

Forward Planning Unit
Development Plan Review
Louth County Council
Town Hall
Crowe Street
Dundalk
Co. Louth
A91 W20C

18th December 2020

Submission to Draft Louth County Development Plan 2021-2027

Dear Sir/Madam,

We refer to the above and the public notice confirming that The Draft Louth County Development Plan 2021-2027 has been on public display from Wednesday 14th October 2020 and inviting submissions in respect of same. We have been requested by our client Arabtec Capital Unlimited of 2 Penguin Place, Newry, Co. Down BT341HP to prepare the following submission in respect of the Draft Louth County Development Plan 2012-2027.

This submission relates to two sites and subject lands are shown outlined in red below.



Figure 1: Site A (John Street)



Figure 2: Site B (Heathergate)

Site A

The subject site A is shown outlined in red above, comprises of 2.6HA the roughly rectangular in shape with a dogleg to the south where the entrance is located. The site is bounded to the south by a row of houses, to the north by the river Dee, to the east by a number of light industrial/warehouse units and to the west by a vacant warehouse unit. The site is located to the southwest of Ardee town centre on John Street only 450 metres from the Main Street. The site is currently used for agriculture. There is an existing wayleave running along the northern edge of the site to the river. The subject site is serviceable by water and sewerage. There is a public footpath and public lighting to the front of the cottages at the southern end of the site. There is an existing school opposite the subject site and the applicant confirms that lands will be made available for the creation of additional parking to serve the school to alleviate traffic congestion at school drop off and collection times.

Site B

The subject lands are located on the southwestern side of the town. The lands are largely rectangular in shape and are bounded to the east by an existing residential estate (name) to the north, south and west by agricultural lands. The lands are fully serviceable by water and sewerage and are within the 50kph speed limit.

This submission is accompanied by reports from Denis Williams Engineers confirming that both sites are fully serviceable – See Appendix A below.

We would also note that our client previously built the existing and adjoining Heathergate residential development to the immediate east of Site B as per Figure 2 above. As part of that development, they provided (at their own cost) the significant water and sewerage services to a size and capacity that would serve not just that development but also the adjoining Site B lands the subject of this submission. These services are all in place as detailed in Appendix A report.

In this regard we would contend that the zoning of these lands which have existing services directly available is preferable to the zoning of other greenfield lands in the LAP area which would require significant investment in physical infrastructure before they could be considered viable for residential development.

Current Zoning

Site A is currently zoned Industrial and Related Uses in the Ardee Local Area Plan 2010-2016. The zoning objective for Industrial and Related Use zones states as follows:

“To protect existing industrial activity and to provide for new industrial and related uses.”

“EE 3 To require that industrial and commercial lands be developed to a very high standard in campus style settings, combining aesthetics with enterprise and attracting high calibre business occupiers, in compliance with the Development Management Standards for Industrial and Commercial Developments as set out under section 7.2 of the Louth County Development Plan 2009-2016 and Section 9 of this Plan and where appropriate policies in relation to road infrastructure as set out by TC 5 to TC8 of the Louth County Development Plan 2009-2016.

Policy EE 4 To ensure that sufficient land is zoned for a variety of industrial, commercial and associated uses. EE 5 To require that industrial and commercial lands be developed to a very high standard in campus style settings, combining aesthetics with enterprise and attracting high calibre business occupiers in accordance with the Development Management Standards for Industrial and Commercial Developments as set out in the Louth County Development Plan 2009-2015”.

Site B is currently zoned Strategic Land Reserve in the Ardee Local Area Plan 2010-2016. This portion of lands is one of 62.6 hectares of land which were zoned Strategic Reserve in the previous Local Area Plan. This Zone 10 (Strategic Land Reserve) was intended to be reserved for future development.

