplied to An Bord Pleanála outlining the freehold ownership of the land above and below ground and to the centre of

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the R172 under the Land Registration Folio LH 26287F by Mr. John and Ms. Aoife Henry, Mountain View Blackrock A91 N923. No permission was sought or given for the use of the lands under this folio. No works can be carried out on the raising of levels, realignment of the road to improve sightlines or widening of the R172 in the area surrounding the proposed entrance. See copy below:



The issue of land ownership has been raised through submissions to the various planning applications and appeals related to this site. The statement that the planning process cannot be employed to establish land ownership has been well publicised.

A very dark shadow hangs over a letter of consent submitted by Louth County Council dated 2nd May, 2019 and signed by Mr. Alan Sherry, Senior Executive Officer. In this letter Mr. Alan Sherry clearly states that "Louth County Council consents to the making of a planning application on lands in its ownership at Blackrock Road, Dundalk, County Louth, as per Site Location Map Drawing No. ENG 002 Rev. No. C, dated September 2018"



(A copy of this letter is attached below.)

This letter is accompanied by an engineering drawing supplied by Finn Design Partnership of Ardee, County Louth. It is clearly denoted as a site location map and **NOT** an official and certified Property Registration Map.





Comhairle Contae Lú
Louth County Council

Brigid O'Donnell
Kingsbridge Consultancy Ltd
1st Floor, Block 1
Quayside Business
Drogheda
CO LOUTH

RECEIVED
22 MAY 2019

2nd May 2019,

Re: Planning Application Consent for Lands at Blackrock Road to facilitate road and surface drainage works for the site at Blackrock Road/Bóthar Maol. Dundalk, Co Louth.

A Chara

I refer to the above matter and wish to advise that Louth County Council consents to the making of a planning application on lands in its ownership at Blackrock Road, Dundalk, Co Louth, as per Site Location Map Drawing No. ENG 002 Rev. No. C, dated September 2018.

Please be advised that nothing contained herein shall constitute or be construed as a contract or memorandum of same to the satisfaction of the Statute of Frauds (Ireland) Act, 1965. No binding agreement shall come into existence until such time as contracts in duplicate are agreed, executed, exchanged, returned and full contract deposit paid and accepted.

Is mise le meas


Alan Sherry
Senior Executive Officer

Comhairle Contae Lú Halls an Chontae Iorad na Millaíose Dun Dealgán Contae Lu A81 KPW6	Louth County Council County Hall Millennium Centre Dundalk County Louth A91 KPW6	Locall 1890 202303 + 353 42 9335457 + 353 42 9334549 info@louthcoco.ie www.louthcoco.ie
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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome

From the official Property Registration Maps already on file with The Property Registration Authority and quoting the correct Property Folios, the letter of consent from Louth County Council would appear to have no basis in law and would be considered meaningless and worthless. I attach the engineering map supplied by Finn Design Partnership (copied under licence from OSI) below :

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From the above details on official Property Registration Maps and in official Property Folios, it would be considered an absurd injustice for Louth County Council to perpetuate the notion that they are the registered owners of the land involved and entitled to grant consent over the use of these lands to a third party.

A legal clarification to this point should be supplied by Louth County Council at the earliest opportunity in relation to the current planning application in order to mitigate the legal consequences.

Taking this submission in its entirety, I urge Louth County Council to refuse a Grant of Permission to the application reference number : 2560319 by Marina Quarter Ltd.

I enclose the prescribed fee with this submission.

Signed ,

Brian P. Hopper
July 1st, 2025

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APPENDIX F.

“Carra Puncha”,

The Square,

Blackrock,

Dundalk,

County Louth.

A91 EH05.

Submission on Further Information for Planning Application : 2560319

29th October 2025.

Dear Sirs,

I, the undersigned, having already made a submission to the above planning application on 1st July 2025, now wish to submit on the further information submitted to Louth County Council on the Planning Application by Marina Quarter Limited for a Large Scale Residential Development with an extended 7-year grant at Haggardstown / Blackrock, County Louth – reference number : 2560319.

