

Forward Planning Section
Louth County Council
Town Hall
Crowe Street
Dundalk
Co. Louth

22/12/20

Dear Sir, Madam

I wish to make the following submission in relation to the Draft County Louth Development Plan 2021-2027 on behalf of Mr Donal Kinsella,

1.0 BACKGROUND DETAILS

- 1.1 Our client, Mr Donal Kinsella, is the registered owner of 22.76 Ha of lands at Woodland, Dunleer, Co. Louth under Folio LH13059F (20.67Ha) and Folio LH13058F (2.09Ha)
- 1.2 Landownership maps and details are attached as Appendix 1
- 1.3 The lands are bound by the M1 Motorway to the west, the R169 to the south and R132 to the east. The M1/R169 Woodland Interchange (Junction No. 12) abuts the south west corner of the lands
- 1.4 The lands are therefore strategically placed to provide direct access to the surrounding road network including the M1 Motorway
- 1.5 The lands occupy the south west corner of the Dunleer Village Settlement as delineated on Map 2.1 and Map 2.2 of the Draft Louth County Development Plan 2021-2027
- 1.6 The lands form part of a larger swathe of lands zoned as General Employment on the Dunleer Draft Zoning and Flood Zones Map (Map 2.2)
- 1.7 An extract from Map 2.2 with the subject lands marked thereon is shown on Fig.1.1