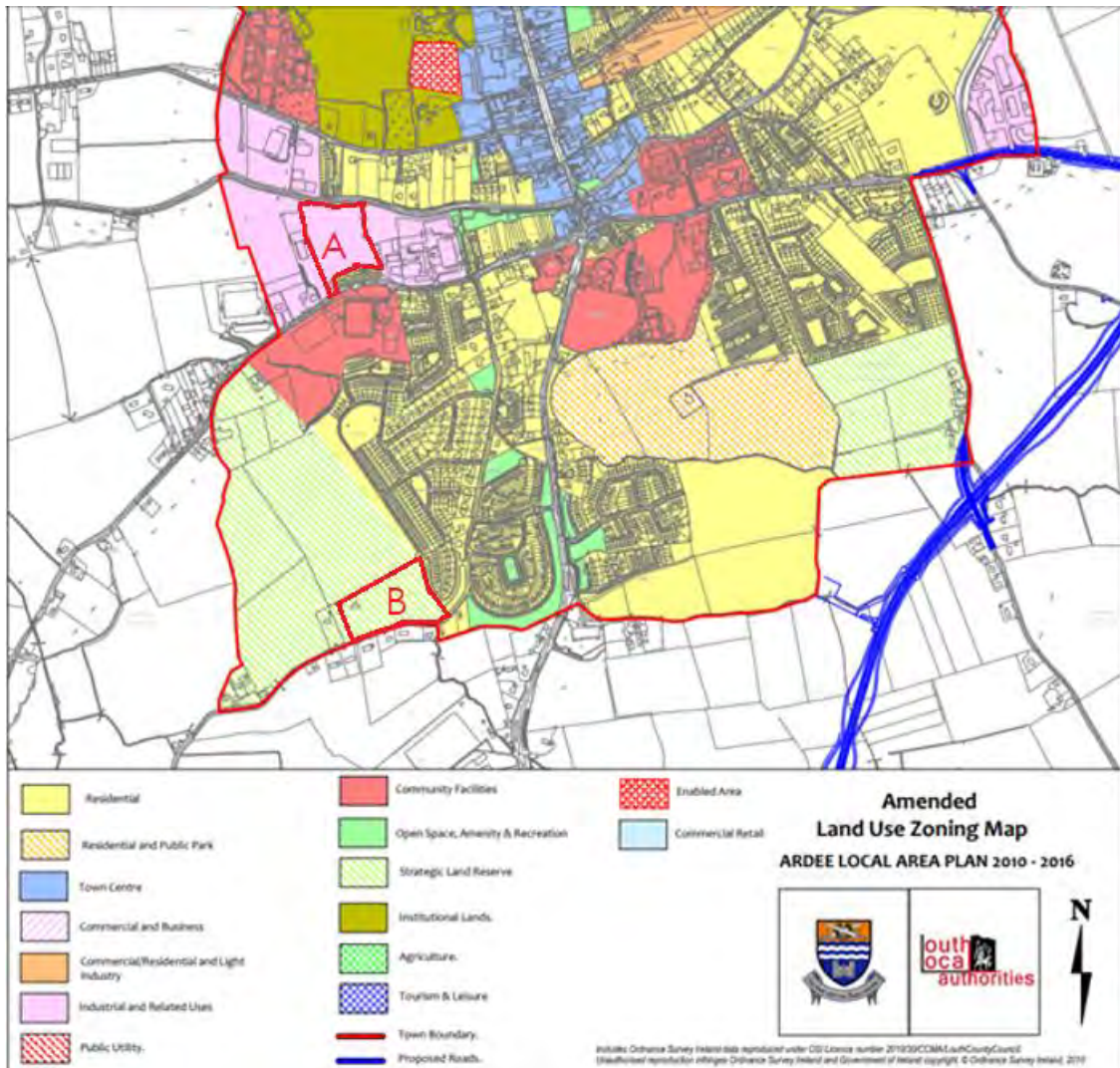


Figure 3: Extract from Ardee Local Area Plan showing the zoning of the subject lands outlined in red.

Aim of this submission

The purpose of this submission is to identify the subject lands to the Planning Authority and highlight their suitability for residential development and request that the Draft Development Plan be amended so that both sites are zoned Residential in the forthcoming Development Plan.

An inspection of Site A and surrounding area would suggest that the site may no longer be suitable for Industrial Related uses.

The site is within short walking distance of the Main Street (c.350m to the east). It is directly opposite Ardee Community School and a medical centre. There is a pharmacy close-by and a number of other retail units in the vicinity. The location would be ideal for a high quality affordable residential development and would make best possible use of land so close to the town centre. The site would be ideally suited to residential development and would be in accordance with the National Planning Framework (NPF) which promotes compact urban residential growth at such locations.

