

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: ACP 323966-25

Defer Re O/H

Having considered the contents of the submission dated/ received 22/1/26  
from

Applicant I recommend that section 131 of the Planning and Development Act, 2000  
be/not be invoked at this stage for the following reason(s): No new planning issues

E.O.: [Signature]

Date: 4/2/26

**For further consideration by SEO/SAO**

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**

Appeal No: ACP 323966-25

M \_\_\_\_\_

Please treat correspondence received on 22/1/26 as follows:

1. Update database with new agent for Applicant/Appellant \_\_\_\_\_

2. Acknowledge with LRD20

3. Keep copy of Commission's Letter

1. RETURN TO SENDER with BP \_\_\_\_\_

2. Keep Envelope:

3. Keep Copy of Commission's letter

**Amendments/Comments**

*Applicant's response to appeals*

**4. Attach to file**

(a) R/S

(d) Screening

(b) GIS Processing

(e) Inspectorate

(c) Processing

RETURN TO EO

EO: *[Signature]*

AA: *A. Delaney*

Date: *29/1/26*

Date: *29/01/26*

Plans Date Stamped

Date Stamped Filled in

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**Submission of Appeal Response - (Planning Authority Register Reference No. 2560319, ACP Case No. ACP-323966-25)**

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From Laura Giffney <lgiffney@mhplanning.ie>

Date Thu 22/01/2026 9:40 AM

To Appeals2 <appeals@pleanala.ie>

Cc Louise O'Leary <loleary@mhplanning.ie>; Paula Galvin <PGalvin@mhplanning.ie>

 4 attachments (3 MB)

Haggardstown LRD - MHP Appeal Response Overview.pdf; Haggardstown LRD - DNV Ecology Appeals Response.pdf; Haggardstown LRD - DOBA Response to LRD Appeal.pdf; Haggardstown LRD - SYSTRA Appeal Response Table.pdf;

You don't often get email from lgiffney@mhplanning.ie. [Learn why this is important](#)

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

To whom it may concern,

We write to An Coimisiún Pleanála to submit our appeal response in relation to the third-party appeals lodged against Louth County Council's decision to issue a Notification of a Decision to Grant Permission dated the 3rd of December 2025, in respect of Haggardstown LRD development (Planning Authority Register Reference No. 2560319, ACP Case No. ACP-323966-25).

The appeal response is submitted by way of the documents attached to this email and comprises the following:

- An MHP Appeal Response Overview Report, which constitutes the primary appeal response; and
- A suite of supporting responses prepared by the project's specialist consultants, addressing the matters raised in the third-party appeals in detail.

Should you have any queries or require any further information please let me know.

Kind Regards,

Laura

Laura Giffney

Planning Consultant

[McCutcheon Halley](#)

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An Coimisiún Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902

22<sup>nd</sup> January 2026

By Email: [appeals@pleanala.ie](mailto:appeals@pleanala.ie)

**Re: Response to 3<sup>rd</sup> Party Appeals made against a Large-scale Residential Development comprising 502 no. units at Haggardstown and Marshes Upper, Dundalk**  
**ACP Case No. ACP-323966-25**  
**PA Reg. Ref. No. 2560319**

A Chara,

McCUTCHEON HALLEY Chartered Planning Consultants (MHP), located at Kreston House, Arran Court, Arran Quay, Dublin 7, represent **Marina Quarter Ltd**, the Applicant, for the proposed development of a Large-scale Residential Development on lands (c.18.54 ha) located at Haggardstown and Marshes Upper, Dundalk, Co. Louth, including works on Blackrock Road (R172) and Hardy's Lane. We are submitting this response to the third-party appeals concerning the planning authority's decision to issue a Notification of a Decision to Grant Permission on the 3<sup>rd</sup> of December 2025 for the aforementioned development (PA Reg Ref. No. 2560319).

The planning application submitted to Louth County Council (LCC) on 30<sup>th</sup> May 2025 included a comprehensive set of supporting documents, prepared by a qualified and experienced team, including a chartered planning practice, a registered architect, consulting engineers, ecologists and an environmental team. All key planning considerations were thoroughly addressed, and the proposed development was evaluated as being in full compliance with the relevant European, national, regional, and local planning and environmental policies. The Council's decision confirms that all relevant issues were addressed to the satisfaction of the Planning Authority during the application stage.

We have thoroughly reviewed the third-party appeals, and in our professional planning opinion, the issues raised in the appeals have already been fully addressed in the planning application approved by the Council. Indeed, in many cases, the appeals reiterate concerns previously raised by the appellants during the application process, which were previously considered by the Planning Authority.

Notwithstanding, we welcome this opportunity to respond directly to the issues raised and further demonstrate that the material planning issues raised within the appeal are unfounded.

Please find the response to the grounds of appeal prepared by McCUTCHEON HALLEY Planning with support from the Design Team appended to this Cover Letter. Common themes are evident in the grounds for each of the appeals made and therefore this Response will respond to the themes rather than each individual submission. This Response does not purport to respond to every statement contained in the third-party appeals, with miscellaneous issues which are considered non-material, and suitably addressed in the application documentation, not considered further.

Our review of the Planner’s and Departmental Reports shows that the Planning Authority thoroughly evaluated the proposed development, including the EIAR and the NIS, considering all third-party concerns.

This development will make a positive contribution to Dundalk’s housing supply while adhering to the highest standards of planning, design and environmental protection.

We respectfully ask An Coimisiún Pleanála to uphold the Planning Authority’s decision and grant permission for this housing development.

We look forward to a positive decision in due course. Please do not hesitate to contact the undersigned if you have any queries or require further information.

Yours sincerely,



**Louise O’Leary**

**McCutcheon Haley**

## Endosures:

1. *Ecology Appeals Response*, prepared by DNV
2. *Response to LRD Appeal*, prepared by Donnachadh O’Brien & Associates Consulting Engineers in conjunction with IE Consulting
3. *Appeal Response Table*, prepared by Systra

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# 1 Response to Grounds of 3<sup>rd</sup> Party Appeal

## 1.1 Principle of Development

On October 7th 2019, permission was granted by ACP for 483 no. dwellings to the previous landowner. This permission, a Strategic Housing Development (ACP Ref. 304782-19), expired in January 2025. Following the acquisition of the lands by the applicant, an LRD application was made for a similarly sized development, again comprising 502 no. units. This application was refused by Louth and ACP, with the Coimisiún decision including one refusal reason relating to wastewater treatment and capacity in the public system.

In coming forward with this application, the previous reason for refusal has been considered and addressed. As detailed in the application documentation, and the enclosed response from DOBA, Irish Water has confirmed that capacity is available in the Dundalk Wastewater Treatment Plant and all flows from the development can be accepted.

The site is zoned residential and the lands are within the Dundalk LAP boundary, as is the village of Blackrock to the south. The Development Plan envisages the Dundalk Urban Area as a consolidated settlement incorporating surrounding villages and suburbs, including Blackrock.

The density and scale of development at Haggardstown is appropriate for the sites location within the existing built up footprint and adjacent to areas of industrial and residential. It represents planned and coordinated urban growth and will make a positive contribution to Dundalk's housing supply, and its strive for city status (+50,000 population by 2031) while adhering to the highest standards of planning and design.

The proposed density of 37.9 dph (net) is in accordance with the County Development Plan and the higher densities on Suburban/Urban Extension lands of 35-50 dph outlined in the *Sustainable Residential Development and Compact Settlements Guidelines, 2024*. This density is achieved without compromising the residential amenity of the area with layout and orientation considered by the project architects for both the neighbouring properties and the proposed units. This density is also similar to the previous LRD application on the site, and it is noted that this was acceptable to both Louth County Council and An Coimisiún Pleanála.

The protection of existing residential amenity has been a key consideration in the design of the scheme. Building heights are generally limited to two and three storeys, and the layout incorporates appropriate separation distances and landscaped buffers along site boundaries. These measures ensure that the development will not result in undue overlooking, overshadowing or loss of privacy for neighbouring properties. Additionally, the three-storey units have been sensitively located away from the existing surrounding residential dwellings, positioned around the central open space. This design approach avoids any sense of overbearing impact on adjoining properties and ensures that taller elements are integrated where they contribute to passive surveillance of communal spaces.

The scheme delivers 502 dwellings across a range of unit sizes and types, including a mix of maisonettes, terraced, semi-detached, and one detached bungalow. The scheme is well considered and allows for diversity and adaptability to meet housing needs.

For future residents the scheme provides a high standard of amenity. All dwellings are dual aspect, and the orientation of homes has been optimised to maximise natural light and solar gain. Concerns raised about excessive density do not reflect the actual design or policy context.

Overall, the proposed development makes a positive contribution to housing delivery in Dundalk, promotes sustainable urban growth and enhances the local environment, is consistent with local, regional and national policy and achieves a high standard of design.

A seven-year permission is sought to allow for the phased delivery of a development of this scale and complexity. This timeframe also provides flexibility to accommodate infrastructure delivery and potential delays arising from legal or procedural matters. A seven-year duration is reasonable and consistent with planning practice for large residential schemes.

## 1.2 Land Use Zoning

The majority of the subject lands are zoned **A2 – New Residential Phase 1** in the Louth County Development Plan 2021-2027, with the objective *“To provide for new residential neighbourhoods and supporting community facilities.”* The proposed crèche facility and all proposed residential units are located within A2-zoned lands, in addition to public open spaces and circulatory roads.

The central portion of the subject lands are zoned **H1 – Open Space**, with the objective *“To preserve, provide and improve recreational amenity and open space.”*

The Dundalk Local Area Plan purports to zone the subject lands as *“L1 Strategic Reserve”*. This conflicts with the County Development Plan. The zoning, policy, objectives, text and mapping in the County Development Plan take precedence over same in the LAP. This is confirmed in the LAP – Refer Policy Objective DM3. This is also a requirement of section 18(4)(b) of the Planning and Development Act 2000 (as amended), which provides that where any provision of an LAP “conflicts with” the provisions of the development plan, the provision of the local area plan “shall cease to have effect”. Therefore, the lands continue to be zoned as “A2 New Residential Phase 1” under the CDP. For completeness, the validity of the purported change made in the Dundalk Local Area Plan has been questioned in legal proceedings bearing the name and title *Glenveagh Homes Limited v. Louth County Council*, High Court 2025 570 JR. The proceedings were commenced on 29 April 2025, and remain pending.

De-zoning lands which are suitable and available for housing development in a time of a national housing crisis does not align with national policy. As recently outlined in the *Section 28 Housing Growth Requirements: Guidelines for Planning Authorities (2025)*, LCC is required to provide for a housing growth of 1,677 homes annually, an increase of almost 300 homes annually from the current CDP target (1,380). This amounts to a 22% increase in housing supply targets yearly from 2025 to 2034.

In addition to this, the Guidelines provide for an additional provision of up to 50% ‘headroom’ over and above the housing growth requirement. This increases the annual housing supply targets by a further 839 units to a total provision (including max headroom) of **2,516 units per year**.

The requirement under the Section 28 Guidelines to provide a 50% uplift emphasises the need to identify ‘Tier 1’ lands i.e. lands that are serviced and capable of providing residential development in the short to medium term.

The application site meets these requirements and will provide for 502 no. units in the short term, with the applicants having the financial resources, materials and labour force available to them to implement the permission where upheld.

## 1.3 Legal Ownership

The applicant has sufficient legal interest to undertake the proposed development.

All lands within the application site are owned by Glenveagh Homes, with Marina Quarter Ltd being a subsidiary company. Glenveagh Homes have confirmed that they have full legal title over the property identified within their landholding to undertake the works proposed in this application. Refer to the

Letter of Consent from Glenveagh Homes submitted with the planning application on 30<sup>th</sup> May 2025, including clarification on legal title, and accompanying map (Drg. No. HGG-00-XX-DR-JFA-AR-P1001).

Works on land / public roads within the control of Louth County Council will be undertaken in consultation with the Council or by or on behalf of a statutory undertaker. These works relate to infrastructure to service the development and are located 'in, on, over or under' the public road and will be undertaken by or on behalf of a statutory undertaker in accordance with Article 22 (2)(g)(ii) of the Planning and Development Regulations 2001, As Amended.

Furthermore, Sections 2, 13 and 76 of the Roads Act 1993 together establish that a road which has been taken in charge and is maintained at public expense is a public road, regardless of Land Registry ownership.

The applicant is not proposing any works outside lands in their control or public roads under the control of the Council, including no works to the road at Bóthar Maol which is owned by its residents.

Refer also to the *Response to LRD Appeal* by DOBA enclosed for specific responses to the appellants' grounds of appeal relating to works on lands not in the applicant's ownership/control.

## 1.4 Community and Social Infrastructure

The *Community and Social Infrastructure Audit*, prepared by MHP and submitted with the application, provides a comprehensive assessment of existing services and facilities within the Dundalk Urban Area, and their capacity to accommodate the proposed development. The Audit identifies a wide range of healthcare, retail, recreational and employment facilities within accessible catchments of the site and confirms that these facilities are well distributed geographically.

A *School Demand Assessment*, also prepared by MHP and submitted with the application, identified 28 primary schools within the study area providing 6,996 places and 8 post-primary schools providing 5,335 places, along with one special school offering 93 places. Based on the demographic profile from the 2022 Census, it was concluded that there is existing capacity at both primary and secondary level schools in Dundalk to meet current and future demand, including that generated by the proposed development.