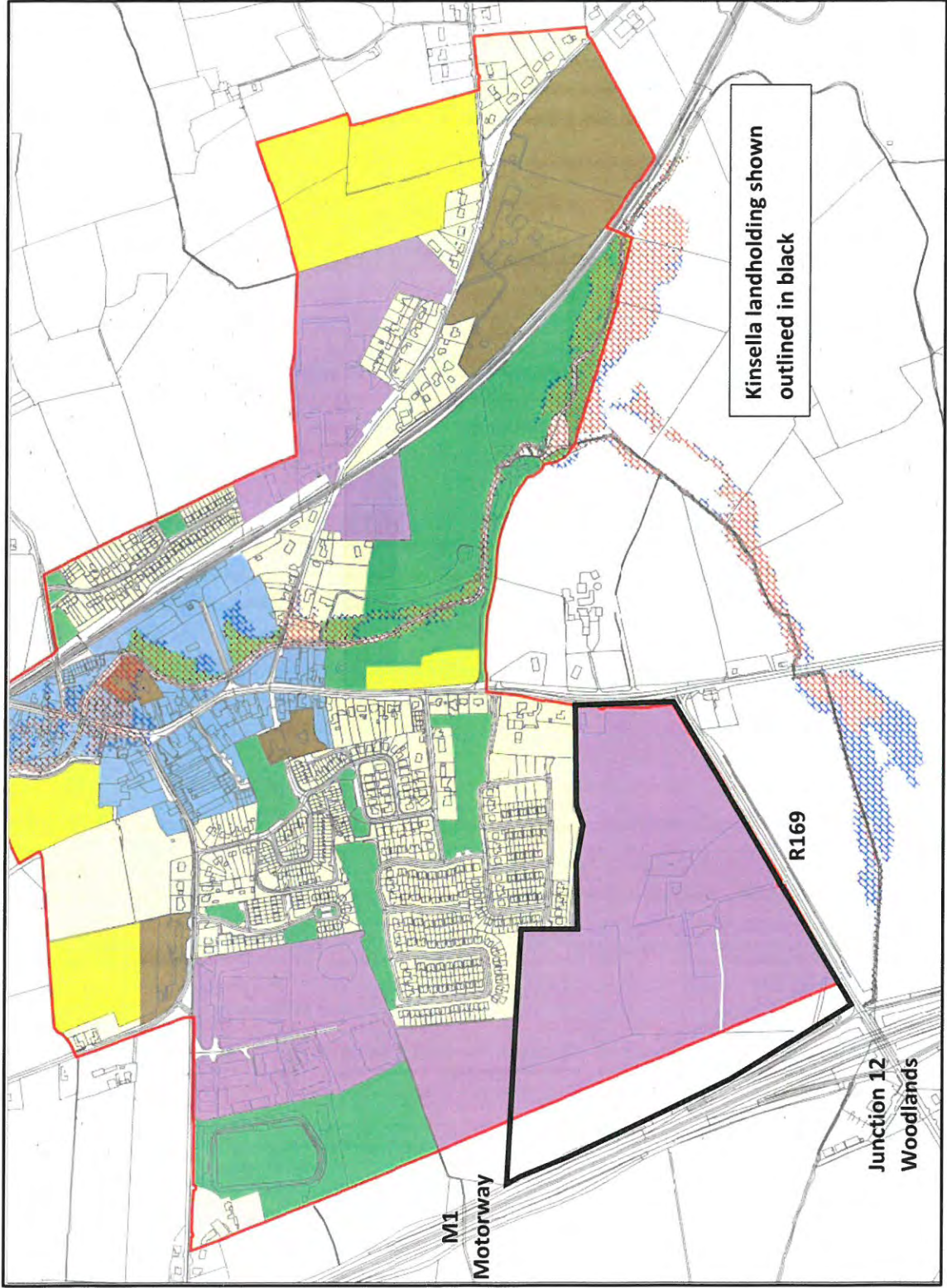


Fig. 1.1.1 - Extract from Map 2.2 – Draft Dunleer Zoning and Flood Zone Map

2.0 REQUESTED AMENDMENT TO THE DRAFT DEVELOPMENT PLAN

- 2.1 The subject lands extend as far west as the M1 Motorway
- 2.2 The western boundary of the Dunleer Settlement, as delineated on Map 2.1 and Map 2.2 of the Draft Louth County Development Plan 2021-2027, runs parallel to, but approximately 100m to the east, of the M1 Motorway
- 2.3 The applicant seeks to have the western boundary of the Dunleer Settlement extended westwards as far as the M1 Motorway

3.0 CASE IN SUPPORT OF THE REQUEST

- 3.1 The current western boundary of the Dunleer Settlement area does not follow or respect any existing physical boundary. Instead, it is an arbitrary line drawn on a map with no corresponding physical feature on the ground.
- 3.2 In contrast, the M1 Motorway represents a clear well defined physical boundary that would represent an unambiguous boundary for the Dunleer Settlement
- 3.3 The rationale behind the placing of the western boundary of the Dunleer Settlement approximately 100m to the east of the M1 Motorway would appear to be Policy Objective MOV 47 of the Draft Plan which aims 'to restrict developments within 100m of the M1 Motorway or N1/A1 National Route in all but acceptable circumstances'
- 3.4 Objective MOV 47 further states that any development permitted within the restricted zone 'shall be required to comply with the requirements of the Spatial Planning and National Roads Guidelines (2012) and Policy Objectives ENV 6 and ENV 7' of the Draft Plan and that 'the costs of any mitigation measures concerned shall be borne by the developer'

Spatial Planning and National Roads Guidelines

- 3.5 The Spatial Planning and National Roads Guidelines relate to new developments along the National Road network and have the key objective of protecting the capacity of the National Road Network and associated Junctions/Interchanges for strategic traffic.
- 3.6 The Guidelines seek to ensure that any development permitted along a National Road or close to junctions/interchanges along National Roads do not generate significant volumes of non-strategic traffic onto the National Road network.
- 3.7 In particular, the Guidelines promote a strong prejudice against the locating of retail or residential developments within close proximity of the National Road network
- 3.8 The Guidelines also refer to the potential adverse environmental impacts of National Roads that extend beyond the footprint of the road. These potential adverse impacts include:
 - Traffic noise and vibration
 - Vehicle generated emissions
 - Lighting/glare
 - Visual impact

- 3.9 The Guidelines encourage the Planning Authority to engage with applicants to address, as an integral element of their development proposals, potential negative impacts arising from existing or planned national roads. This could include mitigating impacts through appropriate design of buildings, landscaping features and site layout as part of the development proposal.
- 3.10 The Guidelines DO NOT however stipulate a minimum separation or buffer distance between any National Road and a development

Policy Objectives ENV 6 and ENV 7 of the Draft Louth County Development Plan 2021-2027

- 3.11 Policy Objectives ENV 6 and ENV 7 relate to environmental noise pollution. In essence the objectives require appropriate mitigation measures are undertaken in the case of new developments within the limits of noise maps to prevent harmful effects from environmental noise.
- 3.12 This approach mirrors that taken in the Spatial Guidelines in relation to potential adverse environmental impacts of road traffic
- 3.13 Again it is noted that these Objectives DO NOT stipulate a minimum separation or buffer distance between any National Road and a development