Figure 3.2 Large Scale Residential Commitments

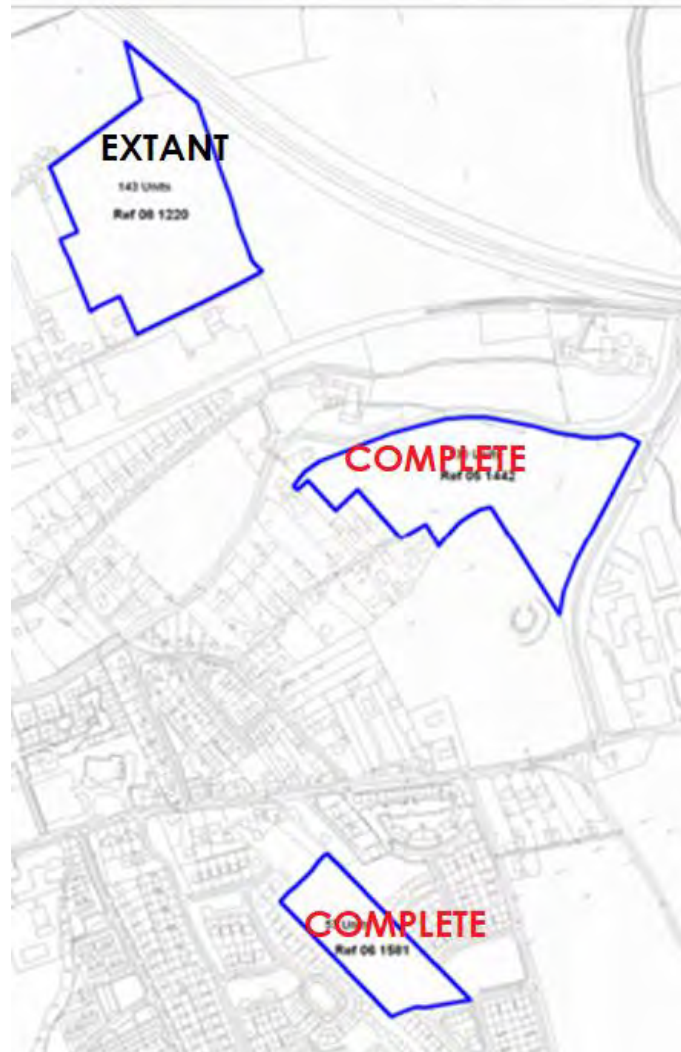


Figure 4: Extract of Figure 3.2 of Current Ardee LAP Showing Extant Permission to East of Town Centre. However, 2 of these sites have since been developed and only one remains extant.

A review of the current Development Plan map would show that the subject site is closer to the town centre than other existing residentially zoned lands that were promoted for residential development (See Figure 4 above) c.600-750m to the east of the town centre . The aerial photo below shows the location of the lands which were previously zoned residential in the Local Area Plan 2010-2016.

The allocation of residentially zoned land in the previous Local Area Plan for Ardee was based on the presumption that there would be the delivery of units permitted in 2010 as shown in Figure 3.2 the details of which are set out in Section 3.5.2 of the previous Local Area Plan.

“3.5.2 As of May 2010, planning permission has been granted for three large scale residential developments totalling some 330 new dwelling units. These permissions have not been implemented to date. Figure 3.2 illustrates the location and extent of these permissions. These permissions alone, if implemented, would permit a population growth in excess of 891 persons”.

The aerial photo shows the location of the subject lands. We can confirm that two of these permissions have been carried out and completed. Only the permission at Cappocksgreen remains extant. That permission for 143 units (Ref. 08/1220) was granted over 11 years ago and was granted a 5 year extension in April 2019 (ref. 19/178) until August 2024. To date the development has not been completed.



Figure 5: Aerial Map of Zoned Residential Sites to East of Town Centre and Current Status. Only One Site is Undeveloped.

For the purpose of this submission, we have also carried out a review of the status of other residentially zoned lands within the LAP and whether development has taken place on same over the life of the LAP. This was done using Myplan.ie.

This desktop examination involved a review of which of the residentially zoned lands had been developed. It would appear that the majority of residentially zoned lands are not fully developed but have been the subject of recent planning permissions, the details of which are set out below.

Based on the information available it would seem that planning permission for a total of 646 units has recently been granted. The locations of these applications are plotted on the zoning map below and the details of these applications are also set out hereunder:

The Ardee Partnership Lands at Bridgegate, Rathgory & Mulladrillen, Drogheda Road, Ardee

Planning Application Reference - 19549

Permission to amend and supersede elements of the development permitted under Reg. Ref: 10/174 (An Bord Pleanála Ref. PL15.238053 for 281 dwellings), which is presently under construction. The proposed development will consist of the replacement of 6 no. dwellings within Phase 1 of the permitted development. Proposed dwellings comprise of 6 no. semi-detached, 3-bedroom, two-storey units, landscaping, car parking and associated infrastructure and will replace 6 no. semi-detached units and landscaping, car parking and associated infrastructure at the same location. The total gross area of the proposed development equals c. 642sqm. No other changes are proposed.