We also note that the recently adopted Dundalk LAP identifies 2 new sites for future schools in the Town. These are included to meet the projected population requirements of the town, with policy supporting the growth of Dundalk to +50,000 population by 2030. The Department of Education confirmed that the additional school sites identified will be sufficient to meet the requirements of the growing population in a submission made to the Draft Dundalk LAP in 2024

The proposed development includes a large crèche with a GFA of 570.7 sqm and a capacity of 120 no. children. This facility is located in the southeast of the principal site, close to the entrance to the residential area. A full *Childcare Demand Assessment* has been undertaken by MHP and is included with the application documentation. This Assessment found that the anticipated demand for the proposed development (24 no. preschool places) will be catered to by the proposed childcare facility, with additional capacity available for 96 no. children from the surrounding area. This surplus will contribute meaningfully to alleviating the existing capacity issues identified in the Study Area as part of the *Childcare Demand Assessment*, based upon the Tusla Early Years Register (April 2025).

Healthcare services are also well represented, with 15 GP practices, 23 pharmacies, and several nursing homes within the study area. Retail provision is extensive, with over 200 facilities including supermarkets, convenience stores, and food and beverage outlets. Sports and recreational amenities are abundant, with 49 clubs and numerous parks and green spaces, including Blackrock Park and Blackrock Beach within 2 km of the site.

In terms of transport infrastructure, the site benefits from direct access to Blackrock Road, which provides a strategic connection between Blackrock Village and Dundalk town centre. Public transport is currently provided by Route 169, which operates along this corridor. This is Halpenny Travel's Route 169, which operates Monday to Friday, between 08:03 and 17:38. There are 17 timetabled buses throughout the day, 8 towards Dundalk, and 9 towards Blackrock. There is no formal bus stop adjacent to the site, with the service operating largely on a flag-down basis. The proposed development is providing for a new formal bus stop at the entrance, thereby enhancing public transport accessibility for existing and future residents.

In conclusion, the site is well served by existing infrastructure and facilities and the proposed development will be supported by adequate capacity in schools, healthcare, and transport, consistent with the findings of the *Community and Social Infrastructure Audit* by MHP submitted as part of the planning documentation.

### 1.5 Wastewater Capacity and Infrastructure

The following section should be read in conjunction with the enclosed Report by Donnachadh O'Brien & Associates Consulting Engineers (DOBA).

Wastewater will be collected on site and will discharge by gravity to an onsite wastewater pump station, located along the eastern boundary of the site, north of the carpark associated with the proposed creche. Wastewater will be pumped north along the Blackrock Road (R172) via a new rising main to Finnabair Crescent, where it will discharge to the existing wastewater drainage network, discharging to the Dundalk Wastewater Treatment Plant, via the Coes Road Wastewater Pumping Station.

Uisce Éireann have confirmed the site is serviceable and that capacity exists in the wastewater network for the entirety of the proposed development. This is noted in the *Confirmation of Feasibility* submitted with the planning documentation and re-iterated in their Note submitted with the Further Information Response.

Treatment of the wastewater will be subject to some temporary storage measures at the site, with wastewater to be stored until evening after the initial daily allowance of 61m<sup>3</sup> is reached; this will be stored in underground (not overground) tanks for discharge between 7pm and 7am.

It is clear that the proposal and confirmed capacity in the network addresses the sole reason for refusal on the previous LRD application at this site (ABP-319077-24).

The enclosed Response from DOBA also addresses other miscellaneous items raised by appellants and clarifies some misunderstandings also evident in the content of the submitted appeals. Please refer to same for details.

### 1.6 Surface Water

The following section should be read in conjunction with the enclosed Report by DOBA, prepared in consultation with IE Consulting.

Concerns were raised regarding the feasibility and adequacy of the surrounding drainage network to accommodate the site's surface water discharges, as well as concerns that third party lands were being used for surface water discharge.

As outlined in the DOBA Response attached, and included in the application documentation, surface water is discharging at greenfield runoff rates via an existing drainage channel on the applicant's lands; this existing channel continues to flow north towards the surface water outfall location on the R172, traversing through third party lands before crossing the R172. This is referred to as the 'eastern drainage channel' in the documentation.

Both the eastern and the northern drainage channels, at the location of the surface water discharge on the R172, were surveyed in 2018 in the making of the previous (approved) SHD permission on the application site, with this information made available to the applicant and the design team when the lands were purchased. The existing drainage channels were also observed during site visits in 2023 and 2025. The Applicant also attempted to complete a CCTV survey of the existing culvert linking the eastern and northern channels crossing the R172, however the appointed contractor was prevented from carrying out the work. Notwithstanding this, the channel was confirmed to be in working condition as can be seen in the response document prepared by DOBA.

Hydraulic modelling undertaken by IE Consulting (refer to the *Hydraulic Modelling, Assessment and Analysis Report* submitted with the application documentation) demonstrates that the proposed outflows do not increase water levels, flood extents, or flood risk within either channel under any of the modelled scenarios. The modelling also confirms that only negligible changes in water levels occur downstream during extreme events and these remain contained within the existing channel banks, with no impact on third-party lands.

The proposed surface-water outfall beneath the R172 is located in the same position as that previously permitted, and this location is also referenced in a more recent planning permission approved for adjoining lands to the north (ACP Ref. 311776; Reg. Ref. 21 1032). As noted in the DOBA Response enclosed, the drawings submitted with Reg. Ref. 21 1032 included the permitted SHD flow from the application site. The proposed discharge from the LRD development which is the subject of this appeal is 64.8l/s, as opposed to 105.9l/s permitted for previously permitted SHD development (ACP Ref. 304782-19).

This application is proposing to intercept pluvial overland flows from the 3<sup>rd</sup> party lands to the south of the application site and capture these in the proposed development surface water network. This mitigation measure represents a beneficial intervention in the existing pluvial drainage regime by intercepting overland surface water runoff that currently contributes to pluvial flood risk on adjoining and downstream third-party lands to the north-east and east of the site thus reducing the risk of existing pluvial flooding at the new access road and the third party lands at the proposed entrance. The result of this is that the proposed flows to the R172 outfall are greater than the previous permitted SHD development, but the pluvial flows would have reached the SAC in any event through flooding of the lands. This is confirmed by the *Hydraulic Modelling, Assessment and Analysis Report* by IE Consulting, which confirms that there is a positive gradient from the existing culvert at top of eastern channel to the other stone culvert that discharges to the northern channel.

Further details on these issues are included in Section 3 of DOBA's Report enclosed with this Response.

## 1.7 Flood Risk

The following section should be read in conjunction with IE Consulting's Response in Section 4 of the enclosed *Response to LRD Appeal*, prepared by DOBA and IE Consulting.

Concerns regarding flood risk to third party properties have been raised in the third party appeals, with concerns same could be exacerbated by the proposed development.

The *Site-Specific Flood Risk Assessment (SSFRA)* and the *Hydraulic Modelling, Assessment and Analysis Report* submitted with the application documentation, both prepared by IE Consulting, confirms that the proposed development will not increase flood risk on the application site or elsewhere, including adjoining lands.

Furthermore, the hydraulic modelling underpinning the surface water strategy confirms that all discharges are attenuated to greenfield runoff rates and do not increase flood levels or extents in downstream channels.

The enclosed Response from DOBA with input from IE Consulting confirms that the SSFRA is a new document, prepared in response to the LRD development proposed and while it references previous assessments at the site for context, the SSFRA findings are based upon the project specific tidal and pluvial modelling and up to date data sets. The assessment also incorporates detailed tidal and pluvial modelling for both existing and proposed site conditions with climate-change allowances included. These allowances are far in excess of the most recent flooding on the R172 (during Storm Bram, December 2025), which was a much lower return period event.

## 1.8 Appropriate Assessment

An Appropriate Assessment Screening Report and Natura Impact Statement (NIS) was submitted with the application on May 30<sup>th</sup> 2025, with further information provided on 14<sup>th</sup> October 2025.

The submitted AA Screening and NIS conclude that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of Dundalk Bay SAC or SPA, subject to standard mitigation measures. These include robust surface water management through SuDS, foul drainage safeguards, and construction-phase controls to prevent sediment or pollutant release.

DNV have provided a response to the concerns raised in the third party appeals and the following sections should be read in conjunction with this Response.

### 1.8.1 Impacts on Dundalk Bay SAC and SPA

The Appeals submitted outline concerns regarding the impact of the proposed development, including surface water and wastewater proposals, on the SAC and SPA.

These impacts have been comprehensively assessed by DNV in the AA Screening, NIS and in the Further Information Response made. Refer also to the enclosed Response from DNV to the issues raised.

LCC, as the Competent Authority, accepted the findings made by DNV, concluding that no likely significant effects on Dundalk Bay SAC/SPA are arising from the Proposed Development:-

*“On the basis of the information provided in the NIS, including the recommended mitigation and monitoring measures, together with the supporting reports submitted with the application, **it is not considered that the proposed development will have an adverse impact on the Qualifying Interests or Conservation Objectives of Dundalk Bay SAC (Site Code 000455) or Dundalk Bay SPA (Site Code 004026).** It is therefore reasonable to conclude that **the proposed development, either individually or in combination with other plans or projects, would not be likely to adversely affect the integrity of these European sites, having regard to their conservation objectives.**”*

*(Emphasis added)*

The LCC Planners Reports, including the second report dated 3<sup>rd</sup> December, includes the review and reasoning for their decision, and also their review and consideration of submissions made.

### 1.8.2 Surface Water Outfall to Dundalk Bay

The proposed surface water outfall on the R172 was previously granted by ACP in 2019, as part of the approved SHD permission comprising 483 no. dwellings and a creche, within the application site. In 2023,

ACP also approved permission for a proposed residential development (29 units), to the north of the application site to also discharge to Dundalk Bay at this location (ACP Ref. 311776; Reg. Ref: 21 1032). As noted in the DOBA Response enclosed, the drawings submitted with this application included the permitted SHD flow from the application site.

The following statement is taken from the Inspector’s AA Addendum Report (ACP Ref. 311776):-

*“I have examined the NIS in the context of my site survey and other available sources of habitat and environmental data and I am satisfied that it includes sufficient information to allow the Board to carry out a complete assessment of all aspects of the project. **The NIS includes** a survey of the habitat value of the site with regard to species identified in the conservation objectives of the bay, and **the potential impacts (of construction and operational stages) of direct water discharge to the bay in addition to direct impacts. It concludes that the water discharge via field drains will not have a quantitative or qualitative impact on water quality and so there would be no adverse impact on the qualifying interests. In the overall context of the nature of the proposed development and the overall receiving environment, I agree with this conclusion, and I do not consider that there would be either direct impacts from this discharge or direct or indirect additional impacts from other proposed developments in the vicinity. I also agree with the conclusion of the NIS that direct construction works and the final works would not impact directly or indirectly on any qualifying interests. I am therefore satisfied that a conclusion of no adverse effects can be reached.**”*

*(emphasis added)*

As outlined in Section 1.6 above, the flow rates (i.e. Qbar rates) from the proposed LRD scheme are lower than the permitted SHD development. Mitigation for pluvial flooding at the site entrance is being captured in the proposed surface water infrastructure which also outfalls at this location. This has been designed in consultation with IE Consulting and the findings of the *Hydraulic Modelling, Assessment and Analysis Report* and SSFRA submitted with the application. While this mitigation measure increases the flows at the outfall, the pluvial flows on the third party lands would have discharged to the ‘northern channel’ in any event. Refer to the discussion above in Section 1.6 and also the Response from DOBA included.

### 1.8.3 Adequacy of AA and NIS

DNV have confirmed in their enclosed response that the AA Screening and NIS submitted with the application has been prepared in accordance with Article 6(3) of the Habitats Directive, does not rely on future infrastructure, assess cumulative effects and applies the precautionary principle.

The determination by LCC in making their decision (quoted above) confirms same.

## 1.9 Biodiversity

The appeals submitted to ACP include concerns in relation to the adequacy of the information provided and potential impacts on biodiversity arising from the proposed development. The application document submitted included an *Environmental Impact Assessment Report (EIAR)*, with Biodiversity included in Chapter 11. This chapter included the Ecological Impact Assessment (EcIA) of the Proposed Development, assessing the potential effects of the development on habitats and species, particularly those protected by National and International legislation or considered to be of particular nature conservation importance.

The assessment included a description of the ecology of the Site and surrounding area, with emphasis on habitats, plants, and animals (including bats and otters), and considered the potential effects of the Construction and Operational Phases on these ecological receptors.

The Ecological Impact Assessment / Chapter 11 of the EIAR concluded as follows:-

*“It is considered that provided the mitigation measures proposed are carried out in full, there will be no significant adverse effect to any valued habitats, designated sites or individual or group of species as a result of the Proposed Development. The Proposed Development is considered to result in an overall slight positive effect to the biodiversity of the site via the landscaping plan, which proposes the retention and incorporation of the majority of existing treelines and hedgerows at the Site and a net increase in overall tree planting throughout the Site.”*

Please also refer to the enclosed response from DNV.

## **1.10 Transport & Connectivity**

The appeals submitted raised a variety of transport related concerns and the following response is provided in relation to the key themes. This response should be read in conjunction with the enclosed Note from Systra.