Light Pollution/Glare

- 3.14 Another possible reason for adopting a policy to prohibit development within 100m of the M1 Motorway would be to protect drivers travelling along the M1 from the potential glare created by poorly designed artificial lighting within the development and/or reflection of headlights off reflective building surfaces.
- 3.15 This concern would particularly apply where a roadside development is located along an unlit section of the motorway
- 3.16 In this case, the stretch of M1 Motorway along the full length of the subject site has full public lighting. Indeed, the lighting extends for a further 400m to both the north and south of the extents of the site.
- 3.17 Any additional lighting within 100m of the motorway would have limited impact particularly if designed to standard and if appropriate landscaping is applied along the motorway.
- 3.18 Overall, it is considered that concerns regarding light pollution or light glare to users of the M1 are unfounded in this case

Provision for Future Upgrading of the M1 Motorway

- 3.19 A further possible reason for prohibiting development within 100m of the M1 Motorway would be to reserve this land to facilitate future upgrading of the M1 Motorway.
- 3.20 The M1 Motorway at this location has been constructed as a Wide 2 Lane Motorway with 7.5m carriageway and 3m hard shoulder in each direction and a 9.0m wide central reserve (incl. a 1m hard strip on each side).

- 3.21 The capacity of a wide 2 lane motorway is 55,500 AADT. The current (2019) traffic flow along this section of the motorway is 42,000 AADT (Source: TII Permanent Counter TMU M01058 located between J11 & J12). The motorway has the ability to cater for a further 13,000 veh/day (or 30% growth) while still providing an acceptable level of service (LOS D)
- 3.22 Traffic on the National Road network in County Louth is predicted to grow at a rate of 28% by 2050 (Source: Table 5.3.2 of TII Project Appraisal Guidelines for National Roads Unit 5.3). The existing motorway configuration is therefore capable of catering for traffic growth up to 2050
- 3.23 Increased traffic volumes beyond 2050 can be catered for within the existing footprint of the road by utilising the existing wide grass median to create a third lane in each direction. Such an approach has been taken along stretches of the M1 Motorway to the south of Balbriggan.
- 3.24 Overall there is no justifiable reason to reserve additional lands alongside the M1 in order to facilitate possible future upgrades of the route

Approach Taken in Other Settlement Centres

- 3.25 It is noted that Policy MOV 47 has not been applied within either the Dundalk Settlement or Drogheda Settlement and that in both cases lands have been zoned right up against the M1 Motorway.
- 3.26 The zoning of lands right up against the M1 Motorway in these settlements could be viewed as de-facto acceptance by the Planning Authority that Objective MOV 47 is not applicable within a settlement centre and/or that sufficient mitigation measures can be provided as part of any approved development.
- 3.27 It is not clear why a similar view can not be taken in the case of the Dunleer Settlement

