

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

22/12/20

Re: Draft Louth County Development Plan 2021-2027

Dear Sir, Madam

P. Herr & Associates wish to make the following submission in relation to the Draft County Louth Development Plan 2021-2027 on behalf of Mr Anthony Loughran, Director of Clermont Park Enterprise Limited,

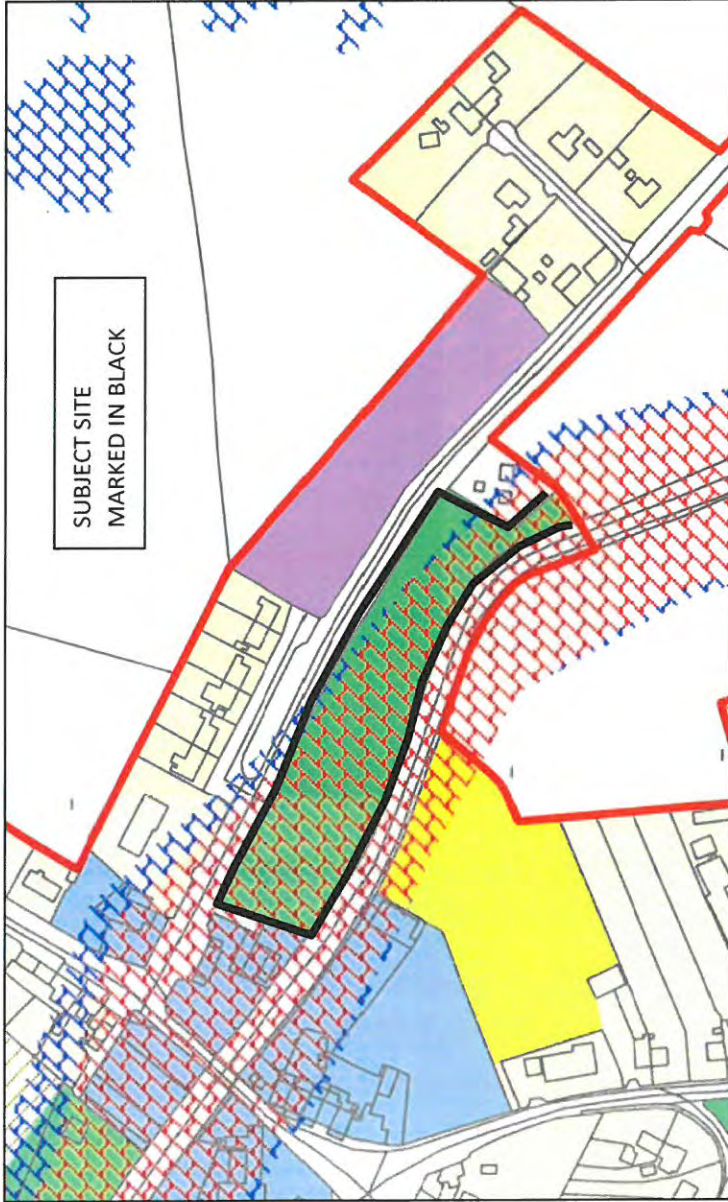
1.0 BACKGROUND DETAILS

- 1.1 Clermont Park Enterprise Limited is the registered owner of 3.04 Ha of lands at Rathbrist, Glyde Road, Tallanstown under Folio 1114310405
- 1.2 The landownership map and Folio details are attached as Appendix 1
- 1.3 A portion of these lands (0.895Ha) is shown zoned as 'Open Space' on the Tallanstown Draft Zoning and Flood Zones Map (Map 4.8)
- 1.4 An extract from Map 4.8 with the subject lands marked thereon is shown on Fig.1