Systra prepared all reports utilising best available data and industry-standard methodologies, in preparing all their reports. The enclosed Note from Systra confirms the findings of the reports and addresses concerns raised in the third party appeals, including data availability and the adequacy / appropriateness of the proposed measures and targets.

### **1.10.1 Entrance Design**

Vehicular access to the principal site is proposed to the east, from the Blackrock Road (R172). A new entrance is to be provided, as per details on Drawing No. C-0585 by DOBA. A right turning lane into the site is provided with the addition of a northbound bus stop on the western side. This entrance is as per the design submitted under the previous LRD application.

The proposed development, including the entrance design, has been assessed through a Stage 1 Road Safety Audit with all recommendations by the third party independent auditor implemented – this was included with the planning documentation submitted on May 30<sup>th</sup> 2025 with the application. Sightline requirements have been met and the design incorporates measures to reduce vehicle speeds and enhance pedestrian permeability.

### **1.10.2 Sustainable Travel**

The development has been designed to promote sustainable movement by providing high-quality pedestrian and cycle routes throughout the site. The entrance onto the R172 is the vehicular access to the site, and while it has pedestrian and cycle infrastructure included, it is not envisaged as the main pedestrian or cycle route from the development. This is the purpose of the pedestrian and cycle only exit at the eastern extent of Bóthar Maol, c.60metres from the junction with Blackrock Road. The design and layout of the internal routes has been carefully designed to encourage future residents and visitors to travel through the site, following desire lines, and exit onto Bóthar Maol through the primary pedestrian / cycle access at the eastern end of Bóthar Maol. For those wishing to travel south to Blackrock village, the site connects to existing footpaths leading to the village.

The layout is also not designed to encourage its residents to exit onto Bóthar Maol via the secondary entrance at the north west corner. This is not the intention of the applicant, but LCC have attached a condition requiring a special development contribution towards the cost of lighting on the lane. In our

opinion, the planned routes within the proposed development, including dedicated footpaths, cycleways and off-road facilities, are the more appropriate routes for movement of people associated with the proposed development. The use of the internal planned routes will not change the character of this lane and is a lower impact alternative to providing related infrastructure, including lighting, on Bóthar Maol.

A new northbound bus stop is proposed on the R172/Blackrock Road to replace the existing informal flag-down arrangement for Route 169. The proposed location is approximately 25 m north of the site access and accords with NTA guidance for locating bus stops proximate to junctions. Two indicative locations for a potential southbound bus stop were noted in the application documentation. The design of same was not included in the proposed development with the location not within the application site boundary, and not within the control of the applicant to provide.

### 1.10.3 Car Parking Provision

Parking is provided on site in accordance with the relevant standards from the County Development Plan and the Compact Settlement Guidelines. 24 no. visitor parking spaces are also provided. This is in line with the number of spaces recommended by the ABP Inspector for the previous LRD proposal on the site, for a development of similar scale.

A Mobility Management Plan forms part of the *Transport Assessment* prepared by Systra which accompanies this application and an updated plan is required to be submitted prior to occupation of the dwellings.

### 1.11 Heritage

IAC Archaeology, project archaeologists, were consulted in relation to Bóthar Maol and its use as an ancient route. They provided the following response:

“The submission states that Bóthar Maol is an ancient route way that was used by Queen Maeve’s Army at the time of the Tain Bo Chulainn and that the development poses a significant risk to the heritage of the lane. It should be noted that the lane today is not a recorded monument and as such is not an archaeological monument that is subject to statutory protection under the National Monuments Act. The lane is marked on Taylor and Skinner’s Map of County Louth (1777) and the first edition Ordnance Survey Map of 1840, but is one of many such lanes within the Irish landscape at this time.

Today, the lane functions as an access route to multiple modern houses along its length, many of which are located between the lane itself and the proposed development area. Given the lane is not included in the proposed development area and will not function as an access point to the proposed development area, it will remain unaffected by the proposed development. Any associations that it may have with the legends contained within the Tain Bo Chulainn will also remain unaffected by the development – during construction and operation.”



DNV Restricted

**PROPOSED LARGE-SCALE RESIDENTIAL DEVELOPMENT ON LANDS AT  
HAGGARDSTOWN, DUNDALK, CO. LOUTH**

# **Ecology Appeals Response**

**Marina Quarter Ltd**

**Report no.:** 001, Rev. 002

**Date:** 21/01/2026



Project name: Proposed LRD at Haggardstown, Co. Louth DNV Markets & Risk  
 Report title: Ecology Appeals Response Ecology Department  
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 Date of issue: 21/01/2026  
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Objective:

Response to Third-Party Appeals regarding the Haggardstown LRD Development.

Prepared by:	Verified by:	Approved by:
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## 1 INTRODUCTION

This Appeals Response document (the 'Report') has been prepared to address the ecological aspects of the Third-Party appeals submitted to An Coimisiún Pleanála (ACP), regarding a permitted Large-Scale Residential Development (LRD) application (planning ref: 2560319) located on lands to the south of Bóthar Maol and to the west of Blackrock Road, at Haggardstown, Dundalk, Co. Louth.

Each item with relevance to ecological matters included within the appeals are set out below, followed by a response referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

## 2 THIRD-PARTY APPEALS

### 2.1 Blackrock Tidy Towns Appeal

The following points of relevance to ecology are raised in the Third-party appeal submitted by the Blackrock Tidy Towns to ACP.

#### 2.1.1 Installation of Bus Stop adjacent to Dundalk Bay SAC

The Appellant notes that:

*"In the application there is mention of installing a bus stop on the seaward side of the R173, an area that has been maintained by Blackrock Tidy Towns for the past three decades. The construction of entrance bed, kerbing and grass cutting are all carried out by BTT, with funding support from the local authority. We would not wish to see our efforts negated in this manner. This ground is also in the ownership of a private individual and would require an incursion into the SAC."*

**Response:** It is noted that a southbound 'seaward side' bus stop is not actually proposed as part of the development in question and is indicative in nature. In terms of the Dundalk Bay Special Area of Conservation (SAC), works along the R172 and its kerb line have been considered in the Appropriate Assessment (AA) Screening & Natura Impact Statement (NIS) submitted to Louth County Council (LCC) at planning stage. As is detailed in these reports, road works along the verge that is technically within the SAC/SPA boundary will be required. The stretch of road in question overlaps in a minor way with the existing roadside verge and Dundalk Bay SAC boundary, and there would be no significant loss of land within the SAC to facilitate these works. The AA Screening concluded that there is no likelihood of significant effects on the SAC in relation to habitat fragmentation as a result of the works along the R172 road.

#### 2.1.2 Impacts on Dundalk Bay SAC/SPA

The Appellant notes that:

*"The proposed development is adjacent to a Special Area of Conservation (SAC) and SPC [sic] protected under EU law. The developer proposes ducting surface water by culvert along Bothar Maol directly into the SAC. Detailed plans to deal with storm water are contingent on ongoing correct maintenance, with the likelihood of increased precipitation due to climate change, the risks are great. The proposed increase in traffic, surface water runoff and human activity can only have a negative impact on this natural environment. The draining of lands will have a negative impact on the adjacent wetland and its importance in supporting biodiversity."*

**Response:** In terms of the SAC/SPA, drainage and water quality have been considered in detail within the AA Screening & NIS (Enviroguide (now DNV), 2025a & 2025b respectively) submitted with planning and will therefore not be a source of significant adverse effects on the integrity of these European sites. Section 5.4.1 of the AA Screening notes the following (emphasis added):

*"It is noted that storm and surface water arising from the Site will ultimately discharge to the SPA/SAC. The SUDS system has been designed to collect and attenuate storm/surface water arising from the Site and discharge same at the allowable greenfield runoff rate to the proposed outfalls alongside the R172..."*

*...Maximum discharges are limited to pre-development greenfield runoff rates, further reduced and diffused through the various nature-based solution measures designed upstream into the SUDS system."*

Similarly, a site-specific flood risk assessment has been carried out for the development in question by IE Consulting and, as per best practice, the assessment accounts for climate change-driven precipitation increases.

The surface water management design for the development follows a SuDS approach as per best practice, with all surface waters at the Site during its operation to be directed via SuDS features, at the existing greenfield run-off rate, to existing surface water channels adjacent the Site (and on to Dundalk Bay) and importantly: not to any receiving combined sewage infrastructure. Furthermore, the Proposed Development includes completely separate surface and foul water sewage systems. This is consistent with the policy objectives of the Louth County Development Plan 2021-2027 e.g., policy objective IU19 and IU21. Policy objective IU21 in particular aims: "To seek to avoid the discharge of additional surface water to combined sewers and promote Sustainable Urban Drainage Systems (SuDS) and solutions to maximise the capacity of towns with combined drainage systems".

The design of the surface water infrastructure/ SuDS included with this development has been developed to maintain existing flows under the main eastern access road to the wetland within private lands to the north, and at greenfield run-off rates, thus ensuring the hydrology of adjacent wetland habitats remain the same. The issue of surface water drainage related effects on the SAC/SPA, and the 'Phragmites swamp' located within private lands to the north of the main entrance from the R172 road, is addressed in detail within Sections 5.4.1.1 and 5.4.1.2 of the AA Screening submitted at planning stage. The concerns raised by the NPWS through the Development Applications Unit (DAU) in this regard in a previous LRD application at the Site (Reg Ref. 2360476, ABP Ref. 319077) are also addressed in detail in these sections of the AA Screening, with the DAU noting in their submission dated 8<sup>th</sup> July 2025 on this development that these measures were acceptable in terms of mitigating pollution of the SAC/SPA:

*"The NIS and EIAR set out measures to be employed during both the construction and operational phases of the proposed development to prevent any pollutants entering water runoff from the proposed development, and the Department accepts that these measures, if diligently implemented, should avoid pollution reaching the Dundalk Bay SAC and the Dundalk Bay SPA by the outlined route ways and any consequent adverse effects on the Qualifying Interests (QIs) for which these European Sites are designated."*

It is also noted that the proposed surface water outfall on the R172 was previously granted by ACP in 2019, as part of the approved SHD permission comprising 483 no. dwellings and a creche, within the application site. In 2023, ACP also approved permission for a proposed residential development (29 units) to the north of the application site to also discharge to Dundalk Bay at this location (ACP Ref. 311776; Reg. Ref: 21 1032). As noted in the DOBA Response enclosed, the drawings submitted with this application included the permitted SHD flow from the application site.

The following statement is taken from the Inspector's AA Addendum Report regarding said development (ACP Ref. 311776) and the construction of the surface water outfall at this location (emphasis added):

*"I have examined the NIS in the context of my site survey and other available sources of habitat and environmental data and I am satisfied that it includes sufficient information to allow the Board to carry out a complete assessment of all aspects of the project. **The NIS includes a survey of the habitat value of the site with regard to species identified in the conservation objectives of the bay, and the potential impacts (of construction and operational stages) of direct water discharge to the bay in addition to direct impacts. It concludes that the water discharge via field drains will not have a quantitative or qualitative impact on water quality and so there would be no adverse impact on the qualifying interests. In the overall context of the nature of the proposed development and the overall receiving environment, I agree with this conclusion, and I do not consider that there would be either direct impacts from this discharge or direct or indirect additional impacts from other proposed developments in the vicinity. I also agree with the conclusion of the NIS that direct construction works and the final works would not impact directly or indirectly on any qualifying interests. I am therefore satisfied that a conclusion of no adverse effects can be reached.**"*

With regard to human activity increases affecting the SAC/SPA, disturbance effects during the construction and operation of the development have been assessed in detail within the AA Screening and NIS submitted at planning stage. The construction works along the R172 and the northern surface water outfall are located in proximity to the SAC/SPA and so, as a precaution, disturbance impacts were assessed in the Stage 2 of the Appropriate Assessment process, with mitigation detailed within the NIS to address this (e.g., timing of works to avoid wintering birds). Human activity impacts via recreational pressure during the operation of the development are assessed in Section 5.4.4.3 of the AA Screening with no likely significant effects envisaged.

### 2.1.3 Foul Water Impacts on Dundalk Bay SAC/SPA

The Appellant notes that:

*“Waste water treatment has become an important topic of debate. Currently there is no capacity in the wastewater treatment in Co. Louth. The plant at Cockle Hill is operating beyond its design capacity and is non-compliant as per EPA guidelines. The proposed development plans to link to the town waste water treatment facility at Soldiers Point which is also operating at capacity. Such a large development such as this will cause further pressure on the system, again discharging directly into the SAC. A link to the system on Hardy’s Lane is a distance of approx. 800 metres, pipelaying will cause significant disruption over a period of time on this main route into Dundalk Town.”*

**Response:** In terms of the SAC/SPA, the wastewater impact pathway posed by foul water, generated at the development once operational and treated at Dundalk WwTP, has been dealt with in detail in the AA Screening (Enviroguide (now DNV), 2025a) and Request for Further Information (RFI) response submitted to LCC in September 2025 (DNV, 2025). The wastewater design and approach at the Site has been reviewed and approved by Uisce Éireann with their input, pending receiving infrastructure upgrades.