Use of the Residual Lands

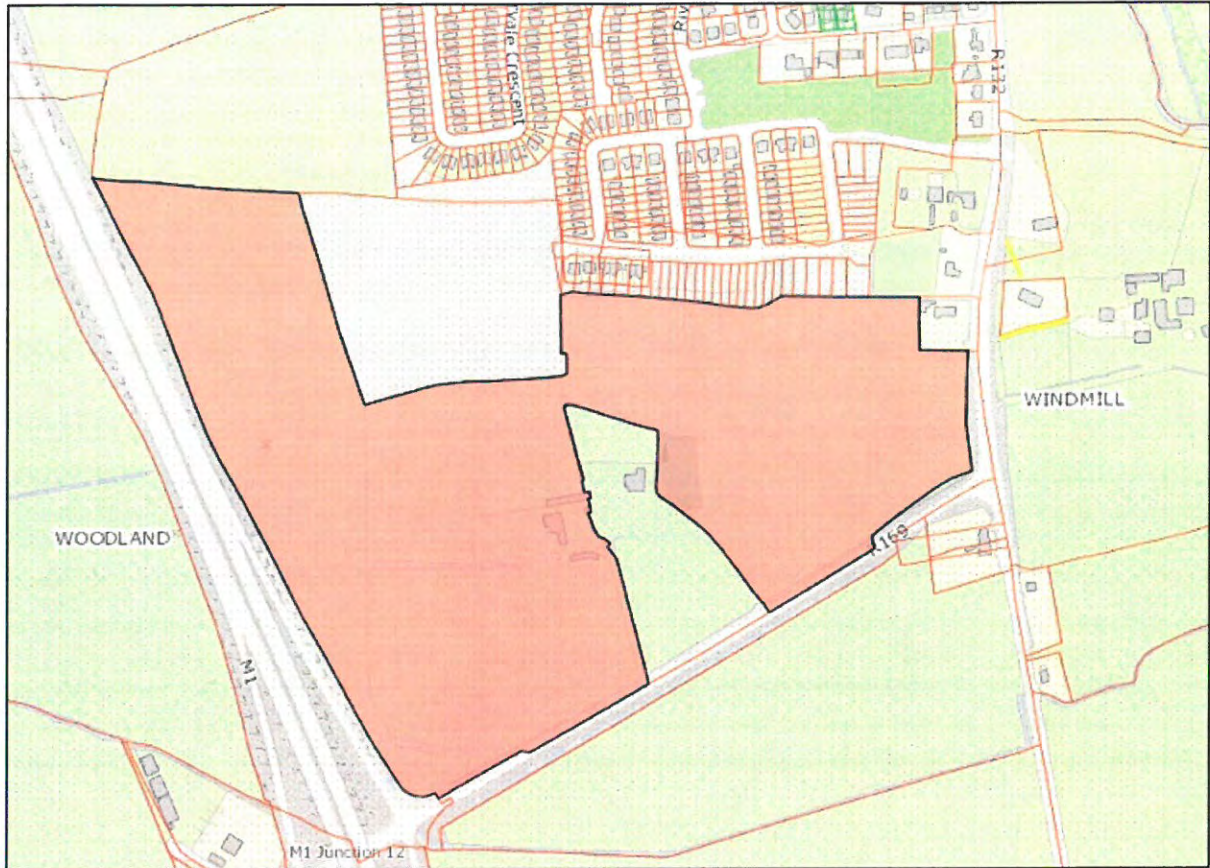
- 3.28 The current zoning proposal shall leave a long (800m) narrow (100m) strip of land between the M1 Motorway and lands zoned for Employment Use
- 3.29 The shape and location of the lands shall severely hamper the productive use of the lands for agricultural purposes. In particular the levels of noise and air pollution levels, due to its location between a motorway to one side and an employment based development on the other side, shall deem the lands unsuitable for the grazing of any livestock, particularly horses.
- 3.30 The existing access to the land holding is located on the R169 some 315m to the east of the M1 Motorway. The proposed de-coupling of the un-zoned lands from the remaining of the landholding shall impact on the current access arrangement to the lands. The remaining narrow road frontage of the un-zoned lands along the R169 shall preclude the provision of a new entrance into the lands off the R169 due to the separation distance rules regarding the distance between new entrances and National Road junctions as set out in TII Design Manual (DN-GEO-03060)
- 3.31 In summary, the remaining un-zoned lands shall be a land locked narrow strip of land of limited agricultural value

4.0 SUMMARY

- 4.1 The Kinsella landholding at Woodlands is strategically placed at the edge of a large settlement and within easy access of the National Road Network.
- 4.2 The strategic importance of the lands has been recognised by the Planning Authority by the proposal to zone the majority of the lands for Employment Use.
- 4.3 This zoning has been proposed following a detailed consideration by the Planning Authority of all relevant regional and national planning policies guidelines.
- 4.4 However, the rationale behind the decision to place the western boundary of the zoned lands 100m to the east of the M1 Motorway is unclear and appears to be based solely on the rigid application of a single policy objective (MOV 47) which has not been applied in the case of other settlement centres within the County
- 4.5 The Spatial Planning and National Roads Guidelines (2012) recognise and highlight the potential adverse impact of allowing development within close proximity of a National Road. Nevertheless, the Guidelines DO NOT apply a strict prohibition policy. Instead, they allow developments to be assessed on a case- by- case basis with mitigation measures adopted where applicable
- 4.6 In contrast, the Planning Authority's application of a blanket prohibition on development within 100m of the M1 is a rather stern and inflexible approach
- 4.7 It has been demonstrated that many of the reasons that may support the prohibition of development within 100m of the M1 Motorway (e.g. light pollution/glare; future upgrade of M1) are not applicable or are unwarranted in this case.
- 4.8 The residual land holding shall be of limited value for agricultural purposes and shall be effectively landlocked
- 4.9 The adoption of the current western boundary for the Dunleer Settlement Area effectively discards the opportunity to include 6.5Ha of strategically located and serviceable lands as part of a larger Employment based development.
- 4.10 Extending the western boundary to the M1 Motorway fully exploits the strategic location of the lands and would be consistent with the approach adopted in other settlement centres
- 4.11 We consider the submission identifies an anomaly with the proposed zoning of the lands and proposes an amendment which fully supports the continued development of Dunleer as a regionally important local driver and self- sustaining growth town in a meaningful and sustainable manner. We therefore request that the Planning Authority and elected members give due consideration to the submission