- LEGEND**
Land Use Category
- A1 Existing Residential
 - A2 New Residential
 - B1 Town or Village Centre
 - B2 Neighbourhood Centre
 - B3 Retail Park
 - B4 District Centre
 - B5 Retail, Leisure and Recreation
 - C1 Mixed Use
 - C2 Port Harbour Area
 - C3 Commercial and Business
 - D1 Regeneration
 - E1 General Employment
 - E2 Business and Technology
 - F1 Research, Education and Innovation
 - G1 Community Facilities
 - G2 Institutional Lands
 - H1 Open Space
 - I1 Tourism and Leisure
 - J1 Transportation Development Hub
 - J2 Public Infrastructure and Utilities
 - K1 Agriculture
 - L1 Strategic Reserve
 - SO Spot Objective (See Chapter 13)

OPW PFRAM Study

- Flood Zone A
- Flood Zone B



**Fig.1 – EXTRACT FROM MAP 4.8
WITH EXTENT OF SUBJECT SITE MARKED THEREON**

2.0 REQUESTED AMENDMENT TO THE DRAFT DEVELOPMENT PLAN

- 2.1 To amend the zoning of the western portion of the lands (0.591 Ha) from 'Open Space' to 'New Residential' so as to retain the existing zoning of the lands as set out in the Louth County Development Plan 2015-2021

3.0 CASE IN SUPPORT OF THE REQUEST

- 3.1 The western portion of the site is zoned as 'New Residential' in the current Louth County Development Plan 2015-2021 as shown on Fig.2
- 3.2 The proposed re-zoning of this land from Residential to Open Space shall remove 0.591Ha of lands previously set aside for new housing within the village. The Draft Plan does not propose to extend the settlement area or to apply a New Residential zoning to any further lands within the settlement area than is currently the case
- 3.3 The proposal represents a 20% reduction in the amount of lands zoned as New Residential within Tallanstown Village relative to the current Plan
- 3.4 It is difficult to reconcile such a significant reduction in the quantity of lands zoned for residential purposes within a designated Level 4 Settlement Centre given that the key focus of the Draft Plan is to direct residential growth towards urban centres while protecting the rural hinterlands
- 3.5 It is noted that the Settlement Overview for Tallanstown (Table 13.1) indicates that both the Water and Wastewater Infrastructure has sufficient capacity to cater for further growth within the village. There is therefore no reason to reduce the extent of residential zoned lands as proposed on the grounds of infrastructure constraints
- 3.6 It is further noted that the population of Tallanstown increased by only 0.1% over the period 2011-2016 and that permission was granted for only 14no. residential units since 2015, none of which are as yet constructed. It is clear that development within Tallanstown has been stagnant for a number of years with limited appetite among owners of zoned residential lands to develop the lands. There is no reason to assume that this current stasis shall not continue and it may well be that the lack of progress in providing residential development on these zoned lands shall continue over the lifetime of the new Plan with the obvious negative impact on objectives to promote the sustainable growth of Tallanstown.
- 3.7 In contrast Mr Loughran has made strenuous efforts to develop the subject lands including the making of a planning application for a residential development (14 no. units) under Planning Ref: 19625. This application was withdrawn at a late stage of the planning process in response to concerns expressed by the Planning Authority about the configuration and layout of the proposed development. This office is currently engaging with the Planning Office to identify and address the issues of concern and it is intended to submit a new planning application in early 2021.
- 3.8 The current zoning provides for 0.591Ha of the landholding as New Residential and 0.304Ha of the landholding as 'Recreational, Amenity and Open Space'.