ACP is respectfully directed to the RFI Response prepared by DNV, and submitted to LCC in September 2025 where a more detailed assessment of, and discussion on, the issue of wastewater treatment at Dundalk WwTP is provided (DNV, 2025), along with the DOBA Appeals Response submitted with the overall appeals response submission. In summary, despite Dundalk WwTP experiencing ongoing treatment issues attributed to aging infrastructure and operational deficiencies, the plant does have sufficient capacity to accommodate the foul water load from this development; equating to 2% of the WwTP’s total according to UÉ in a letter to the applicant’s engineering consultant DOBA in August 2025. This letter was submitted with the RFI response.

With regards to treatment issues and equipment failures leading to non-compliances at the plant, UÉ confirm in their aforementioned letter to the applicant dated August 2025 that considerable work is underway to address operational non-compliances at the WwTP, with UÉ having already commenced two projects at this facility:

***“1. Replacement of the anaerobic digestion process:***

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

***2. Uisce Éireann Capital Maintenance Programme:***

*Non-compliances at the treatment works have been caused by equipment failures and these have been addressed by reactive capital maintenance (CM) interventions, repairing or replacing such items as the inlet screen and process pumps etc.*

*To address the CM needs in a proactive way, Uisce Éireann developed a capital maintenance programme which commenced in 2023. This has been going through Outline Design, Scoping Definition and Detailed Design, and will commence onsite works in Q2 2026. This will maintain the capacity of the WWTP at 71,000pe and provide process resilience.”*

Collectively, these measures form a robust approach to prevent future incidents at the plant, with a downward trend from 12no. incidents in 2023 to 7no. in 2024 indicative that these measures are having an effect and reducing the occurrence of incidents at the WwTP. While there is no evidence to suggest that such issues currently have the potential for significant effects on the Dundalk Bay SAC/SPA, a reduction and/or ultimate cessation of such issues diminishes the likelihood of significant effects arising.

It is noted that based on the letter received by the applicant from UÉ dated August 2025, and the author’s own research into the current operation of Dundalk WwTP, that the outlook at the plant appears to be positive. UÉ has instigated large improvement projects, and the Capital Maintenance programme has been in place since 2023, to address equipment failures at the plant with works to commence in 2026. As a result of these completed and ongoing infrastructure upgrades, and improved operational practices, the trend in terms of performance at Dundalk WwTP is positive, with the number of incidents at the plant having decreased. The remaining issues, although not fully solved, are well characterised and in the process of being addressed.

It is also noted that LCC in their Planner’s report, having regard to the RFI response submitted by the applicant regarding Appropriate Assessment and Dundalk WwTP, were satisfied with the AA Screening determination and contents of the NIS, stating the following (emphasis added):

*“On the basis of the information provided in the NIS, including the recommended mitigation and monitoring measures, together with the supporting reports submitted with the application, it is not considered that the proposed development*

*will have an adverse impact on the Qualifying Interests or Conservation Objectives of Dundalk Bay SAC (Site Code 000455) or Dundalk Bay SPA (Site Code 004026). It is therefore reasonable to conclude that the proposed development, either individually or in combination with other plans or projects, **would not be likely to adversely affect the integrity of these European sites, having regard to their conservation objectives.***

It is therefore respectfully submitted that the Dundalk WwTP has more than adequate remaining treatment capacity (ca. 12,800 PE) to receive the development in question's operational foul waters, as confirmed by UÉ, and that there is no feasible likelihood of the foul waters generated by the Proposed Development and treated at the WwTP adversely affecting the integrity of Dundalk Bay SAC/SPA due to capacity issues.

## 2.2 Aoife & John Henry Appeal C/O Brendan Buck Planning (BPS)

The Appellants refer in their submission through BPS to their previous Objection Report submitted at planning stage to the development. The points raised in their Grounds for Objection largely align with the Grounds for Appeal detailed in their appeal submission, and therefore both are addressed in the following sections where appropriate.

The following points of relevance to ecology are raised in the Third-party appeal submitted by BPS to ACP.

### 2.2.1 Appeal Ground 1 – Objection Report

- **Appeal Ground 1** refers to the Objection Report submitted by appellant at planning stage which includes the following objections relevant to ecology:

- Objection Ground 4 re: Surface/ flood water concerns not addressed.

**Response:** Issues raised regarding surface water management at the development site in question do not appear to acknowledge that all surface waters leaving the Site will be at the existing greenfield run-off rate, and so no significant increase in flood risk will occur within the appellants' lands. Please refer to the SSFRA prepared by IE Consulting at planning stage and the Appeal Response Report prepared by DOBA as part of the overall appeal response submission, for further details. The use of terminology in the BPS submission, such as that the applicant will be "forcing" surface water wholesale into their client's land, is misleading and appears to lack an understanding of the surface water infrastructure design approach of the development in question.

With regard surface water pollution concerns raised by the appellant, and the impact this will have on the SAC/SPA, it is noted that a suite of SuDS measures have been incorporated into the design to manage and treat any surface water generated at the Site before it is directed to the local drainage network leading to Dundalk Bay. The NPWS DAU in their submission on the application dated 8<sup>th</sup> July 2025 acknowledges this and states that: *"the Department accepts that these measures, if diligently implemented, should avoid pollution reaching the Dundalk Bay SAC and the Dundalk Bay SPA by the outlined route ways and any consequent adverse effects on the Qualifying Interests (QIs) for which these European Sites are designated"*.

- Objection Ground 5 re: Impacts on Dundalk Bay SAC/SPA.

**Response:** In terms of the SAC/SPA, the BPS objection report cited within their appeal submission claims that insufficient surveys were conducted to assess impacts on "bird flight paths" and loss of "ex-situ foraging habitat". It is respectfully submitted that this is not the case. Winter bird surveys explicitly focused on ex-situ usage and flightlines were conducted over the two survey seasons 2022/23 and 2023/2024 leading up to the LRD application submission, with no significant usage observed (please refer to the AA Screening submitted with planning for further details). The development in question also contains no high-rise buildings with max heights of three stories, and so there will be no risk of flight-path obstruction as a result of the development being constructed at this site.

A similar claim regarding a lack of survey effort is made in various sections of the Appeal document regarding otters and bats, despite comprehensive surveys and impact assessments being conducted for both species groups. Please refer to the EIAR Biodiversity Chapter 11 for further details (specifically the methodology section in Section 11.4 and relevant species baseline sections in Section 11.6.4).

- Objection Ground 6 re: Impact to bats in trees.

**Response:** The BPS Objection Report provides anecdotal information that the appellants have bats using the trees within their lands, and then incorrectly states that the ecology reports submitted with the application have failed to address impacts to bats. This is despite entire sections of the EIAR biodiversity chapter submitted with planning dedicated to describing the methodology and the results of the suite of bat surveys conducted at the Site (potential bat roost assessments (PBRA), dusk transect activity surveys, emergence surveys) over several years, the ecological impact assessment of impacts to bats, and the mitigation and enhancement of the Site for bats. Please refer to the EIAR Biodiversity Chapter 11 for further details (specifically the methodology section in Section 11.4 and relevant species baseline sections in Section 11.6.4).

## 2.2.2 Appeal Ground 5 re: Foul Drainage Infrastructure is premature.

**Response:** In the interest of avoiding unnecessary repetition, please see Section 2.1.3.

## 2.2.3 Appeal Ground 6 re: Environmental Concerns linked to the foul drainage concerns.

**Response:** In the interest of avoiding unnecessary repetition, please see Section 2.1.3 regarding foul water drainage.

Regarding general biodiversity concerns raised by the appellant, it is respectfully submitted that a comprehensive ecological impact assessment was conducted of the key ecological receptors associated with the site and development in question, informed by a suite of surveys carried out as per the relevant best practice guidance, and is detailed within the relevant sections of the EIAR Biodiversity Chapter. Likewise, the AA Screening and NIS prepared as part of the application also contain the appropriate assessment of the relevant European sites connected to the development in question, with the appropriate level of mitigation included at Stage 2 AA to ensure no adverse effect on the integrity of Dundalk Bay SAC/SPA, as was noted by the NPWS DAU in their submission on the application dated 8<sup>th</sup> July 2025.

## 2.2.4 Appeal Ground 7 re: Surface water & flooding concerns.

**Response:** In the interest of avoiding unnecessary repetition, please see Section 2.1.2.

## 2.2.5 Appeal Ground 8 re: Transport – bus stop and SAC.

**Response:** The BPS appeal states that the northbound bus stop will impact the *Phragmites* swamp section of the Dundalk Bay SAC, west of the R172. This is not the case, the *Phragmites* swamp in question is located to the north ca. 150m from the proposed bus stop location and will not be impacted by same.

The appeal submission also states that the southbound bus stop would “adversely impact the SAC including otter”. This standalone statement is somewhat vague and is not supported by any further information. In terms of the SAC, and as stated in Section 2.1.1 of this document, a southbound ‘seaward side’ bus stop is not actually proposed as part of the development in question and is indicative in nature. In terms of the Dundalk Bay Special Area of Conservation (SAC), works along the R172 and its kerb line have been considered in the AA Screening & NIS submitted at planning stage. The AA Screening concluded that there is no likelihood of significant effects on the SAC in relation to habitat fragmentation as a result of the works along the R172 road.

## 2.3 Brian Hopper Appeal

### 2.3.1 Submissions to Planning

The appellant states that the proposed plans display an utter disregard for otter mitigation.

**Response:** This is not the case, the EIAR Biodiversity Chapter addresses other mitigation options, based on submissions received from the NPWS via the DAU in their submission (dated 4<sup>th</sup> January 2023) regarding the previous LRD application at the Site (Reg Ref. 2360476, ABP Ref. ABP-319077-24), in detail in Section 11.6.4.3.2.2 of the Biodiversity Chapter.

## 2.3.2 Discharge of Storm Water / Flooding

**Response:** In the interest of avoiding unnecessary repetition, please see Section 2.1.2.

## 2.4 Eunice O'Neill Appeal

Where relevant to ecology, responses to the grounds for appeal submitted by the appellant are provided below (no ecological response to Ground 6 is required).

### 2.4.1 Ground 1 – Failure to comply with Article 6(3) of the Habitats Directive

**Response:** The appellant states that LCC erred in screening out AA and relying on future mitigation and infrastructure upgrades, however the AA Screening did screen in Stage 2 AA and an NIS was prepared detailing mitigation where required to protect the integrity of Dundalk Bay SAC/SPA. Dundalk WwTP is addressed in detail in Section 2.1.3 of this appeal response report. The appellant also confusingly states within their planning objection (appended to their appeal submission) that mitigation included in the NIS is prohibited at screening stage. Mitigation is in fact an integral part of Stage 2 AA and the NIS preparation. The AA Screening submitted with planning contained no mitigation, which was instead appropriately included within the NIS.

### 2.4.2 Ground 2 – Unlawful Reliance on Future Wastewater Infrastructure

**Response:** In the interest of avoiding unnecessary repetition, please see Section 2.1.3 regarding foul water drainage. In short, the current capacity within Dundalk WwTP (prior to any planned upgrade works) is sufficient to receive foul water from the development in question. Please refer to the DNV RFI response submitted to LCC in September 2025 for further details.

### 2.4.3 Ground 3 – Failure to Adequately Assess Cumulative Effects

**Response:** A full assessment of potential in-combination effects on European sites involving other developments (planned and existing) is provided in the AA Screening and NIS that were submitted at planning stage. An analogous assessment of cumulative effects on other key ecological receptors is provided within EIAR Biodiversity Chapter. In the interest of avoiding unnecessary repetition, please see Section 2.1.3 regarding Dundalk WwTP and foul water drainage.

### 2.4.4 Ground 4 – Failure to Properly Consider Material Submissions

**Response:** It is noted that an assessment of lighting and disturbance impacts was provided in the AA Screening and NIS submitted with planning, addressing these impact pathways to Dundalk Bay SPA and its SCI species in detail. Please refer to the AA Screening and NIS for further details. With regards to wastewater capacity please refer to Section 2.1.3 of this appeal response document. It is respectfully submitted that 'environmental risk' and 'ecological sensitivity' as the appellant puts it, are assessed in detail as part of the EIAR Biodiversity Chapter, with no residual significant effects to key ecological receptors identified. Transport safety and flood risk are dealt separately in the overall appeal response by Systra and IE Consulting respectively.

### 2.4.5 Ground 5 – Failure to Apply the Precautionary Principle

**Response:** It is respectfully submitted that the precautionary principle has been applied in the AA Screening submitted with planning, and that as a result, an NIS was prepared as a part of the Stage 2 'full' Appropriate Assessment of the development in question.

## 3 CONCLUSION

This Response to the Third-party appeals submitted to ACP in relation to the Development has been prepared to address specifically the ecology issues/ items raised in same. It is respectfully submitted that these items have been addressed within this document and within the various reports and plans that it references. We trust this Report will aid ACP in their deliberations.

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Marina Quarter Ltd.