1. Timeline of Necessary Infrastructural Works by Uisce Éireann

Below are extracts from the “**Confirmation of Feasibility**” proffered by Uisce Éireann in relation to the proposed connection for the first 200 units in the Marina Quarter Ltd site in Blackrock:

“We have completed the review of the Pre-Connection Enquiry. Uisce Eireann has reviewed the pre-connection enquiry in relation to a Water & Wastewater

connection for a Multi/Mixed Use Development of 503 unit(s) at Site at,, Haggardstown, Blackrock, Louth, (the Development). Based upon the details provided we can advise the following regarding connecting to the networks; • **Water Connection** • **Wastewater Connection Feasible without infrastructure upgrade by Uisce Eireann Feasible Subject to upgrades Upgrade works are required to increase the capacity of the existing wastewater network. Uisce Eireann currently has a project on our current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by 01 2030 (this may be subject to change) and the proposed connection could be completed as soon as possible after these works. Customer to engage at Connection Application stage”.**

“Where a connection is proposed in advance of the Coe’s Rd Project the following interim solution is required as per below. - Flows from the pumping station constructed under Phase 1 of the development (serving 200 units) shall not be increased during daytime hours (ie 7am to 7pm). This would amount to approximately 61m3 total volume pumped in these hours. The remaining balance of flows would be stored during the day then discharged in the night (7pm to 7am) Dosing would be required to avoid septicity This arrangement would be temporary until the Coe's road upgrade project is completed. Once this is completed the pumping station can operate as normal throughout the day. This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann. As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted”.

It is clear from the original planning application that Marina Quarter Ltd. relied heavily on the **“Confirmation of Feasibility”** supplied by Uisce Éireann and that confirmation relied entirely on the delivery of services for the connection of the first 200 units - this connection was dependent on upgrade works **“scheduled to be completed by 01 – 2030 (this may be subject to change) and the proposed connection could be completed as soon as possible after these works. Customer to engage at Connection Application stage”.**

From received information supplied by Uisce Éireann at a Community Meeting Zoom Conference on 17th September and confirmed with a Briefing Document on 6th October, this schedule cannot be achieved. To quote directly from the Uisce Éireann Briefing Document (Signed by Sean Rose, Projects and Communities Communications Assistant):

“The Dundalk WWTP will be upgraded to facilitate continued growth in Dundalk and to include sufficient treatment capacity to accept the wastewater from Blackrock and decommission the existing Blackrock WWTP. A project to transfer wastewater treatment from Blackrock to Dundalk is currently being planned. It is difficult to give exact completion timelines for all this work given the variables that impact project timelines. These projects are included in our next investment plan up to 2029 and assuming we get approval from our regulator, the Commission for Regulation of Utilities to make this investment, the required government funding to support it, and the consents we require, they will be progressed as a matter of priority. Projects like the wastewater treatment plant upgrades typically take 5-7 years to complete because of the need for modelling studies of the receiving waters, preparation of an EIAR (Environmental Impact Assessment Report), application for planning permission and an EPA license prior to construction getting underway. As there is still additional capacity in the Dundalk WWTP, we can begin to transfer part of the wastewater load from Blackrock before the Dundalk upgrade is complete, but it still requires other network projects to be done including new rising mains to be constructed before this can start to happen. The transfer from Blackrock must be balanced with the growth in Dundalk to ensure both plants remain compliant with their current licences”.

As the Confirmation of Feasibility letter states, the proposed connection of the first 200 units could be completed as soon as possible **after** the upgrade works are completed. Those upgrade works are now tied into the overall upgrading of the Dundalk WWTP which is proposed for the design stage in 2026, dependent on an involved Marine Modelling Study of the receiving waters of Dundalk Bay, subject to the preparation of an acceptance of the EIAR, application for planning and a licencing of the project by the EPA. Completion of the overall project is stated at between 5 – 7 years after grant of permission with a projected date of completion in 2033. This may well be outside the timeframe of the Grant of Planning sought by Marina Quarter Ltd for the current Planning Application 2560319.

2. Demonstrate the Proposed Development would NOT Adversely Effect the Qualifying Interests and / or Conservation Objectives for Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026

“Whilst it is noted that the potential for likely significant effects on European Sites in Dundalk Bay as a result of foul water generated by the proposed development was screened out, it is considered that a proper evaluation of the possibility that discharges of inadequately treated foul water originating from the proposed development into the Dundalk Bay SAC and the Dundalk Bay SPA from the Dundalk Wastewater Treatment Plant might adversely affect Qualifying Interests and/or Conservation Objectives for these European Sites is undertaken. An Amended Appropriate Assessment Screening Report is requested to be prepared in this regard. Note that if the amended AA Screening Report considers adverse effects on Qualifying Interests and/or Conservation Objectives are possible as a consequence of such discharges, a complete evaluation of their potential effects on the Qualifying Interests and/or Conservation Objectives for the Dundalk Bay European Sites shall be included in an amended Natura Impact Statement and Environmental Impact Assessment Report”. (Louth County Council – Further Information Request).

