

## **1.0 INTRODUCTION**

This submission seeks the reinstatement of the lands identified as DLR2 – Lands north of Mountain View Road and east of the R132 to Rural Protection Zone from the A2 Residential zoning as proposed under Material Alteration DLR2. As required by Louth County Council to comply with the provisions of the Data Protection Act, the name and address of the person making the submission is provide on a separate page.

## **2.0 SECTION 12(11) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)**

It is submitted that this proposed material alteration cannot reasonably, logically and/or rationally be considered as being in compliance with Section 12(11) of the Planning and Development Act 2000 as amended which restricts members to considering the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies for the time being of the Government or any Minister of the Government.

The above is compounded when considered in the context of proposed material alteration DLR3 for the de-zoning of my client's lands identified as DLR3 – Lands south of the Motte, Dunleer from residential A2 to open space. My Client has made a separate submission with regard to his lands at DLR3.

Our Client wishes to express his grave concern that the availability of crucial information has been delayed to allow this submission to be made based on all relevant information, and especially with respect to Section 12(11) of the Act. The submission period for the material alterations is from 29<sup>th</sup> June 2021 to 4pm on Wednesday the 28<sup>th</sup> July. However, the minutes of the Council meetings where this proposed material alteration was discussed and voted on were only made available on the 20<sup>th</sup> July. The implications of that is that the period under which submissions can be made, with full and necessary information available, is reduced to a maximum period of 9 days (20<sup>th</sup> July to 28<sup>th</sup> July).

## **3.0 REPORT OF THE CHIEF EXECUTIVE OF THE COUNCIL ON LAND ZONING AT DUNLEER**

Regarding DLR2 it is noted that this was submission LCDPDR058 in the Report of the Chief Executive (CE) on the Draft Plan. The Report of the CE on these lands not only notes that no map was submitted with that submission but that the CE "assumed" it was at a particular location. The CE recommends no change to the zoning from that contained in the draft Plan. With regard to the submission the CE states there is sufficient land available for residential development in Dunleer and that – *"In conclusion, the quantum of residential land identified for development has to be aligned with the housing demand for each settlement as set out in the Core Strategy. The identification of any additional lands would result in the Plan being inconsistent with the Core Strategy and national and regional policy. It is therefore recommended that no change is made and these lands remain outside the development boundary of Dunleer"*.

With regard to the DLR3 lands which are owned by my Client, in response to a submission seeking the rezoning of the lands from Residential to Open Space the Report of the CE again notes that no map accompanied the submission the CE assumes the location of the lands and concludes – *“The Dunleer LAP specifically identifies that the zoned new residential lands which are the subject of this submission through their development”*.

The CE Report recommends that the DLR3 lands remain zoned for residential development and states –

*“Inclusion of the subject lands for residential purposes within the development boundary of Dunleer will contribute to sequential, sustainable and compact growth and transition to a low carbon, climate resilient society. Development of these lands in accordance with the policies of both the Dunleer LAP and the Draft Plan will protect the built and natural heritage of the site in a sensitive manner. It is therefore recommended that no change is made and these lands remain within the development boundary of Dunleer”*.

#### **4.0 PLANNING HISTORY OF DLR3 LANDS**

The landowner has made three planning applications on these lands and in all cases Louth County Council has issued a notification of decision to grant planning permission (PA Refs. 18/ 360 – ABP Ref. 302779-18; 19/212 ABP 305231-19; 20/707 ABP 310345/21). Applications 18/360 and 19/212 were appealed and whilst refused by An Bord Pleanála the Bord decided that the principle of residential development was acceptable on the site with the refusals restricted to design and layout matters. In response to the refusal my client lodged application 20/707 and this application for which a notification of decision to grant planning permission was issued by Louth County Council is now also subject to appeal. According to the An Bord Pleanála website the case is due to be decided by the 29<sup>th</sup> September 2021. This will be before the new Louth County Plan comes into force, which could lead to the bizarre situation where planning permission for residential development is granted on land now zoned for open space.

#### **5.0 THE MATERIAL ALTERATIONS IN DUNLEER**

The updated IALUE for Dunleer makes no reference to the site proposed under DLR2 of the material alterations. The updated IALUE states with respect to Dunleer that an additional 2 sites were examined and these are identified as sites 4 and 5 in the updated IALUE. It states – *“This document should be read alongside Appendix 2 of Volume 3 of the Draft County Development Plan. The sequencing of the numbering of the sites continues on from the numbering of the final site examined in each settlement in Appendix 2”*.

With a score of 7 Site DLR3 ranked by far the best of the three site assessed in Dunleer. The material alterations updated IALUE assessed two additional sites, both west of the R132 to the north of the town. These are identified as sites 4 and 5. Both these site scored worse than the DLR3 site. It is extremely disconcerting that proposed material alteration site DLR2 was not assessed under the IALUE at any time in the plan-making process, yet the elected members propose to de-zone site DLR3 from residential to open space and add a site DLR2 that was not even assessed as part of either the original IALUE or updated IALUE.

## **6.0 COUNCIL DEVELOPMENT PLAN MEETING MINUTES**

The material alterations as they affect both of the sites in question were discussed at the Special Planning Meeting to consider the Chief Executive's Report on Submissions on the Draft County Development Plan on 24<sup>th</sup> May 2021. According to the 'approved' meeting minutes the proposal to expand the settlement boundary to include site DLR2 was made by a single Elected Member. The same Elected Member also proposed that site DLR3 be de-zoned to Open Space. The minutes refer to a "discussion" taking place. Given the very strong planning policy based recommendation of "no change" to the DLR2 site by the Chief Executive, it is extremely troubling however that no planning or evidence based justifications for either amendment have been recorded as part of that discussion (Rezoning of DLR3 site from residential to open space or rezoning of DLR2 site from RPZ to Residential). Furthermore, as one would have expected given the amendment involves redrawing the settlement boundary outwards in the opposite direction of the town centre there is no reference or explanation as to why the site was not subject to an IALUE unlike all other sites that were considered for residential development, including site DLR 3, as part of the Development Plan review. The Minutes simply state,

*"Following a discussion on this matter Cllr. Hugh Conlon proposed to dezone lands at Barn Road and rezoned approx. 3 ha of lands mentioned in submission DR058".*

In the absence of this information, it is submitted that the Elected Members did not take into account the proper planning and sustainable development of the area as they are obliged to under Section 12(11) of the Act.

Logically and with the application of any rational assessment, if the elected members wish to add site DLR2 then either site 4 or 5 should be removed. It is strongly contended that removing the site with the best IALUE assessment (DLR3) cannot be justified in terms of the proper planning and sustainable development of the area the statutory obligations of any local authority in the area and any relevant policies for the time being of the Government or any Minister of the Government.

Given the above, serious questions arise regarding the SEA for the proposed material alterations and how, the SEA as undertaken for these lands.

It is further submitted given the above that the elected members have not adhered to the relevant policies for the time being of the Government or any Minister of the Government as they are required by law to do.

## **7.0 CONCLUSION**

My Client seeks that proposed material alterations DLR2 is not adopted and that the adopted zoning for the DLR2 lands is Rural Protection Zone as per the draft Plan and the recommendation of the Chief Executive.

In light of the above, my Client wishes to state he reserves all rights with respect to challenging the process and procedures in this case.

Please also be advised that this submission is being forwarded to the Office of the Planning Regulator.