**Lands at Haggardstown, Dundalk,  
Co. Louth**

Response to LRD Appeal

2268-DOB-XX-SI-RP-C-0006

January 2026

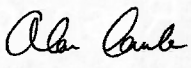
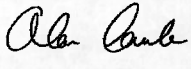
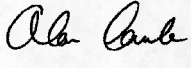
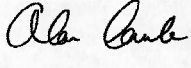
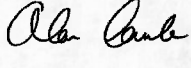
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## Document Control

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# 1 Introduction

Donnachadh O'Brien & Associates Consulting Engineers Ltd. (DOBA) have been instructed by the Client, Marina Quarter Ltd., to prepare a response to the items raised in the appeal documents issued to An Coimisiún Pleanála in relation to the grant of permission by Louth County Council (LCC) for the proposed Large Scale Residential Development (LRD) on lands at Haggardstown, Dundalk, Co. Louth. The responses to the surface water and flood risk items have been coordinated with IE Consulting who prepared the site specific flood risk assessment for the application. This response document provides a high level summary of the infrastructure items raised in the appeal documents under the following headings;

- Legal Ownership
- Surface Water
- Flood Risk
- Wastewater & Water
- Site Access & Sightlines
- Power Supply

## 2 Legal Ownership

The appeal documents refer to consent for the proposed works including the construction of the proposed new pedestrian footpath along Bothar Maol, the new SW outfall pipe along the R172 (Blackrock Road) and works to the R172 as part of the entrance design.

The Applicant has confirmed that they have full legal title over the property identified within their landholding to undertake the works proposed in this application. Works on lands / public roads within the control of Louth County Council will be undertaken in consultation with the Council or by or on behalf of a statutory undertaker. These works relate to infrastructure to service the development and are located 'in, on, over or under' the public road and will be undertaken by or on behalf of a statutory undertaker in accordance with Article 22 (2)(g)(ii) of the Planning and Development Regulations 2001, As Amended. The applicant is not proposing any works outside lands in their control or public roads under the control of the Council, including no works to the road at Bothar Maol which is owned by its residents.

## 3 Surface Water

### 3.1 Existing Surface Water Drainage Channels

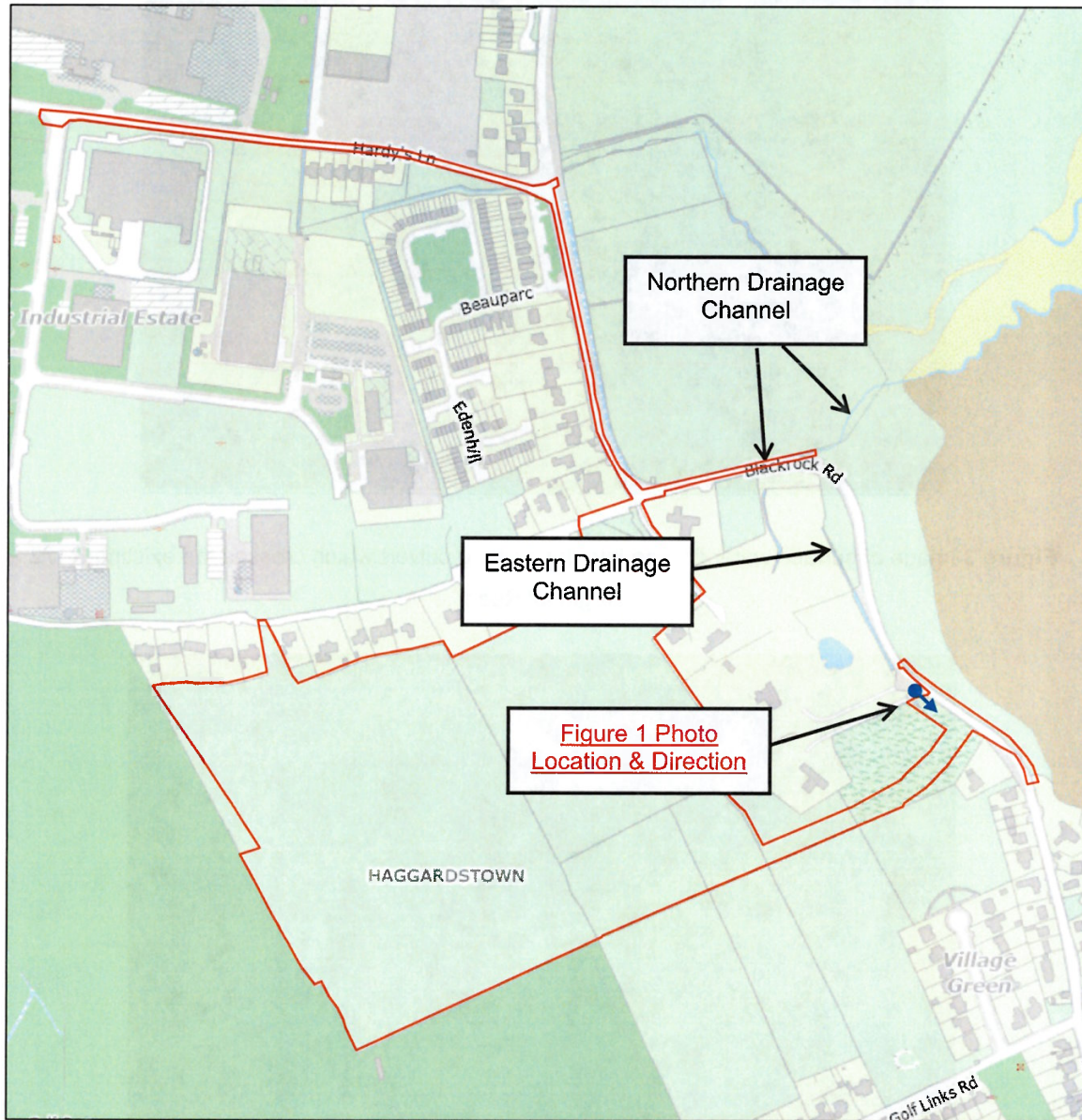
As noted in Section 4.2 of the Infrastructure Design Report prepared by DOBA, an existing drainage channel extends from the eastern boundary of the applicants lands (adjacent to the R172) in a northerly direction through private property prior to crossing the R172 and discharging to the Dundalk Bay. This watercourse is evident on site, see **Figure 1** below. The location of where this photograph was taken is included in **Figure 2** below.



**Figure 1** Image of the existing “eastern drainage channel” within the applicants lands

A topographical survey of the existing “eastern drainage channel” and “northern drainage channel” was completed in 2018 as part of the SHD application (ACP Ref: TA15.304782) prior to the applicant purchasing the lands. This survey information of the existing drainage channels was received by the

applicant as part of the sale of the lands. The locations of these existing drainage channels is included in **Figure 2** below.



**Figure 2** Location of Drainage Channels

The Applicant attempted to complete a CCTV survey of the culvert crossing the road, however the appointed contractor was prevented from carrying out the work. Notwithstanding this, the channel was confirmed to be in working condition as can be seen in **Figure 3**, **Figure 4** and **Figure 5** which are still images taken of the mouth of the culvert, north and south of the road and from within the culvert.



**Figure 3** Image of surface water flowing into the existing culvert which crosses the existing R172 Regional Road



**Figure 4** Image of surface water flowing out of the existing culvert which crosses the existing R172 Regional Road



**Figure 5** Image from within the existing culvert which crosses the existing R172 Regional Road

The capacity and performance of these channels have been assessed under pre-development and post-development scenarios within the 'Hydraulic Modelling, Assessment and Analysis Report' prepared by IE Consulting.

The modelling demonstrates that the discharge of attenuated surface water runoff from the proposed access road to the 'eastern drainage channel', at a maximum discharge rate of 0.005 m<sup>3</sup>/s, does not result in any increase in flood levels, flood extents, or flood risk within the channel or the associated wetland areas under any assessed scenario.

The discharge of attenuated surface water runoff from the proposed residential areas to the 'northern drainage channel', at a maximum discharge rate of 0.0645 m<sup>3</sup>/s, has been modelled for the 1% AEP (1 in 100 year) and 0.1% AEP (1 in 1000 year) fluvial flood events. The modelling indicates very minor, localised changes in predicted water levels, in the order of 0.03 m (3 cm) for the 1% AEP event and 0.02 m (2 cm) for the 0.1% AEP event, along the downstream portion of the channel within Dundalk Bay. Importantly, these predicted water levels remain fully contained within the existing channel banks and do not give rise to any increase in flood extents or flood risk.

In the context of extreme fluvial flood events of this magnitude, these negligible and modelled sensitivities in water level are not discernible in practice, do not alter flood pathways or flood extents,

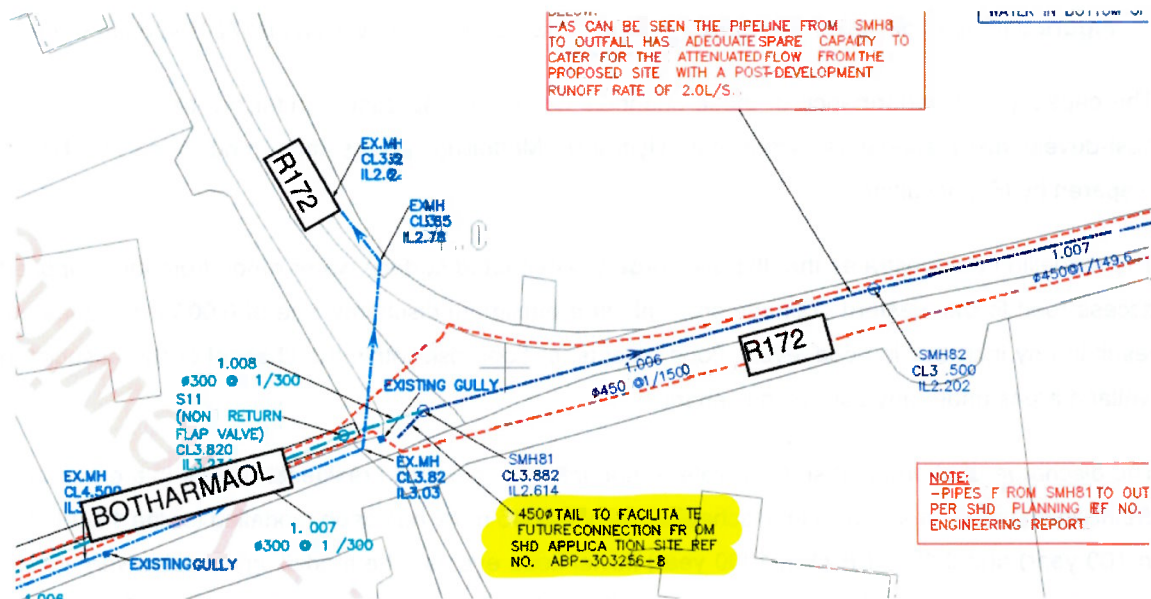
and do not result in any increase in flood risk to adjoining lands or properties. Accordingly, there is no adverse effect on the existing hydrological regime or flood behaviour of the area.

Overall, the results confirm that the controlled discharge of attenuated runoff from the proposed development does not increase flood risk to third-party lands or properties. No widening, deepening, realignment, or other modification of either the eastern or northern drainage channels is proposed or required to facilitate the development.

### 3.2 SW Outfall to Dundalk Bay along the R172

In addition to the legal response in Section 2 above, the Applicant notes that the proposed surface water outfall in question is located in the same position as was previously granted by An Bord Pleanála (ABP) for permitted development ABP Reg. Ref. TA15.304782.

A proposed SW outfall pipe along the R172 was also granted planning permission by An Comisúin Pleanála for a proposed residential development (29 units) to the north of the application development in 2023 (ACP Ref: 31176; Reg. Ref: 21\_1032). The drainage drawings submitted with the 21\_1032 planning application make reference to receiving flows from the SHD development permitted at the application site under ACP 304782, comprising 483 no. dwellings and a creche. See **Figure 6** below.

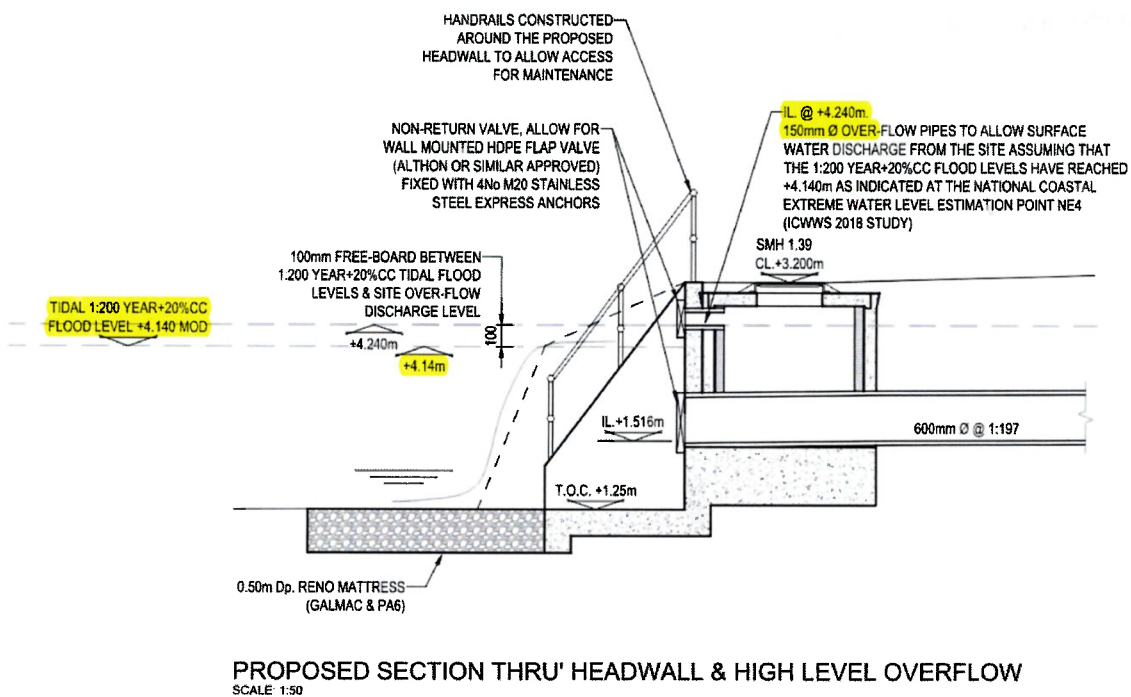


**Figure 6** Extract from SW drawing submitted with planning permission 21\_1032 referencing the previous SHD permission on the application site

### 3.3 Surface Water Design

The appeal documents appear to refer to the proposed SW drainage strategy for the development as excessive. The design parameters used for the proposed surface water design were agreed with LCC

and are in accordance with the recognised drainage design manuals including LCC Drainage Policies, GSDSDS, CIRIA SuDS, Building Regulations etc. The proposed SW drainage proposals include storage of rainfall runoff on the site for storm events up to and including a 1% Annual Exceedance Probability event (1 in 100 year probability) with an additional 20% factor applied for climate change. The design includes mitigation measures for blockage scenarios within the surface water network to protect neighbouring lands and the proposed development. The design calculations submitted with the applications confirm that no pluvial (out of manhole) flooding occurs within the SW network during storm events up to a 1% AEP event. In addition, the proposed SW design includes mitigation for discharge during a 0.5% AEP (1 in 200 year) flooding event by providing a high level overflow at the proposed outfall to the Dundalk Bay above the 0.5% AEP event level. See **Figure 7** below.