Dundalk WWTP (DO 053-01) is described as a plant 3NP with an organic capacity of 71,000PE with tertiary treatment for N & P with a remaining organic capacity of 12876 PE. The compliance status is stated as “non-compliant” – failing total Nitrogen mg/l and total Phosphorous (as P) mg/l.

Water Framework Directive Ecological Status is listed as “bad” for Castletown Estuary and “poor” for Dundalk Bay. The AER clearly states:

“the discharge from the wastewater treatment plant may be having an observable negative impact on the water quality of the Castletown Estuary and Inner Dundalk Bay”.

and

“The discharge from the wastewater treatment plant may be contributing to the WFD status of the Castletown Estuary and Inner Dundalk Bay”.

There were seven “incidents” listed in the 2024 AER – mainly attributed to equipment failure.



Overall the operational standards of Dundalk DO 053-01 are listed as very poor. The summary in the 2024 AER is as follows:

“The WWTP discharge was not compliant with the ELV's set in the wastewater discharge licence for the following: Total Nitrogen mg/l, Total Phosphorus (as P) mg/l.

The coastal/transitional ambient monitoring results do not meet the required EQS. The EQS relates to the Oxygenation and Nutrient Conditions set out in the Surface Water Regulations 2009.

A deterioration in water quality has been identified (see Appendix 7.1) 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”.

3. Breaching of ELVs in Dundalk WWTP – DO 053-01.

A worrying report is contained in Site Visit SV29784 carried out by the EPA on 14/11/2024.

1. The EPA reported :

“Over the last number of years, Uisce Éireann has reported several incidents linked to ageing equipment breaking down at the plant. The EPA Inspectors noted Dundalk waste water treatment plant is over 20 years old and raised concerns at the nature and frequency of incidents reported. Uisce Éireann has completed some upgrades at the sludge treatment plant with further phased upgrades planned, however the unreliable centrifuges have not been upgraded”.

2. In response to ELV breaches in the past 12 months:

“Uisce Éireann reported three Total Nitrogen emission limit value (ELV) breaches and two Total Phosphorus ELV breach in 2024 year to date. The ELV breaches in August, Uisce Éireann advise were due to an aeration issue impacting nitrogen removal and biological phosphorus removal which has since has

been resolved. Uisce Éireann reported one Total Phosphorus breach in October 2024, with no issues reported at the plant. This breach is most likely due to inadequate operations”.

3. In response to a query on whether screening in the plant was working adequately:

“There are two mechanical inlet screens at Dundalk WWTP operating in a duty configuration. At the time of inspection one of the screens was offline pending repairs.

A timeframe to repair/replace this screen is to be confirmed to the EPA. Uisce Éireann representatives advised the screens are reaching their end of life with upgrades to the inlet works under development, including an additional third mechanical screen.

Uisce Éireann should progress its plans to upgrade the inlet works to minimise incidents. EPA Inspectors observed some minor ragging on the surface of the final clarifiers at the time of the inspection indicating some screenings are getting through the preliminary treatment process. Uisce Éireann shall carry out all repairs necessary to return the screen to service without delay and remove any ragging from the final clarifiers”.

4. In response to the query if there were any overflows at the plant:

“Uisce Éireann has assessed the storm water overflow associated with Dundalk WWTP storm tank and determined it does not meet the Department of Environment procedures and criteria in relation to storm water overflows.

Discharges into and from the 5,000m³ storm tank at the plant are not screened. In 2024, year to date,

Uisce Éireann reported circa 20 storm water overflow events occurred. There is no flow meter on the overflow. The EPA Inspectors raised concern at the frequency of discharges from the storm tank and that discharges are not screened.

5. At the time of the visit, EPA Inspectors observed large amounts of ragging and other sewage debris in the storm tank and discharge weir/bench wall.

The EPA Inspectors recommended Uisce Éireann install an appropriate screen on the storm tank overflow and regularly inspect and clean the screen following s

storm events. Uisce Éireann shall carry out all works necessary to reduce the frequency and volume of storm water overflows and ensure all storm water overflows meet the Department of Environment criteria.