P. Herr
P. Herr & Associates

APPENDIX 1 – LAND OWNERSHIP DETAILS

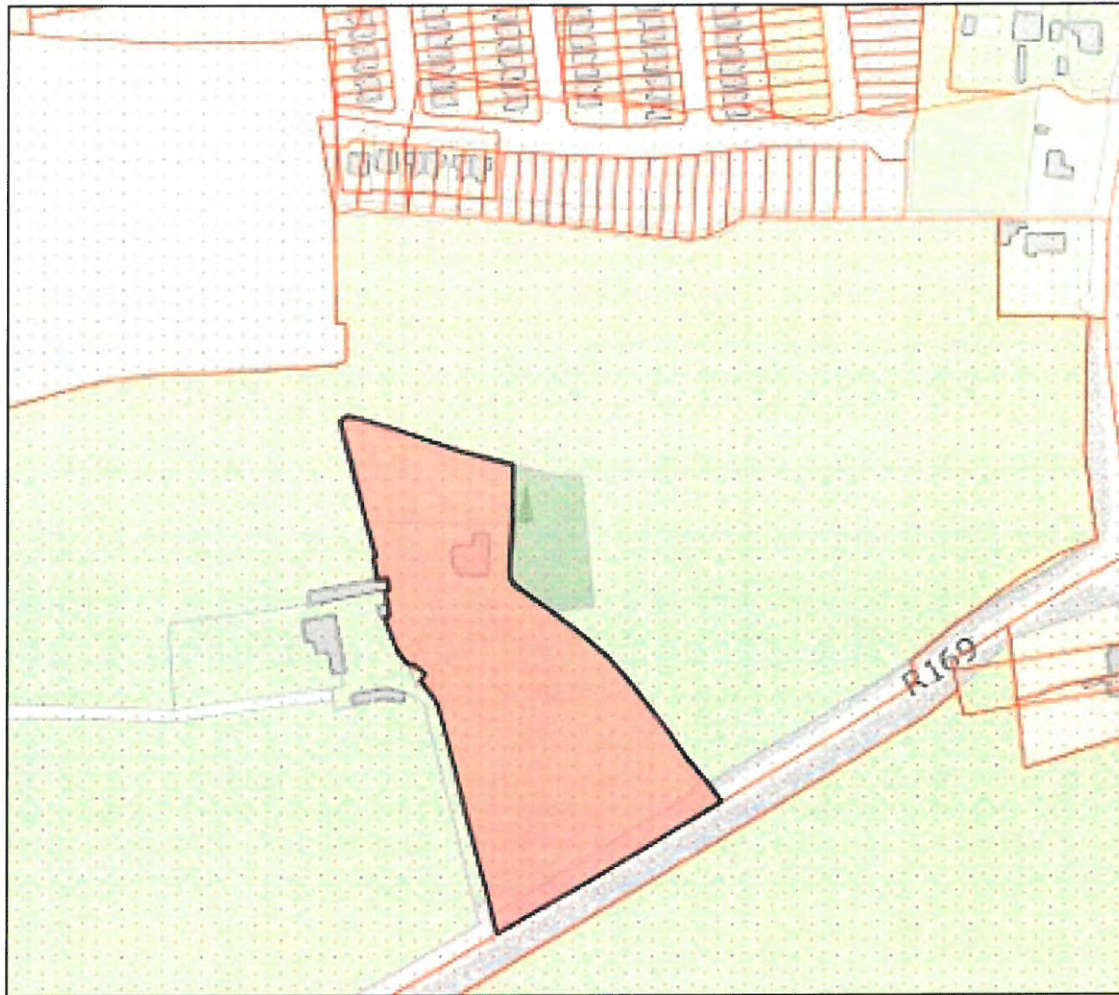


Folio Number	LH13059F
Title Level	Freehold
Plan Number	12
Property Number	1
Area of selected plans	20.67 hectares.

Folio

LH13059F

Owner Details



Folio Number	LH13058F
Title Level	Freehold
Plan Number	13
Property Number	1
Area of selected plans	2.09 hectares.

Folio

LH13058F

Owner Details