

An
Bord
Pleanála

Board Order

ABP-318894-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/60113

Appeal by Andrews Construction Limited care of The Planning Partnership of The Bank Building, 52 Oliver Plunkett Street, Mullingar, County Westmeath against the decision made on the 18th day of December, 2023 by Louth County Council to refuse permission.

Proposed Development: Construction of 37 number residential units on a site of circa 1.68 hectares. The proposed development will comprise of the demolition of an existing single storey dwelling (102 square metres) and associated outbuildings, the construction of 37 number residential units (all two-storey), comprising: one number three-bed cottage, 32 number three-bed houses and four number four-bed houses, formation of 4,067 square metres of landscaped open space areas, 69 number 'in-curtilage' car parking spaces, 10 number 'visitor' parking spaces, a new primary vehicular and pedestrian access to the proposed development will be provided and associated residential estate roads. Whilst there is no change to the total number of units, the typology, eight number two bed duplex units of three-storey height, are now incorporated with an outlook over a new centralised open space area of 965 square metres and results in an increase in total open space within the proposal site. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths and ancillary works above and below ground and includes an

ESB substation, all at Old Golf Links Road, Haggardstown, Dundalk, County Louth; as amended by the revised public notice received by the planning authority on the 24th day of November, 2023.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development and the lack of adequate capacity at Blackrock wastewater treatment plant to accept wastewater from the facility, it is considered that the proposed development would be contrary to Objective IU6 of the Louth County Development Plan 2021-2027 and Objective INF4 of the Dundalk Local Area Plan 2025-2029 which require that all new developments connect to the public supply where public water and wastewater infrastructure is available or likely to be available and which has sufficient capacity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. The Commission further considered that the provision of a private on-site wastewater treatment plant as proposed by the applicant in the submission received by An Coimisiún Pleanála/An Bord Pleanála on the 28th day of March, 2025 would constitute a material change to the proposal which would require a new planning application.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission considered the additional information received from the applicant on the 28th day of March, 2025 in response to the notice issued under Section 132 of the Planning and Development Act 2000, as amended, including the details contained in the letter of Confirmation of Feasibility from Uisce Éireann dated the 19th day of March, 2025, and the revised proposal from the applicant to provide a private wastewater treatment system. The Commission considered that it had not been demonstrated that wastewater from the facility could be adequately collected and

treated, and that the proposal to provide a private on-site wastewater treatment facility represented a material change which would require a new planning application, and that in those circumstances it would not be appropriate to grant permission.

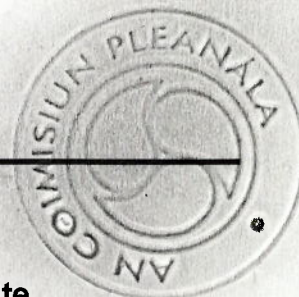
Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this *03* day of *July*

2025.