Planning Application Reference - 19353

Permission for a residential development on a site with an area of c.3.01 hectares. The proposed development amends and will supersede elements of the development permitted under Red. Ref. 10/174 (An Born Pleanala Ref. PL15.238053), which is presently under construction. The proposed development will consist of the construction of a total of 52 no. residential houses (replacing previously permitted dwellings at the location) comprising of the following - 11 no. 2 bed terrace two storey dwellings (Type 1); 26 no. 3 bed semi-detached two storey dwellings (Type 2); 7 no. 3 bed detached and semi-detached two storey dwellings (Type 3); 8 no. 4 bed semi-detached two storey dwellings (Type 4). Vehicular access for the residential units will be provided via the adjoining permitted residential development (Louth County Council Reg. Ref. 10/174, currently under construction). The total gross floor area of the proposed development equals c.5,553sqm. The proposal includes all associated site works, internal roads, cycle ways and footpaths, the provision of public park area, car parking spaces, landscaping, boundary treatments, and foul and surface water drainage.

Planning Application Reference 19336

Permission for a residential development on a site area of c.3.70 hectares across 2 no. parcels of land and is located in the townland of Rathgory and Mulladrillen. The proposed development amends and will supersede elements of the development permitted under Reg. Ref. 10/174 (ABP Ref. PL15.238053), which is presently under construction. The proposed development will consist of the construction of a total of 65 no. residential houses (replacing the previously permitted dwellings at the location), comprising of the following: 18 no. 2 bed terrace two storey dwellings (Type 1); 23 no. 3 bed detached and semi-detached two storey dwellings (Type 2); 12 no. 3 bed detached and semi-detached two storey dwellings (Type 3); 4 no. 4 bed semi-detached two storey (Type 4); 2 no. 4 bed detached two storey dwellings (Type 5); 6 no. 3 bed semi-detached two storey dwellings (Type 6). The proposed development also provides for a community facility extending to 176sqm gross floor area and a crèche building with a gross floor area of 378sqm, which will replace previously granted crèche and commercial units at the location. Vehicular access for the residential units will be provided via the adjoining permitted residential development (Louth County Council Reg. Ref. 10/174, currently under construction). The total gross floor area of the proposed development equals c. 7,348sqm. The proposal includes all associated site works, internal roads, cycleways and footpaths, the provision of public open space, car parking, landscaping, boundary treatments and foul and surface water drainage.

Dawsons Demesne

Planning Application Reference - 13132

*Extension of Duration of planning permission 06/1843 which consists of (P) construction of 105 residential units and 1 creche facility as follows: (1) 9 no. 2.5 storey 5 bed detached dwellings (house type 1) (2) 22 no. dormer style, 4 bed semi-detached dwellings (house type 2); (3) 25 no. ground floor, 2 bed apartments with 25 no. 3 bed townhouses overhead constructed in 7 separate 2.5 storey buildings (house type 3); (4) 8 no. 2 storey 4 block terraced dwellings with a mixture of 2 & 3 bed units, constructed in 2 blocks of 4 units (house type 4); (5) 4 no. 2 storey terraced dwellings in a single block (house type 5A); (6) 12 no. storey terraced dwellings in 2 blocks of 5 units (house type 5B); (7) 1 no. creche facility & secured soft play area; (8) all associated carparking, open space, foul pumping station and associated site development works. **An Bord Pleanála's (Ref. PL15.224978) decision made on 17/08/07 to Grant states that as per Condition no. 2 the houses on site no.'s 11-20 to the north-west shall be omitted *.*

Permission expired on 15/4/18

Cappocksgreen

Planning Application Reference - 19178

Extension of Duration: Permission for (a) Ten year Permission for development on part of site consisting of (i) 138 dwelling units (92 houses, 46 apartment/duplex units), some dwelling units incorporating balconies to street and to rear gardens, (ii) 3 storey creche / office building comprising 210m² creche at ground floor & 465m² at part ground floor, first floor & second floor; (iii) associated site development works and 264 carparking spaces. (b) Outline Permission for development on part of site consisting of (i) 3 storey retail/commercial building and single storey retail building comprising, in total, 1900sq m (ii) associated site development works and carparking at ground level and basement level. All on site of 4.6 hectares at Cappocksgreen, Ardee, Co. Louth, bounded at north by N33 Ardee Link Road and at south by Sean O'Carroll Street (Significant Further Information received on 20th May 2009 1. The omission of previously proposed crèche / office building & the repositioning of Public Plaza; 2. The inclusion of 5 additional dwelling units; 3. the adjustment of the area being the subject of application for outline permission to include an adjustment of the proposed development thereon & the provision of a reserved location for future crèche).