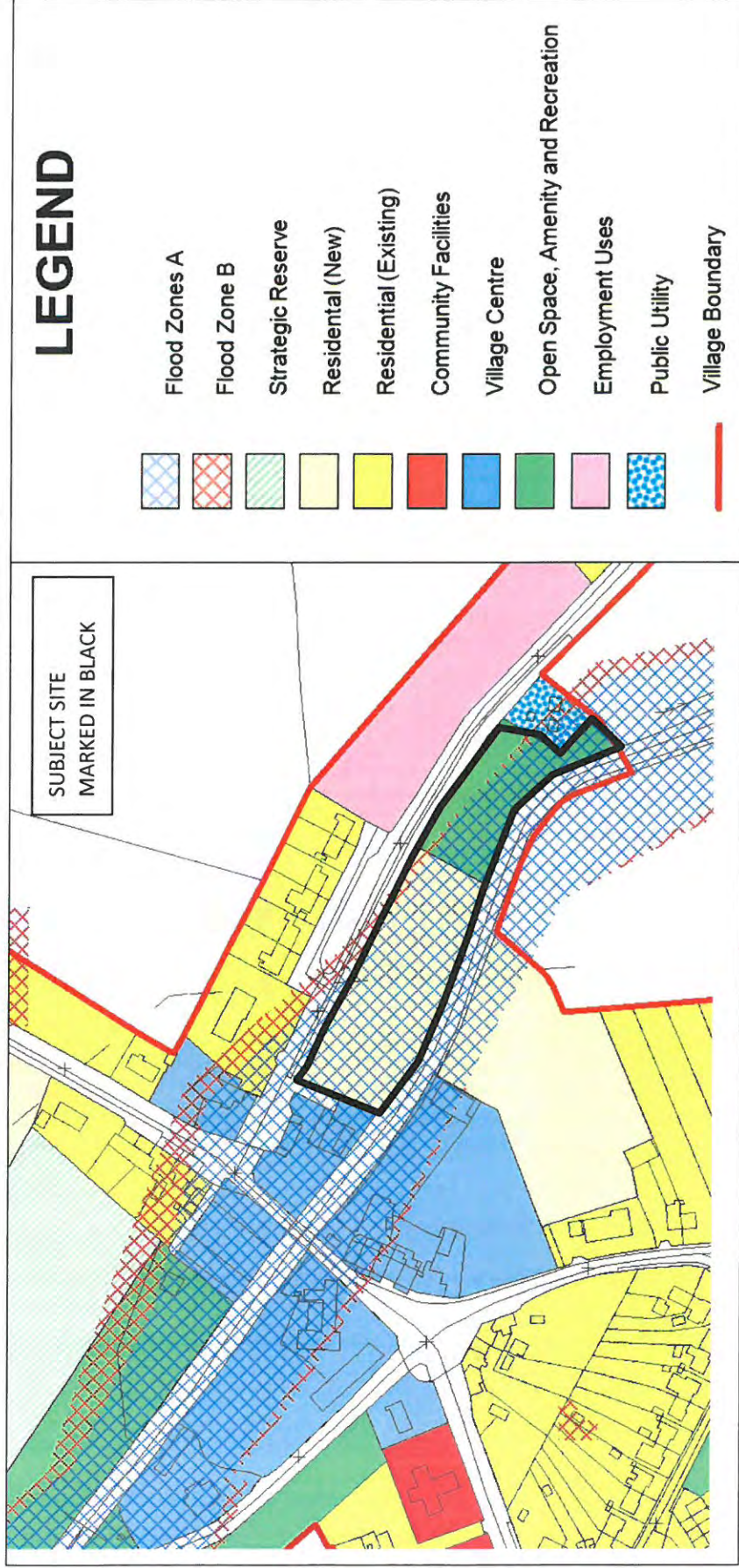


Fig.2 – EXTRACT FROM
TALLANSTOWN ZONING AND FLOOD ZONES MAP 2015-2021

- 3.9 Mr Loughran has consistently advised the Planning Authority that he is willing to cede the 0.304Ha portion of his landholding to Louth Co. Co as a condition of any planning permission granted for residential development on the remaining 0.591Ha. This undertaking was given in writing throughout the documents and maps submitted under the Ref: 19/625 planning application.
- 3.10 Mr Loughran has no objection to requested retention of the residential zoning on the 0.591HA being dependent on or subject to such an undertaking.
- 3.11 Policy Objective TAL 10 of the Draft Plan commits the Planning Authority *'to support existing public, community and sporting facilities and the provision of any additional facilities including a playground'*.
- 3.12 It is considered that the 0.304Ha of lands referred to above offers the Planning Authority an opportunity to acquire a site for a playground at no cost. Development of the 0591Ha of the site for residential purposes shall contribute circa €17,000 towards the cost of developing the playground based on the Amenity Development Contribution Levy of €1,200 per unit.
- 3.13 Mr Loughran shall, should the proposed Open Space designation be applied, have little desire to carry out any development on the lands given the limited range of permitted uses and would no longer be as open to ceding lands to the Planning Authority.
- 3.14 There is a real possibility, given the proposed zoning of the lands, that the lands shall remain undeveloped over the lifetime of the Plan with no community gain achieved.