**Figure 7** Extract from DOBA drawing C-0256 highlighting the proposed overflow above the 0.5% AEP event flood level

The levels of the proposed residential dwellings on the proposed development site have been set a min. 500mm above the attenuation levels within the proposed detention basins in accordance with best practice.

The proposed detention basins are designed to store up to 500mm of water temporarily during extreme rainfall events and will empty via the underground piped network once the extreme rainfall event has

passed. The min. side slopes have been designed with a 1 in 4 gradient in accordance with the CIRIA SuDS design guidance.

### **3.4 Ground Investigations**

The appeal documents refer to some of the geotechnical investigations being outdated as they were carried out in 2018. Geotechnical investigations were carried out on the site in 2018 and in 2023 to determine the potential for infiltration Sustainable Drainage measures as part of the proposed development. The results of the geotechnical investigations have determined that the infiltration potential of the subsoils is poor and this has informed the proposed surface water management strategy as agreed with LCC Water Services Department. The geotechnical investigations will remain relevant, regardless of the date they were carried out, unless excavation works are carried out on the lands which disturb the subsoils.

## 4 Flood Risk

The Site-Specific Flood Risk Assessment (SSFRA) and the accompanying Hydraulic Modelling, Assessment and Analysis Report prepared by IE Consulting demonstrates that the proposed development will not increase flood risk on site or elsewhere, having regard to both tidal and pluvial flood mechanisms. The assessment is informed by detailed pre-development and post-development hydraulic modelling, which explicitly incorporates the proposed surface water drainage strategy and mitigation measures.

The SSFRA submitted with the application is a standalone, up-to-date assessment prepared specifically for the current Large-Scale Residential Development. While earlier assessments are referenced for context, the conclusions of the SSFRA are based on tidal and pluvial hydraulic modelling, the current layout, and up to date OPW datasets and 'The Planning System and Flood Risk Management Guidelines'.

### 4.1 Tidal

The tidal, or coastal flood risk has been assessed for extreme 1 in 200 year (0.5% AEP) and 1 in 1000 year (0.1% AEP) return period events, in accordance with 'The Planning System and Flood Risk Management Guidelines', including climate change allowances. Any recent flooding in the area, for example the recent flooding on the R172 in December 2025, represents a much lower return period event and does not undermine the validity or robustness of the SSFRA conclusions.

The SSFRA includes detailed modelling of extreme tidal events for both pre-development and post-development scenarios, incorporating climate change allowances in line with recommended national guidance. This modelling demonstrates that the proposed development, including the raising of the access road, does not result in an increase in tidal flood extents or flood levels either within or beyond the site, or elsewhere. The analysis confirms that the access road does not obstruct or redirect tidal flood flows in a manner that would increase flood risk to adjoining lands or elsewhere, and no additional risk of tidal floodwaters bypassing the access road junction is created.

The SSFRA explicitly distinguishes between tidal and pluvial flood mechanisms, assessing each independently in accordance with 'The Planning System and Flood Risk Management Guidelines'. Tidal flooding is a defined source of flood risk used for Flood Zone delineation, whereas pluvial flooding is addressed through detailed site-specific analysis rather than flood zoning. Tidal modelling, which includes the wider area of the existing access road and its environs, demonstrates that post-development tidal flood extents and levels do not exceed baseline conditions and do not increase flood risk to third-party lands.

Residential development is confined to Flood Zone C, with only limited essential infrastructure located within Flood Zones A and B. These elements have been independently assessed in accordance with 'The Planning System and Flood Risk Management Guidelines', and the modelling confirms that they do not give rise to increased flood risk elsewhere.

## **4.2 Pluvial Flood Risk**

The SSFRA identifies that certain localised low points currently exist within the site boundary under the undeveloped baseline scenario. The SSFRA states that these localised depressions will be removed as part of the site development works through regrading and the implementation of the proposed site levels. As a result, proposed development areas, including the location of the proposed pump station, will not remain subject to localised ponding post-development. Surface water runoff generated within the site boundary will be incorporated into the proposed development stormwater management system. Runoff will be attenuated to greenfield runoff rates prior to discharge to the existing northern drainage channel located beyond the north-eastern boundary of the site.

The proposed crèche is not located within areas of pluvial or tidal flood risk in consideration of the undeveloped baseline scenario, and its siting does not conflict with the flood zone mapping or flood extents identified in the SSFRA.

The pluvial assessment identifies that surface water runoff currently flows eastwards and north-eastwards across the site under existing undeveloped baseline conditions, contributing to surface water accumulation and flood risk affecting downstream third-party lands to the north-east and east of the site. These existing overland flow paths, and the receiving drainage environment, including the existing 'eastern drainage channel,' were surveyed in 2018 as part of the previously granted Strategic Housing Development (SHD) application and have been fully incorporated into the hydraulic modelling undertaken for the current LRD proposal.

The capacity and hydraulic regime of the 'eastern drainage channel' have been assessed under both pre-development and post-development scenarios within the Hydraulic Modelling, Assessment and Analysis Report. The modelling confirms that the controlled discharge of attenuated runoff from the development does not increase flows, flood levels or flood extents within the channel and does not exacerbate flood risk to downstream and adjacent third party lands.

Mitigation Measure 1, which is detailed in Section 7.2.2 of the SSFRA, represents a beneficial intervention in the existing pluvial drainage regime by intercepting overland surface water runoff that currently contributes to pluvial flood risk on adjoining and downstream third-party lands to the north-east and east of the site. This runoff is captured within the proposed surface water drainage system and conveyed in a controlled manner to the designated outfall beneath the R172 (Blackrock Road),

resulting in a reduction in downstream pluvial flows and an overall improvement in flood risk conditions in comparison to the existing undeveloped baseline scenario. Mitigation Measure 2 (see Section 7.2.2 of the SSFRA) at the site entrance similarly operates entirely within the site. Both Measures 1 and 2 have been designed to account for climate change allowances, ensuring the drainage system remains effective under future rainfall and extreme weather scenarios.

Pluvial hydraulic modelling set out in Section 7.2 of the SSFRA substantiates this outcome, demonstrating that post-development pluvial runoff entering downstream flow paths, including the 'eastern drainage channel', are reduced relative to baseline conditions. As a result, the proposed development does not give rise to any increase in pluvial flood risk or pluvial flood extents on downstream and adjacent third-party lands.

All surface water measures are fully contained within the application site, and the development does not rely on third-party lands. Accordingly, the allegation that the SSFRA relies on forcing floodwaters and surface water runoff onto neighbouring lands is factually incorrect and unsupported.

### **4.3 Summary**

The SSFRA demonstrates full compliance with 'The Planning System and Flood Risk Management Guidelines' and satisfies the requirements of the Justification Test. The assessment identifies and evaluates all relevant sources of flood risk affecting the site, including tidal and pluvial mechanisms, using detailed hydraulic modelling for both pre-development and post-development scenarios.

Tidal modelling confirms that post-development flood extents and levels do not exceed baseline conditions, including within the existing access road and adjoining lands. Pluvial modelling similarly demonstrates that the proposed development does not increase flood risk to third-party lands, with comparative mapping of flood extents, depths, and flow paths showing no adverse impacts.

The SSFRA incorporates a comprehensive surface water management strategy, including attenuation to greenfield runoff rates, controlled discharge to the existing northern drainage channel, site regrading, and management of existing overland flow paths. Mitigation measures, including Measure 1 and Measure 2, are designed to manage flood risk on-site and include climate change allowances, ensuring resilience to future extreme events.

Tidal and pluvial flood sources are addressed in accordance with the Guidelines. Tidal flooding is assessed for Flood Zone delineation, while pluvial flooding is managed through detailed site-specific analysis. The assessment demonstrates that flood risk can be appropriately managed through the proposed design and mitigation, and that the development will not increase flood risk elsewhere.

Accordingly, the SSFRA confirms that the proposed development complies with national flood risk policy, satisfies the Justification Test, and does not give rise to increased flood risk either on-site or to adjoining lands.

## 5 Wastewater & Water

### 5.1 Wastewater Capacity

The confirmation of feasibility (CoF) letter issued by Uisce Eireann confirms that capacity exists in the downstream wastewater network to receive new flows from the proposed development in advance of the proposed upgrade works which are to be completed by Q1 2030. The wastewater pump station being constructed to serve the proposed development will temporarily store wastewater in the underground pump station during the daytime and discharge during the night, once the peak flows in the downstream network have reduced. This temporary measure will be in place until the upgrade works are completed.

The appeal documents refer to the capacity of the Blackrock Wastewater Treatment Plant (Cocklehill Wastewater Treatment Plant) which has no relevance to the proposed application lands. The proposed development wastewater is discharging to the Dundalk Wastewater Treatment Plant at Soldiers Point, Dundalk via the Coe's Road WwPS.

The appeal documents also refer to upgrade works proposed by Uisce Eireann at Dundalk WwTP to receive all flows from the existing Blackrock WwTP in order to facilitate decommissioning of the existing Blackrock WwTP. This project has an estimated completion date of 2033. This is a separate upgrade project being proposed by Uisce Eireann and is not related to the proposed Coe's Road WwPS upgrade works which are noted in the application CoF letter. The Coe's Road WwPS upgrade will be completed in advance of this separate project (by Q1 2030 as noted above).

### 5.2 Temporary Storage

As noted above, the wastewater pump station being constructed to serve the proposed development will temporarily store wastewater in the **underground pump station** during the daytime and discharge during the night, once the peak flows in the downstream network have reduced.

The appeal documents refer to temporary surface wastewater storage tanks which is factually incorrect. A temporary dosing tank is included on the engineering drawing series **C-1200** submitted with the planning application documents.

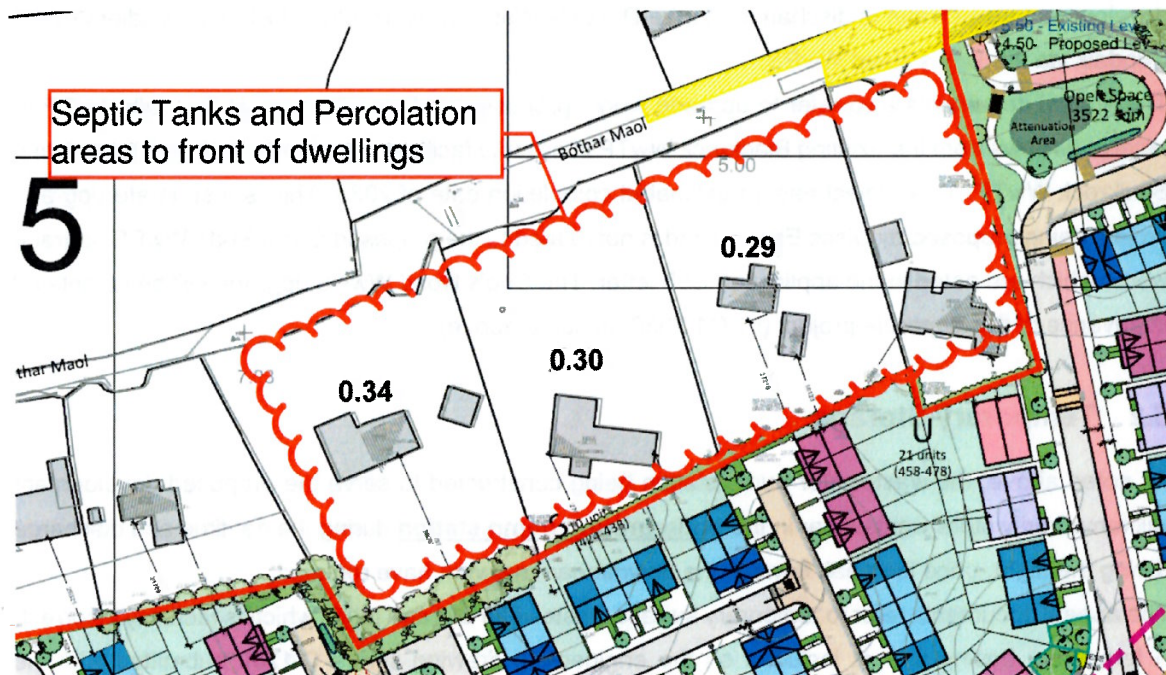
### 5.3 WwPS Separation Distances

The proposed separation distance between the proposed wastewater pumping station and the neighbouring site boundary and also the crèche is min. 15m in accordance with Section 5.5 the Uisce Eireann Code of Practice.