This issue was raised in the previous site inspection”.

Again, Uisce Éireann are failing to report incidents of “uncontrolled releases” or “overflows” from facilities under their control. Uisce Éireann are required, as part of the WasteWater Discharge Licencing, to measure and record all discharges and file these records on the EPA LEAP portal. In the 2024 AER for Dundalk WWTP DO 053-01 seven incidents were listed – most were listed as plant or equipment breakdowns.

However, when the EPA inspectors queried the frequency of discharges in site visit SV29784, a total of twenty storm water overflows were admitted which were not screened or metered.

The full Site Visit report is available here:

<https://leap.epa.ie/docs/9954422b-b205-4fbd-8a08-00d82419c9a0.pdf>

4. Ecology RFI Response Memo – DNV

The “Ecology RFI Response Memo” submitted on behalf of Marina Quarter Ltd. by DNV (previously Enviroguide) failed to explore / mention the ELV breaches noted in the frequency of discharges from Dundalk WWTP DO 053-01, and in particular the twenty overflows which were not screened or metered, but were admitted by Uisce Éireann when questioned by the EPA under investigations during a visit on site (SV29784) . **These discharges form an integral part of the non-compliant status of the treatment plant.**



Not only is it the responsibility of Uisce Éireann to operate the plant in compliance with its WasteWater Discharge Licence but there is a duty of care placed on those proposing to use this facility to avoid causing any foreseeable harm to Dundalk Bay SAC, SPA, Natura 2000 and The Castletown River Estuary – this is a fundamental principle in negligence law.

In part 5. “Conclusion” DNV make the following statements:

“What is important to consider in the context of this RFI Response is whether the Proposed Development would influence this current baseline situation at the WwTP to an extent that it would be likely to have significant effects on Dundalk Bay SAC/SPA. It is respectfully submitted that this would not be the case. The issues at the WwTP are internal, operational and infrastructural issues, and would therefore be present regardless of the Proposed Development being permitted or not. Further, the contribution of foul water from the Proposed Development will not make the situation noticeably worse, nor will it result in any change to the current baseline.

It is worth considering the hypothetical; that even if foul water from Dundalk WwTP was having a significant effect on Dundalk Bay SAC/SPA, how could the applicant possibly mitigate same in an NIS for an individual development, one of many developments that would be contributing to the foul water discharged from the WwTP? And would that be feasible, fair, or correct given that the issues at the WwTP relate to internal procedures and infrastructural efficacy? The Applicant has no power to implement measures that might improve the historic incidents and ELV exceedances that have occurred at Dundalk WwTP, although we do note that UÉ has outlined a significant programme of improvements and upgrades that it will undertake at the WwTP over the coming years”.

Mc. Cutcheon Halley also responded : *“Article 35(1) of the Planning and Development Regulations 2001, as amended, with respect to further advertisement, does not apply to this Further Information Response as there are no changes proposed to the development submitted in the planning application on 30th May 2025. There are also no revisions to the original AA Screening Report, Natura Impact Statement or Environmental Impact Assessment Report submitted with the planning application on 30th May 2025”.*

To conclude that the concerns raised by Louth County Council through the Request for Further Information have been adequately addressed in this response memo is flawed, considering that the overall operational standards of Dundalk DO 053-01 are listed as very poor by the EPA in the 2024 AER.

The issues raised in the EPA site visit SV29784 raise serious doubts over the veracity of record management in Dundalk DO 053-01 WWTP.



In summary, it is difficult to demonstrate the proposed development would **NOT** adversely effect the Qualifying Interests and / or Conservation Objectives for Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026, as the WWTP is currently non-compliant and any additional connection / loading would only exacerbate the non-compliant status of Dundalk WWTP (DO 053-01) as it currently stands.

DNV also state in part 4.4 “Conclusions of the AA Screening”:

“Furthermore, the AA Screening Report emphasizes that the responsibility for ensuring effective operation of the WwTP lies with UÉ. The applicant has received confirmation from UÉ that a connection is feasible, subject to upgrades, and that the WwTP can accommodate the additional load (approx. 2% of current WwTP capacity). The AA Screening concludes that once the receiving WwTP is operating effectively, there is no potential for likely significant cumulative effects involving foul water generated by the Proposed Development. The potential for likely significant effects on European Sites in Dundalk Bay as a result of foul water generated by the Proposed Development was therefore screened out”.