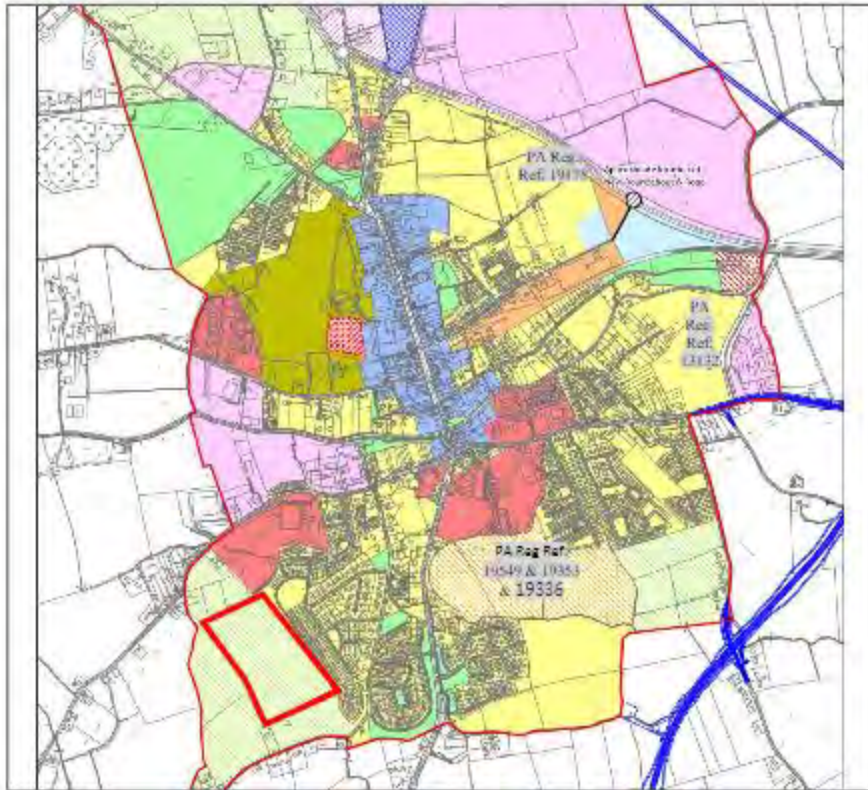


Figure 6: Zoning Map showing the locations of extant permission pertaining to the subject lands.

In line with government policy of “use it or lose” it we would suggest that in the future development plan we would request that other lands which were zoned but did not engage with the planning process in terms of delivery of residential accommodation should not have the benefit of retaining residential zoning into the future indefinitely.

Having regard to the fact that our client’s lands are accessible to the town centre by foot and are serviceable by water and sewerage and are in close proximity to community facilities such as the school, medical centre, pharmacy and other retail units it would be ideally located for the development of residential accommodation.

Flooding

A substantial portion of lands zoned Residential in the Draft Development Plan to the east of the town are located in Flood Zone A and therefore should not be zoned Residential. To knowingly zone lands in an area which is identified as being a flood zone is contrary to the principles of the “*The Planning System and Flood Risk Management Guidelines for Planning Authorities*”

The following extracts are taken from said Guidelines:

“For those lands being considered for zoning for development, the SFRA should indicate: Whether the proposed development is likely to be affected by current or future flooding from any source; Whether the proposed development will increase flood risk elsewhere; Whether there are appropriate measures to deal with these effects and risks; and Whether the risks can be reduced to an acceptable level to enable the passing of the Justification test if this is appropriate”.

Having reviewed the SFRA we do not consider that the foregoing questions have been answered in regard to the site specific flooding of lands zoned residential in Ardee.

We consider that to continue to zone such lands could give rise to future flooding and could give rise to an increase in flooding elsewhere. No appropriate measures to deal with flooding have been identified and no measures have been proposed to ensure that the risks can be reduced in order to pass the justification test.

The Guidelines state:

‘The Planning System and Flood Risk Management’ guidelines describe good flood risk practice in planning and development management. Planning authorities are required to have regard to the Guidelines in the preparation of Development Plans and Local Area Plans, and for development control purposes. The objective of the ‘Planning System and Flood Risk Management’ guidelines is to integrate flood risk management into the planning process, thereby assisting in the delivery of sustainable development. For this to be achieved, flood risk must be assessed as early as possible in the planning process. The Guidelines state that the core objectives are to:

- **Avoid inappropriate development in areas at risk of flooding;**
- **Avoid new developments increasing flood risk elsewhere, including that which may arise from surface run-off;**
- *Ensure effective management of residual risks for development permitted in floodplains;*
- *Avoid unnecessary restriction of National, Regional or Local economic and social growth”;*

The opportunity exists to avoid new development in this flood plain by zoning our client’s lands residential instead and rezoning the floodplain for amenity purposes such as green space.