- 3.15 The majority of the subject site is shown to be located with a Flood Zone A/B on the Draft Zoning and Flood Zones Map (Map 4.8). A possible explanation for the rezoning of the lands may be Policy TAL 12 which sets out an objective *'To avoid land uses or development identified as 'highly vulnerable development' in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines (2009)' on lands at risk of flooding and where development in floodplains cannot be avoided, take a sequential approach to flood risk management based on avoidance, reduction, and adaptation to the risk'*
- 3.16 A similar policy objective is proposed for all Settlement Centres within the county. However, this particular site appears to be the only area in the county whose current residential zoning has been changed to Open Space under this policy.
- 3.17 Significant areas of land within Carlingford, Dromiskin, Baltray, Annagassan, Tullyallen and Clogherhead all retain 'residential' zoning in the Draft Plan despite significant portions of the lands being within an identified flood zone despite each of these settlements having a similar policy.
- 3.18 In fact it is proposed to retain 'residential zoning' to a number of areas within the Tallanstown Settlement that are identified as being within a flood zone as shown on Fig.3
- 3.19 The application of the policy is wholly inconsistent and it is not clear why the subject site has been singled out
- 3.20 In any event the Flood Zone Maps for the Tallanstown Settlement are based solely on the PFRA Maps produced by the OPW in 2011. The OPW PFRA Maps were produced as a national screening assessment. The primary aim of the exercise was to identify areas which warranted further and more detailed assessment of the flood risk (or AFAs).