## 5.4 Separation from Private Wastewater

The location of the proposed dwellings along the northern boundary of the application site are typically 7m from the site boundary save for a couple of the proposed dwellings to the north east of the development located approx. 2.5m from the existing boundary. Table 6.1 of the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses confirms the minimum separation distance from boundaries as 3m. On this basis the proposed dwellings achieve the minimum 7m (septic tank) and 10m (percolation area) separation required in the Code of Practice.

The septic tanks and percolation areas serving the existing dwellings to the north east of the proposed development are located to the front of the dwellings according to the online planning applications. These are the existing dwellings where the proposed development dwellings are approx. 2.5m from the site boundary. See **Figure 8** below.



**Figure 8** Extract from the JFA site layout drawing illustrating the proposed dwellings nearest to the northern boundary and highlighting the neighbouring dwellings with private septic tanks located to the front of the properties (according to the LCC online planning documents)

The applicant would welcome the opportunity to survey the location of the neighbouring septic tanks and percolation areas to confirm the separation distances to the proposed development units prior to commencement.

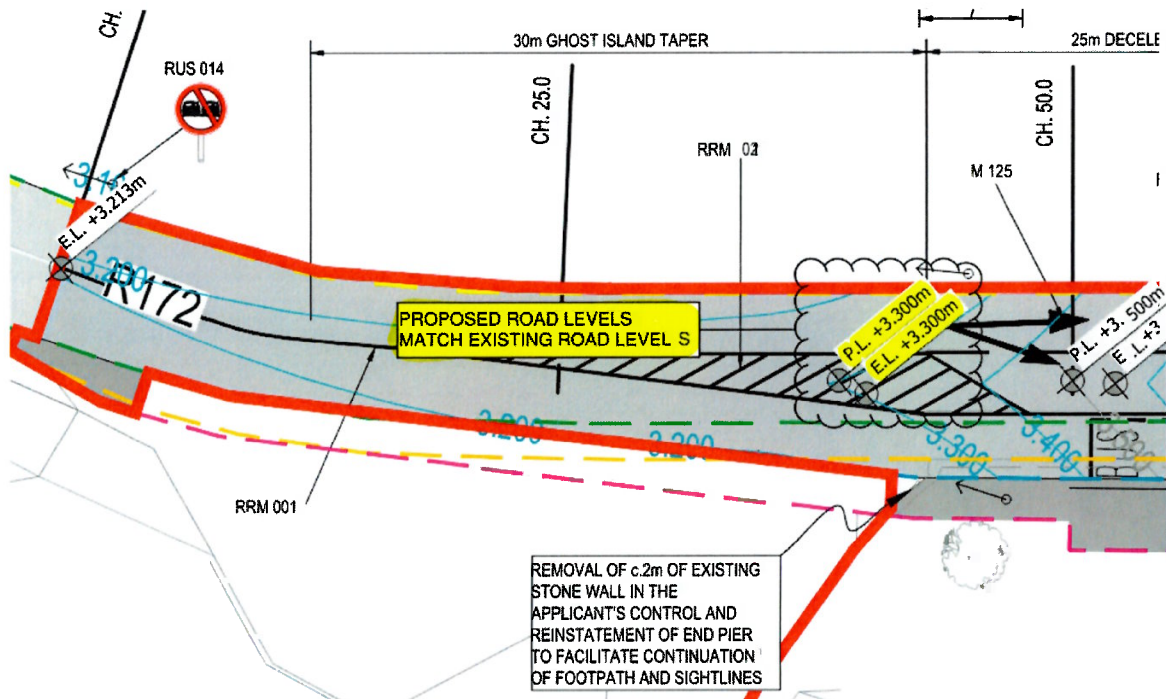
## **5.5 Existing Well**

An existing well is located to the north west of the application lands and will be decommissioned as part of the proposed development.

## 6 Proposed Roads Infrastructure

### 6.1 R172 & Development Access Road Levels

The proposed levels along the realigned R172 at the proposed development access road have been designed to ensure access is available to the lands during a 0.5% Annual Exceedance Probability tidal event (1 in 200 year probability). The new R172 and access road levels have been assessed as part of the SSFRA prepared by IE Consulting which has confirmed that there is an imperceptible impact on the flood levels on the neighbouring lands as noted in Section 4 of this document. The raising of the levels along the R172 do not impact on the existing neighbouring entrances to the north or south of the proposed development entrance (see **Figure 9** below). As noted in Section 2 of this document, the Applicant has confirmed that they have full legal title over the property identified within their landholding to undertake the works proposed in this application.



**Figure 9** Extract from DOBA drawing C-0575 confirming the proposed levels along the R172 match the existing levels along the R172 at the neighbouring entrance to the north

The appeal documents refer to the unsuitability of the lands, due to the marshy nature of the lands, adjacent to the R172 to support the new entrance road to the development. The applicant notes that the neighbouring properties to the north have also constructed their entrances over this marshy area and provided a culvert beneath their entrance to retain the flow of water beneath their entrances. The

development proposals also include measures to retain the existing natural flow of pluvial runoff from the lands beneath the proposed access road via suitably sized pipes / culverts.

## **6.2 Sightlines**

As noted in Sections 7.3 and 7.4 of the IDR prepared by DOBA, a portion of the existing stone wall adjacent to the R172 and within the applicants ownership is being removed to facilitate sightlines at the new development entrance and also providing sightlines for the neighboring properties to the north. Following the R172 realignment works, 65m sightlines are provided in both directions at the development access and also for the neighbouring properties to the north which is in accordance with the Design Manual for Urban Roads and Streets. As noted below, an alternative offline bus stop has been included in the planning documentation to address any concerns in relation to the sightlines being impacted by a bus collecting passengers at the proposed northbound bus stop.

## **6.3 Bus Stops**

The NTA provide very clear guidance on the preferred layout and siting of bus stops in rural area in their "Guidance on Bus Stop Locations in Rural Areas." The designer notes the following;

With respect to the location of the bus stop, Section 3.1.2 of the NTA guidance notes that bus stops serving residential developments should be located proximate to junctions in order to improve the attractiveness of the service. Given the constraints of existing private property entrances north and south of the access to the development, the location of the proposed northbound bus stop is the closest, and therefore, the only location for the same.

With respect to the inset/inline question, as the stopping sight distance (SSD) as set out in Section 4.4.4.1 of the guidance are achieved, the location of the proposed stop should be kept in line and not inset.

Section 5 of the NTA guidance note identifies potential mitigation measures may be applied to alleviate matters raised in the audit. In this instance 'no overtaking' signs (RUS 014) accompanied by a continuous single line (RRM001), with the exception as to the point where drivers need to cross into the development have been adopted as illustrated on DOBA drawing 2268-DOB-XX-SI-DR-C-0575.

Notwithstanding the arguments noted above and the fact that the Road Safety Auditor has accepted the measures outlined above through the signed Road Safety Auditor feedback form, the applicant has provided Engineering drawing 2268-DOB-XX-SI-DR-C-0590 which illustrates (1) the original proposed in-line Bus Stop Option and (2) an alternative off-line Bus Stop Option. The applicant will welcome a condition to provide either Bus Stop as both can be facilitated as illustrated in DOBA drawing 2268-DOB-XX-SI-DR-C-0590, submitted with the application.

The appeal documents refer to a southbound bus stop along the R172 outside of the application boundary which is not being proposed by the applicant.

## 6.4 R172 Collision Data

The appeal documents refer to collision data along the R172 which they were issued to the author "by another party". This data is not publicly available according to the Road Safety Authority (RSA) website and notes that this data cannot be shared until an internal review is completed (see **Figure 10** below). As such, the sharing of this data is a breach of the RSA guidance.

## Access to road s afety data

We are in the process of reviewing our road traffic collision (RTC) data sharing policies and procedures. Record level RTC data can't be shared until this review is complete.

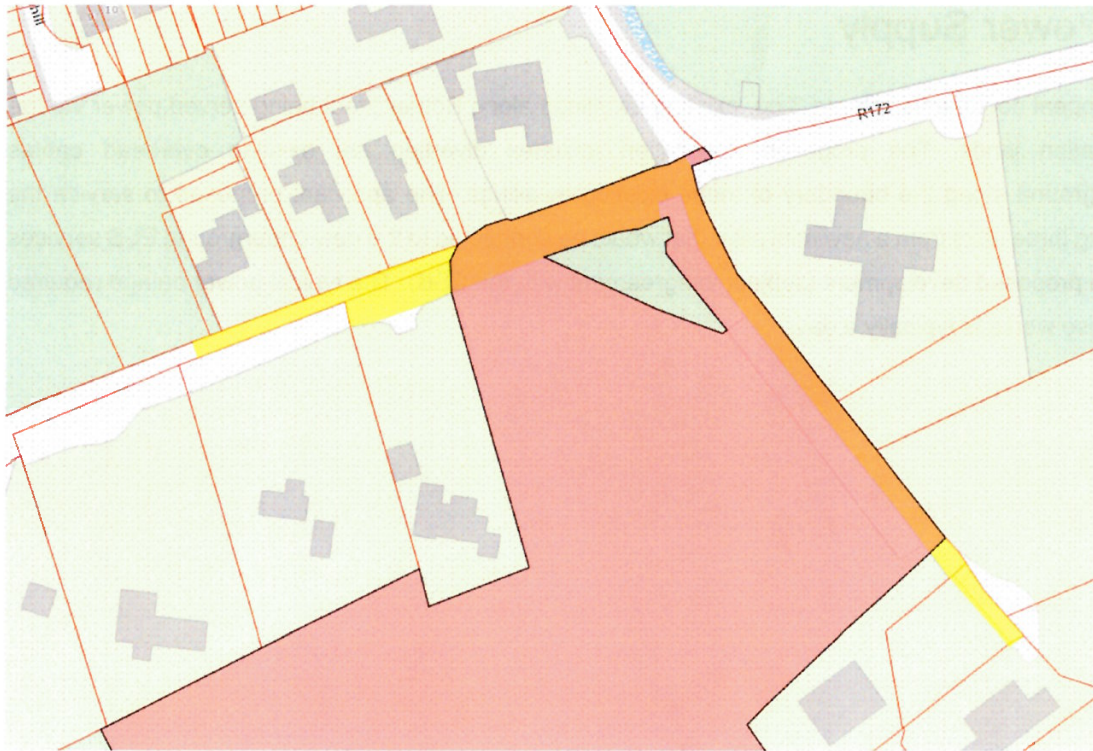
**Figure 10** Extract from the RSA website

## 6.5 Existing Footpaths along R172

The appeal documents refer to the existing footpaths along the R172 to the north of the proposed development entrance as being substandard in their opinion. The applicant would note that the desire line for vulnerable road users living in the proposed development will be along the internal roads and associated footpaths to the pedestrian / cyclist connection to Bothar Maol to the north of the proposed development site. The applicant would also note that the existing paths along the R172 are outside of the proposed application boundary and are in charge of the local authority.

## 6.6 Pedestrian Access off Bother Maol

The appeal documents refer to the rights of the applicant to propose a new pedestrian link onto Bothar Maol. The extents of the proposed new pedestrian connection to Bothar Maol is within the extents of the applicants lands under the Folio LH40115F. See **Figure 11** below.



**Figure 11** Extract from the Folio LH40115F from the land direct website

## 7 Power Supply

The appeal documents refer to 3 no. existing dwellings along Bothar Maol being served power via the application lands. The proposed application includes diverting the existing overhead cables underground along the boundary of these existing dwellings. The applicant proposed to service the existing three units from a new mini pillar that would be connected to the new underground ESB services for the proposed development (subject to agreement with the ESB). The typical power outage required for these works is typically a day.