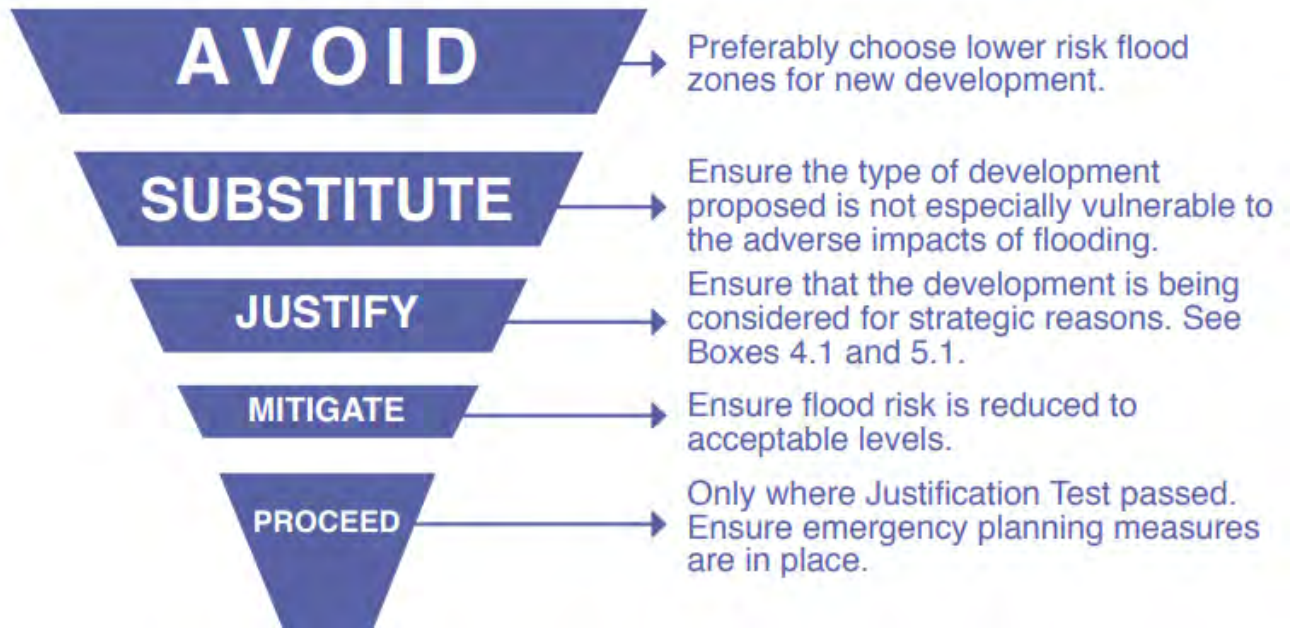
There is no reason why this floodplain should remain zoned and to continue this zoning would be contrary to the Guidelines and to the proper planning and sustainable development of the area.

Section 4.3 of the Guidelines states:

“4.3 Sequential Approach Principles in Flood Risk Management

Where rezoning is not possible, exceptions to the development restrictions are provided for, by way of a Justification Test. *Many towns and cities have central areas that are affected by flood risk and have been targeted for growth. In County Louth, these include the Regional Growth Centres of Drogheda and Dundalk as identified in the RSES for the Eastern Midland Region. To allow the sustainable and compact development of these urban centres, development in areas of flood risk may be considered necessary. For development in such areas to be allowed, the Justification Test must be passed. The Justification Test has been designed to rigorously assess the appropriateness, or otherwise, of such developments. The test is comprised of two processes; the Plan-making Justification Test, which is undertaken for zoned settlements, and the Development Management Justification Test. This is used at the planning application stage where it is intended to develop land that is at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be considered inappropriate for that land. Tables 7 and 8 below, indicate those types of development that would be appropriate to each flood zone and those that would be required to meet the Justification Test. **Only if there are no reasonable sites available in zones of low flood probability should consideration be given to development in higher flood probability zones”.***

The floodplain which has been designated for Residential Zoning in the Draft Plan should be avoided as it is in a peripheral location and is not fundamental to the expansion of the town of Ardee. Our client's lands are located closer and are fully serviceable by all utilities and are not liable to flood. In accordance with the above policy highlighted our client's lands should be considered as an appropriate alternative to zoning lands in a flood zone A. No justification test for these lands has been carried out.



