



Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2360476

APPEAL by Marina Quarter Limited care of Turley Planning of 4 Pembroke Street Upper, Dublin against the decision made on the 23rd day of January, 2024 by Louth County Council to refuse permission.

Proposed Development: (1) 502 number residential units ranging in height from one-three storeys comprising 26 number four-bedroom semi-detached houses 147.8 square metres gross floor area each; 210 number three-bedroom terraced houses and semi-detached houses ranging from 88.9 square metres – 100 square metres gross floor area, some of which include garden sheds; one number three-bedroom bungalow 111.5 square metres gross floor area; 214 number two-bedroom houses 73.6 square metres gross floor area each and 52 number one-bedroom maisonettes ranging from 56.5 square metres – 81.4 square metres gross floor area; (2) a two-storey creche circa 570.7 square metres gross floor area with associated external play area circa 813 square metres; (3) public open space totalling circa 4.69 hectares of which circa 3.09 hectares comprises strategic amenity space and private open space, private gardens serving the houses, bungalow and maisonettes; and (4) vehicular, cyclist and pedestrian access/egress and associated circulation routes including the construction of new dedicated entrance to the R172 Blackrock Road with a southbound right hand turning lane and a new northbound bus stop, two number new pedestrian access points routes to

Bóthar Maol and one number new pedestrian and cycle path access point along the north eastern boundary to Bóthar Maol. The development will also consist of: (5) 762 number car parking spaces including 738 number residential spaces, four number accessible visitor spaces and 20 number spaces serving the proposed creche; (6) electric vehicle charging infrastructure; (7) 660 number bicycle parking spaces, 502 number residential spaces; 120 number visitor spaces; six number long-term spaces for the creche; 16 number visitor spaces for the creche and 16 number shared spaces serving the proposed strategic amenity/public open space; (8) bicycle storage; (9) bin storage; (10) photovoltaic roof panels; (11) six number ESB sub-stations; (12) undergrounding and diversion of existing 10kV and 20kV overhead power lines; (13) provision of public lighting; (14) boundary treatments including gates, piers and railings; (15) equipped play areas; (16) public art and wayfinding; (17) all hard and soft landscaping; (18) provision of Sustainable Urban Drainage Systems; (19) one number type three wastewater pumping station and associated 24 hour underground emergency storage tank; and (20) all other site excavation, infrastructure and development works above and below ground, including changes in level, cut, fill and the infilling of lands, retaining features, resurfacing and site servicing foul and surface water drainage and water supply, at Haggardstown, Dundalk, County Louth.

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 Louth County Development Plan 2021-2027, to the totality of the information on file and particularly to correspondences from Uisce Éireann, the Board was not satisfied a sufficiently developed

commitment and specific timeframe has been provided that demonstrates the proposed development would have access to an effective wastewater treatment system. The proposed development would be premature having regard to the existing deficiency in the capacity of sewerage facilities, which would set an undesirable precedent for other similar developments in the surrounding area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted in the correspondence from Uisce Éireann that the wastewater connection "...to the north as proposed by the developer would add flows to the Coe's Road pumping station which does not have capacity for the development." Furthermore, Uisce Éireann estimated this capacity upgrade to be completed in 2027. The Board acknowledged the recommendation of the Inspector to grant the 10-year application with the condition that the proposed development would not commence until the upgrade works are completed. However, on balance and in these particular circumstances, the Board considered the estimated timeframe for the required upgrade was not substantiated by demonstrable commitments from Uisce Éireann and, in the absence of this and there being no realistic alternative proposed by the applicant, the Board decided the proposed development would be premature by reference to the existing deficiency in pumping station capacity.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *7th* day of *June*, 2024.