Dundalk WWTP may eventually be brought back to compliance but this depends on all upgrade works due for initial design and planning in 2026 and a projected completion date of 2033 .

At present, Dundalk WWTP remains non-compliant and any further connections to this facility cannot be simply measured on whether there is capacity to accommodate the loading from the proposed development – **the potential exists for the proposed development to add to the negative effects the WWTP is having on the water quality of Castletown River Estuary and Dundalk Bay.**

In the most recent publication by the EPA – **Water Quality in Ireland 2019 – 2024**, the transitional waterbodies of Dundalk Bay were rated as “Poor” and The Castletown Estuary was rated “Bad” – both waterbodies were specifically mentioned for a deterioration in the ecological status due to elevated growth in opportunistic macroalgae – phytoplankton.

“Transitional and coastal waters have seen a further decline in status in this assessment. While there have been reductions in nutrient inputs to the marine environment in many areas these are still too high and remain a strong driver of ecological status”.



Compliance with European Union obligations under The Water Framework Directive 2000/60/EC remain a challenge .

The “Water Quality in Ireland 2019-2024”, published in October 2025 by the EPA was not considered in the preparation of the “Ecology RFI Response Memo” by DNV .

5. Dundalk WWTP – Timeline for Planned Upgrade Works

The planning requirements for WWTPs discharging into river estuaries and enclosed coastal waterbodies have changed dramatically and are now subject to legislative changes to planning laws in Ireland.

Following from a meeting between the European Union Commission and the Department of the Environment in Dublin on November 17th last, Uisce Éireann cannot now simply attach a Waste Water Discharge Licence to a WWTP which has received planning permission from the Local Authority.

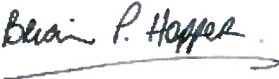
Ireland has undertaken to make the necessary changes in legislation to ensure compliance with the EIA Directive 2014/52/EU and Judgement in the case C-50/90 with respect to licencing and planning of Waste Water Treatment Plants. Strict adherence to the environmental requirements of Water Framework Directive 2000/60/EC is central to achieving a “good” water status in the Castletown River Estuary and Dundalk Bay.

In future, the Castletown River Estuary and Dundalk Bay can no longer be considered as suitable locations for Primary Outflow Pipes or Storm Water Overflow Pipes. The Marine Assessments together with the new EIS Assessments required for relocating these facilities will adversely affect the timeline for delivery of the proposed Upgrade Works Program for Dundalk WWTP DO 053-01 and The Coe’s Road Pumping Station Upgrade Works Program. This program may now fall well outside the current period of the Planning Permission sought under 2560319.



I wish to have this submission considered in reply to the further information requested in Planning Application 2560319. I have already made a submission to this application and attach the Acknowledgement of Receipt below.

Yours sincerely,

Handwritten signature of Brian P. Hopper in black ink, underlined with a horizontal line.

Brian P. Hopper



APPENDIX G.



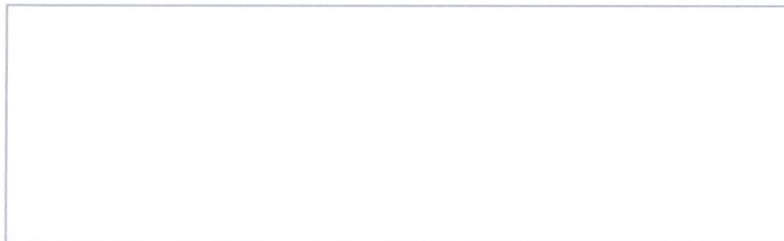
Brian Hopper <hopper.brian@gmail.com>

Acknowledgement of receipt of submission on a planning application

1 message

OnlinePlanning <onlineplanning@planning.localgov.ie>
Reply-To: OnlinePlanning <onlineplanning@planning.localgov.ie>
To: hopper.brian@gmail.com

3 July 2025 at 16:01



Submission No.:
15000030999

Date of Issue:

03/07/2025
05:00pm

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Louth County Council

PLANNING APPLICATION REFERENCE No: 2560319

A submission/observation in writing, has been received from Brian Hopper on 01/07/2025 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,
Louth County Council

IS DOICIMÉAD TÁBHACHTACH É SEO