Appellant Point of Appeal	Response
<p><b><u>Car Parking Provision</u></b></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ Over-provision of residential car parking</li> <li>◆ Over-provision of creche car parking</li> </ul>	<p><b><u>Residential Parking</u></b></p> <p>The previous SHD scheme (submitted in 2019) comprised of 483 residential units and proposed a total of 800 residential car parking spaces, at an overall ratio of 1.65 spaces per unit.</p> <p><b>Car parking for the proposed development has been provided in line with LCC Parking Standards.</b> The proposed application comprises 502 residential units, and will provide 742 residential car parking spaces, at an overall ratio of 1.47 spaces per unit. <b>The proposed provision is therefore lower than in the previous SHD scheme.</b></p> <p><b>This level of car parking provision is also in line with the ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’, published in 2024, set out different parking requirements depending on the location of developments. For ‘intermediate’ or ‘peripheral’ locations such as the Haggardstown site, the maximum rate set out in the Guidelines is 2 spaces per dwelling.</b></p> <p><b>Creche Parking</b></p> <p>The LCDP car parking standards for creches require 1 parking space for every 6 children. The proposed provision of 20 spaces is therefore in line with LCC standards.</p>
<p><b><u>R617 Junction Design</u></b></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ Speeds on the R617</li> <li>◆ Visibility splays</li> <li>◆ Northbound Bus Stop Design</li> <li>◆ Southbound bus stop</li> </ul>	<p><b><u>Vehicle speeds on R617</u></b></p> <p>Results from an Automatic Traffic Counter that was in place on the R172 at the location of the site entrance (see TA Section 3.11) show that the 7-day 85th percentile speeds at this location were 59.0kph northbound, and 57.3kph southbound, within the posted 60kph limit.</p> <p><b><u>Visibility Splays</u></b></p> <p>With reference to Table 4.2 of DMURS, for roads with a Design Speed of 60km/h, the Standard Stopping Distance (for roads on bus routes) is 65m. The 65m visibility splays at the proposed site access junction, in both directions, meet this standard.</p> <p><b><u>Northbound Bus Stop</u></b></p> <p>The proposed northbound bus stop will be located ~25m to the north of the site access junction. The NTA’s ‘Guidance on Bus Stop Locations in Rural Areas’, states that it is expected that bus stops will be located proximate to junctions, with the preferable location being on the exit from a junction. This is supported by Table 2 ‘Indicative Distances of Features from Bus Stops’ from the Draft NTA Bus Stop Guidance Document (Nov 22), which suggests an indicative distance after a side of road of 10m + bus length to the bus stop sign.</p>



	<p>The DOBA inline design ensures that none of the bus stop infrastructure (such as the shelter or sign) impedes the junction visibility splay, meaning that the splay would only be reduced by a stopped bus. There are currently seven buses per day that could potentially stop at the northbound bus stop, each of which might be expected to remain stationary for around a minute. This would mean that visibility would be impeded for around 7 minutes per day. During this period, drivers wishing to turn out of the development would likely wait at the stopline until the northbound bus moves away.</p> <p>Should LCC or ACP have concerns with the inline bus stop, an alternative off-line option has been provided, in which buses would stop in a layby to pick up and drop off passengers.</p> <p><b>Southbound Bus Stop</b></p> <p>The future potential southbound bus stop is located outside of the red line boundary and does not form part of this application. The design is presented to show how same can be accommodated at this location and could be brought forward by LCC / the Roads Authority, should the development gain consent.</p> <p>A second potential location for a southbound bus stop (which again would be delivered by LCC / the Roads Authority) has been identified by SYSTRA, on the eastern verge of the R172, approximately 120m to the north of the R172 / Bothar Maol Junction.</p>
<p><b>Collision Data</b></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ No review of historic data in the report.</li> </ul>	<p>SYSTRA requested accident data from LCC to assist in the preparation of the Transport Assessment. LCC's response (included in Appendix F) stated that:</p> <p><i>"We have been advised by the LGMA (Local Government Management Agency) that accident data cannot be shared at this time. This is due to GDPR issues which are currently with the Data Protection Commissioner for clarification. All publicly available collision data previously available from the RSA website has been taken down as can be seen on their website <a href="https://www.rsa.ie/road-safety/statistics/road-traffic-collision-data">https://www.rsa.ie/road-safety/statistics/road-traffic-collision-data</a>".</i></p> <p>The Road Safety Authority's website (accessed 19/05/25) confirm that this position still stands, stating: <i>"We are in the process of reviewing our road traffic collision (RTC) data sharing policies and procedures. Record-level RTC data can't be shared until this review is complete"</i>.</p> <p>It has therefore not been possible to incorporate a review of local accident data. This remains the case (accessed 07/01/26).</p> <p>SYSTRA has, however, undertaken analysis using the information supplied by the Appellant. The section of the R617 between Beauparc and Birches Lane (the section covered by the Appellant's supplied collision data) is 1km in length. Based upon the 12 recorded accidents between 1996 and 2015 (19 years' worth of data), and an assumed approximate average AADT of 8,000 vehicles (based upon 2025 surveys), the recorded accident rate on this stretch of the R617 is 0.216 per Million vehicle kilometres (MVKm). This is in line with TII's published average collision rate for '2 Lane, Single Carriageway' roads, which is 0.213 per MKVkm<sup>1</sup>. This suggests that whilst attention to road safety remains paramount, the accident rate on this section of the R617 is relatively typical for this class of road.</p>

<sup>1</sup> Project Appraisal Guidelines Unit 6.11 –National Parameters Values Sheet: Table 6.11.22



	<p>SYSTRA would note that the proposed access junction design, along with the nearby bus stop, has been subject to a Stage 1 Road Safety Audit. Should the development gain consent, the detailed design of the junction will be re-assessed by a Stage 2 RSA.</p>
<p><b>Site Accessibility</b></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ Site is remote from local services / facilities</li> <li>◆ Site will be car-dependent</li> <li>◆ Development relies on future transport schemes coming forward</li> <li>◆ Lack of current cycle infrastructure</li> <li>◆ No Bike to Rent scheme</li> <li>◆ No pedestrian route along Bothar Maol to N52</li> <li>◆ Narrow footway width on section of R617</li> <li>◆ School travel</li> </ul>	<p><b>Site Location / Car Dependency / Future Development</b></p> <p>The site will have similar accessibility to existing residential areas such as 'The Lookers'. Future accessibility will be improved through planned initiatives in the area, such as those set out in the Cycle Connects scheme (active travel), and Rural Mobility Plan (public transport).</p> <p>The site has been designed to complement and integrate with existing and future pedestrian and cycle infrastructure.</p> <p>The developer is not able to control wider walking / cycling / public transport initiatives in the Blackrock / south Dundalk area, but has considered the 'bigger' picture, in which the site forms part of these plans, by providing cycle and pedestrian connections through the site, which will ultimately form part of the wider planned network.</p> <p>The development aims to support walking, cycling and public transport use as much as possible by:</p> <ul style="list-style-type: none"> <li>• Providing very high-quality walking and cycling links within the site itself.</li> <li>• Ensuring that these links (particularly cycle links) will integrate with and support future Cycle Connects proposals which envisage a new Urban Primary Route along the R172, linking Blackrock and Dundalk (in addition to LCC's Greenway proposals), and the Urban Secondary Route along Bothar Maol.</li> <li>• Providing extensive cycle parking for residents, staff and visitors, throughout the site.</li> <li>• Providing space for two bike hire hubs within the site.</li> <li>• Providing space for two car-e vehicles within the site. 'Go Car' Ireland currently operate similar spaces in Blackrock Village and Dundalk Retail Park, and at six other locations in Dundalk. It is anticipated that they, or another similar company, will operate the spaces within the site.</li> <li>• Providing a new northbound bus stop on the R617, adjacent to the site entrance. The developer has also identified two locations for a potential southbound bus stop, which could be delivered by the Local Authority.</li> </ul> <p><b>Bothar Maol to N52 Link</b></p> <p>It is not within the client's gift to open up a route between Bothar Maol and the N52. This route is identified as part of the Cycle Connects proposals, but would need to be delivered by other parties.</p> <p><b>Narrow Footway on section of R617</b></p> <p>At the request of LCC, SYSTRA undertook a detailed assessment of existing footway provision within 500m of the site. As highlighted by the Appellant, the section between the new site access junction and Bothar Maol is narrow for a distance of 330m. Residents of the development are unlikely to use this section of footway. Those travelling to / from the north will use Bothar Maol. Those travelling to/ from the south will use the main site access junction. Footfall along the existing footway alongside the R617 is likely to remain similar at present.</p>



	<p><b>School Travel</b> Eligibility and applications for the main school bus services in County Louth are handled at a national level through the Department of Education and Bus Éireann. Free transport is generally provided to eligible children who live a certain distance from their nearest school (more than 2 miles for primary and 3 miles for post-primary students). School buses would be able to use bus stops on the R617.</p>
<p><b>Public Transport</b></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ Poor Public Transport Links</li> <li>◆ Lack of Bus Capacity study</li> </ul>	<p>A regular bus service runs in both directions along R172 Blackrock Road, between Blackrock and Dundalk. There are 17 timetabled buses throughout the day, 8 towards Dundalk, and 9 towards Blackrock. The journey time into Dundalk town centre is approximately seven minutes.</p> <p>A bus capacity survey was undertaken on Tuesday 11th November 2023 by IDASO Ltd at the R172 / Beaupark junction, which is located 230m to the north Bothar Maol. This is presented in Table 5 of the TA.</p> <p>Across the day, there was an average of 65 spare seats on each of the 9 services travelling towards Dundalk, and 63 seats travelling towards Blackrock.</p> <p>SYSTRA acknowledges that Bus travel will not be suitable for all journey purposes, but this demonstrates that there is currently capacity for ~1,152 two-way public transport trips from the site, sufficient to cater for predicted demand.</p> <p>The Connecting Ireland Rural Mobility Plan (2021-2026) proposes a new Local Route 168 that would run along the R617 past the site. This would integrate the existing 161 and 168 bus services and would see an increased frequency of buses between Drogheda and Dundalk.</p> <p>The Rural Mobility Plan has delivered over 180 new or improved bus routes across the country over the course of four years. The proposed new 168 service is therefore part of an ongoing and tangible programme of delivery, which is likely to be delivered in 2026, or shortly thereafter.</p>
<p><b>Travel Demand and Mode Split</b></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ TRICS trip rates not suitable</li> <li>◆ Mode split not appropriate</li> <li>◆ Calculated vehicle trips are an underestimate</li> </ul>	<p><b>Use of TRICS</b> Use of the TRICS database is the industry-standard approach used to calculate future travel demand from residential (and other developments).</p> <p>In this instance TRICS has been used to generate the overall level of travel demand to and from the site (Person trips), not the modal split.</p> <p><b>Mode Split</b> Following dialogue with LCC, the TA was updated to consider both Census 2022 data and CAP24 mode share targets. The TA therefore discusses, and accounts for:</p> <ul style="list-style-type: none"> <li>◆ Current modal split, obtained from 2022 Census data. The current modal split has been used to assess the traffic impact of the scheme.</li> <li>◆ Future 'target' modal split, as set out in CAP24 (now CAP 25 targets). The 'target' modal split is useful as it sets out future potential levels of walking, cycling and public transport use.</li> </ul>



	<p><u>Vehicle Trips</u></p> <p>The predicted number of vehicle trips generated by the site is set out in Table 17 of the TA. Each vehicle trip will include both drivers and passengers. Commuter peaks are visible in the projections, as is a spike around school collection time between 15:00 and 16:00. Between 08:00 and 09:00, 203 vehicles are predicted to leave the site, equivalent to one vehicle trip from ~40% of the houses on site. Between 17:00 and 18:00, 133 vehicles are predicted to enter the site, equivalent to one vehicle trip from ~20% of houses. SYSTRA contend that these figures are entirely reasonable.</p> <p>The traffic impact of the scheme has been fully assessed in the TA and found to be acceptable by LCC.</p>
<p><u>Mobility Management Plan</u></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ Proposed measures not credible, and targets are not achievable</li> </ul>	<p>LCC did not raise any concerns with the submitted MMP. The agreement of a Mobility Management Strategy has been set as a Planning Condition by LCC, which would need to be discharged prior to occupation of the residential units.</p> <p>The MMS will reflect the latest position of pedestrian, cycle and public transport infrastructure / schemes at the time of production.</p>
<p><u>Bothar Maol</u></p> <p>Points of concern relate to:</p> <ul style="list-style-type: none"> <li>◆ Suitability to accommodate increased pedestrian / cycle trips.</li> </ul>	<p>The proposed eastern access point on Bothar Maol provides the most direct route between the development and Dundalk. A new 2m-wide footway will connect the pedestrian access point into the development with the existing footway on the south / west side of the R172.</p> <p>To the west of the first pedestrian access point on Bothar Maol, Bothar Maol will operate as a shared surface between pedestrians, cyclists and vehicles.</p> <p>DMURS notes that shared surface streets are highly desirable where pedestrian activities are high, and vehicle movements are only required for lower-level access. SYSTRA would assess Bothar Maol, which will be well-used by pedestrians from the development, and which serves only 16 residential properties, as meeting this description.</p> <p>This approach is supported by the Cycle Design Manual, which confirms that where peak two-way traffic flows are less than 200pcu per hour, 'Mixed Traffic' provision for cyclists is suitable for most users. In this instance, given that Bothar Maol serves just 16 residential properties, it would be expected that peak hour traffic levels are likely to be significantly lower than 200 pcu per hour.</p> <p>The target design speed on Bothar Maol is 20km or less. The following measures that will be in place to reduce vehicle speeds on Bothar Maol:</p> <ul style="list-style-type: none"> <li>◆ Reduced corner radii at the reconfigured R172 / Bothar Maol junction, which will reduce vehicle speeds on approach to the Bothar Maol.</li> <li>◆ A raised table pedestrian crossing across Bothar Maol itself, which will slow vehicles upon entry.</li> </ul>