Conclusion

Having regard to the foregoing and to the following:

1. The location of the subject lands within walking distance of the town centre,
2. The proximity of the subject lands Site A to the school opposite and to other community services such as the health centre, pharmacy and nearby shops,
3. The fact that the majority of residentially zoned lands have now got the benefit of planning permission in the last 12 months and some of the development is under construction,
4. The remaining residentially zoned lands are peripheral and remote from the town centre and have not made any effort to secure planning permission or deliver residential accommodation,
5. National policy in respect of “use it or lose it” for residentially zoned lands to ensure the adequate delivery of residential accommodation.
6. The National Planning Framework policy of delivering accommodation within urban centres,
7. The fact that Site B was zoned Strategic Reserve in the previous Development Plan indicated the Council's support for the future development of same in the future plans.
8. The demand for affordable accommodation in Ardee,
9. Some of the lands currently zoned residential in the Draft Development Plan are located in Flood Zone A and should therefore be avoided in line with Government Guidelines having regard to the availability of alternative lands suitable for residential accommodation such as our client's lands. The dezoning of these floodlands and their replacement with our client's lands would not increase the quantum of lands zoned residential in the Ardee area and would therefore comply with the core strategy.

we would request that such lands be considered in the preparation of the core strategy.

Yours sincerely,



Trevor Sadler

APPENDIX A

DENIS WILLIAMS ENGINEERS SERVICE REPORTS

Re: Development lands at Ardee, Co. Louth.

Dear Sirs,

Please see below site Location and associated photographs for the lands adjacent to Heathergate Crescent development at Ardee, Co. Louth, which are serviced.

There are spurs to the site for ESB, Gas, Water and Surface Water & Foul Drainage services for future development. Live connections to these utilities will require applications to the various Utility Providers in line with normal procedures for development connections.



Satellite Image: Site Location



Photograph 1: Surface Water manhole at Location 1 for connection.



Photograph 2: Surface Water manhole at Location 1.



Photograph 3: Surface Water and Foul manholes at location 2 for connection.



Photograph 4: Surface Water manhole at Location 2.



Photograph 5: Foul Drainage manhole at Location 2.



Irish Water Services Map



Gas Network Services Map

We trust the above is in order.

Yours Sincerely,

Vincent Osborne

Vincent Osborne

Re: Development lands at Ardee, Co. Louth.

Dear Sirs,

Please see below site Location and associated photographs for the lands at John Street, Ardee, Co. Louth.

There are services easily accessible in the public realm or within the subject lands for any future development in relation to ESB, Gas, Water and Surface Water & Foul Drainage services in the site for future development. Live connections to these utilities will require applications to the various Utility Providers in line with normal procedures for development connections.



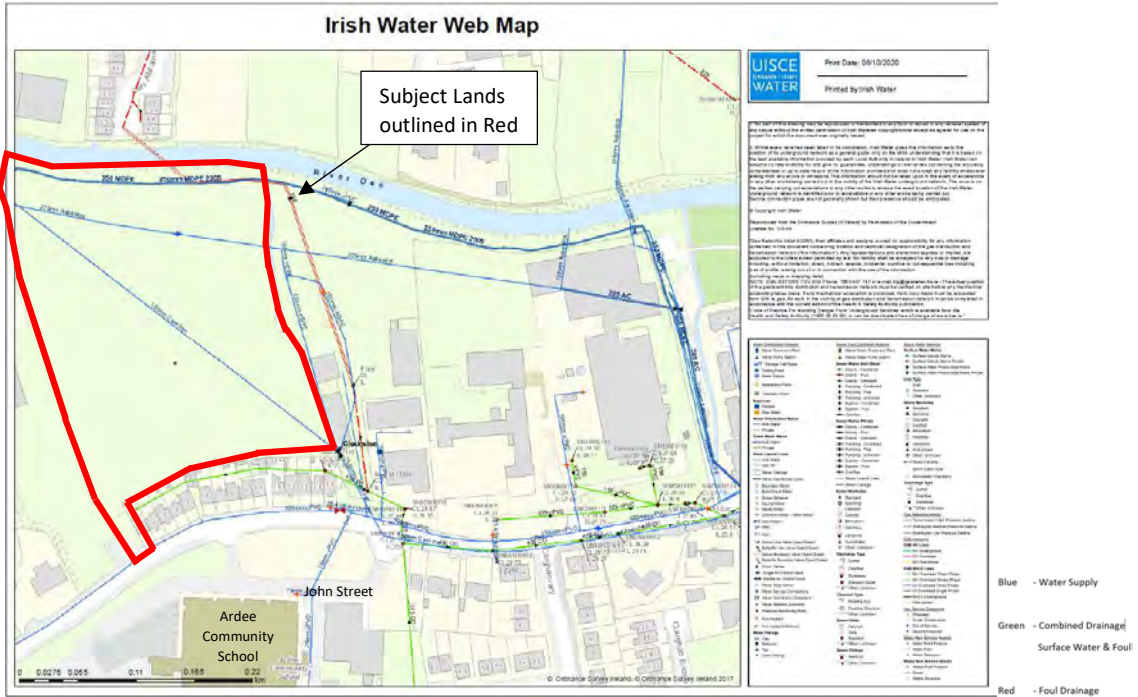
Satellite Image: Site Location



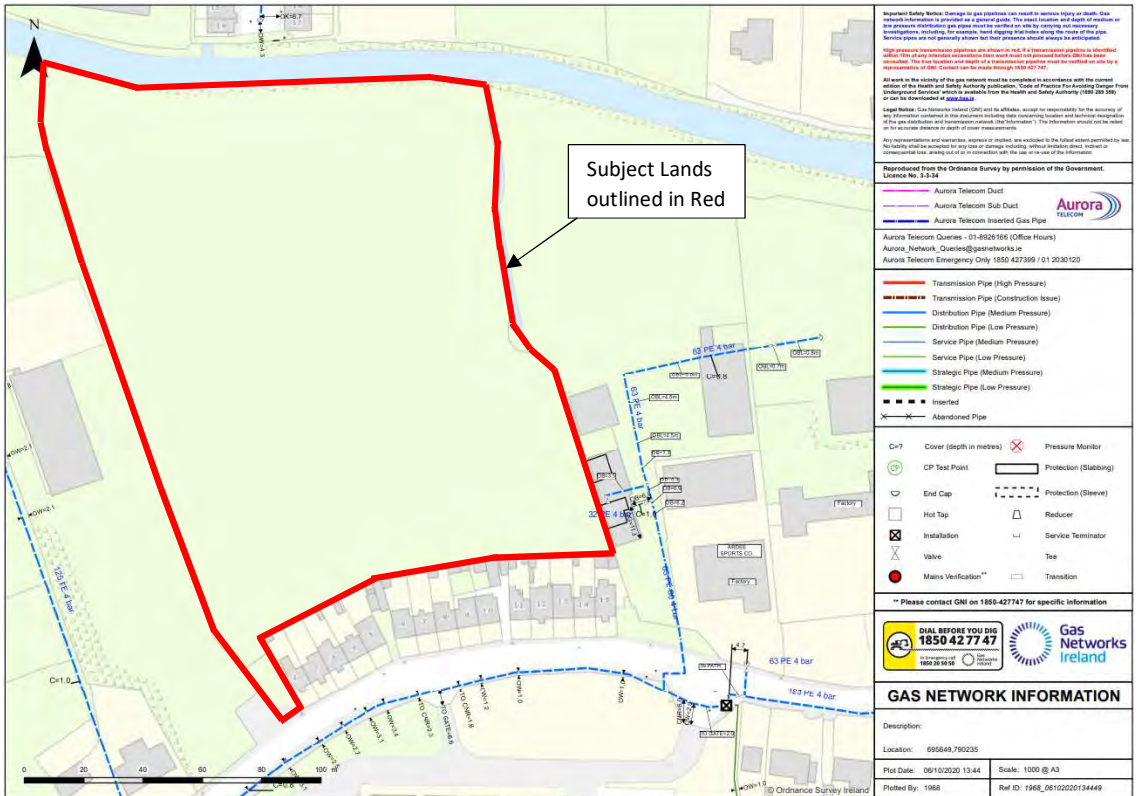
Photograph 1: Taken from Location "X" looking South.



Photograph 2: Taken from Location "X" looking North.



Irish Water Services Map

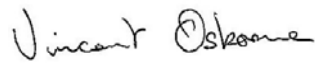


Gas Network Services Map

The River Dee is located to the north of the site and provides an outfall for the surface water in a controlled manner restricting flow to pre-development levels in line with best practice and policies. Other utilities are in the vicinity of the site in the public roadway on John Street, which can service the site. Live connections to these utilities will require applications to the various Utility Providers in line with normal procedures for development connections. Connections to the utilities will be in accordance with the Utility Providers conditions and agreement, which are standard practice.

We trust the above is in order.

Yours Sincerely,

A handwritten signature in black ink that reads "Vincent Osborne". The signature is written in a cursive style with a horizontal line underneath it.

Vincent Osborne