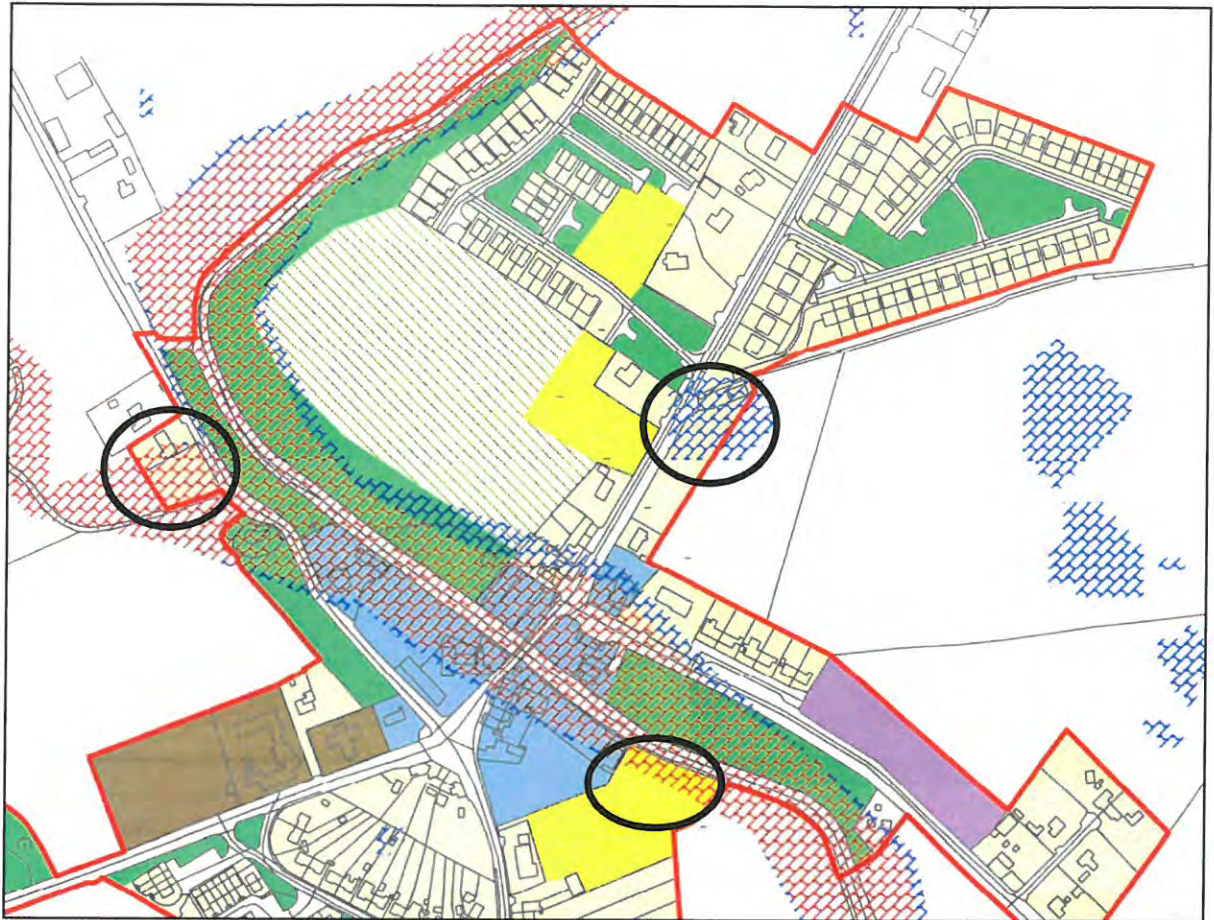


Fig. 3 – Lands with the Tallanstown Settlement zoned as Residential despite being within a Flood Zone

- 3.21 The PFRA maps are based on a relatively basic LiDAR Topographical survey and should be recognised as being preliminary only and not to be fully accurate at a local level. Indeed, the OPW state on all associated documentation that the maps *'should not be used to assess risk at the level of individual properties'*.
- 3.22 The shortcomings of the PFRA Maps are also identified in Table 10 of the SFRA carried out in support of the Draft Plan which applies only a 'moderate' confidence level to this data source
- 3.23 The Site Specific Flood Risk Assessment carried out in support of the Ref: 19/625 application also highlighted deficiencies with the PFRA Map based on its incompatibility with the topographical survey of the site. Furthermore, more recent modelling of the River Glyde carried out by the OPW also indicates that the extent of flooding at the site shall be significantly less than that shown on the PFRA Map (Source: public maps available on www.Floodmaps.ie)
- 3.24 The PFRA maps do not therefore constitute a strong data set on which to make such a fundamental decision such as changing the zoning of a significant portion of lands within 120m of the village centre from Residential to Open Space

3.25 Overall, the proposed re-zoning of the subject lands can be viewed as a very severe application of the policy that has been based on very limited and poor quality data. A more equitable approach would be to retain the residential zoning to the land holding, as has happened in other cases, and to apply the policy as needed on the basis of strong site specific flood risk data

3.26 In summary, the zoning of the subject lands as proposed in the Draft Plan shall:

- Reduce the quantum of zoned residential lands within the Tallanstown Settlement by 20%
- Forsake the opportunity for the Planning Authority to obtain 0.304Ha of lands for the development of a public playground, as per Objective TAL 10, at no cost

Furthermore, the rationale behind the decision is based on poor quality data and is a flawed application of Policy TAL 12 which has not be replicated with respect to other lands within the village nor on a large quantum of lands within other Settlement Centres

It is considered, for these reasons, that the proposed re-zoning of the subject lands does not represent proper or sustainable planning and that the current zoning should be retained

4.0 Alternative Proposal

Should the Planning Authority remain minded to retain the proposed zoning then we would request that they consider a proposal to zone the lands to the immediate east of the subject lands to New Residential as shown on Fig.4

This zoning would allow the existing quantum of zoned residential lands within the village to be retained. The majority of the lands are outside of the identified flood zones and could be developed while still complying with Policy TAL 12.

While this proposal shall require a slight amendment to the settlement boundary the lands in question are essentially an infill site and no moving of the existing settlement boundaries further away from village centre is required.

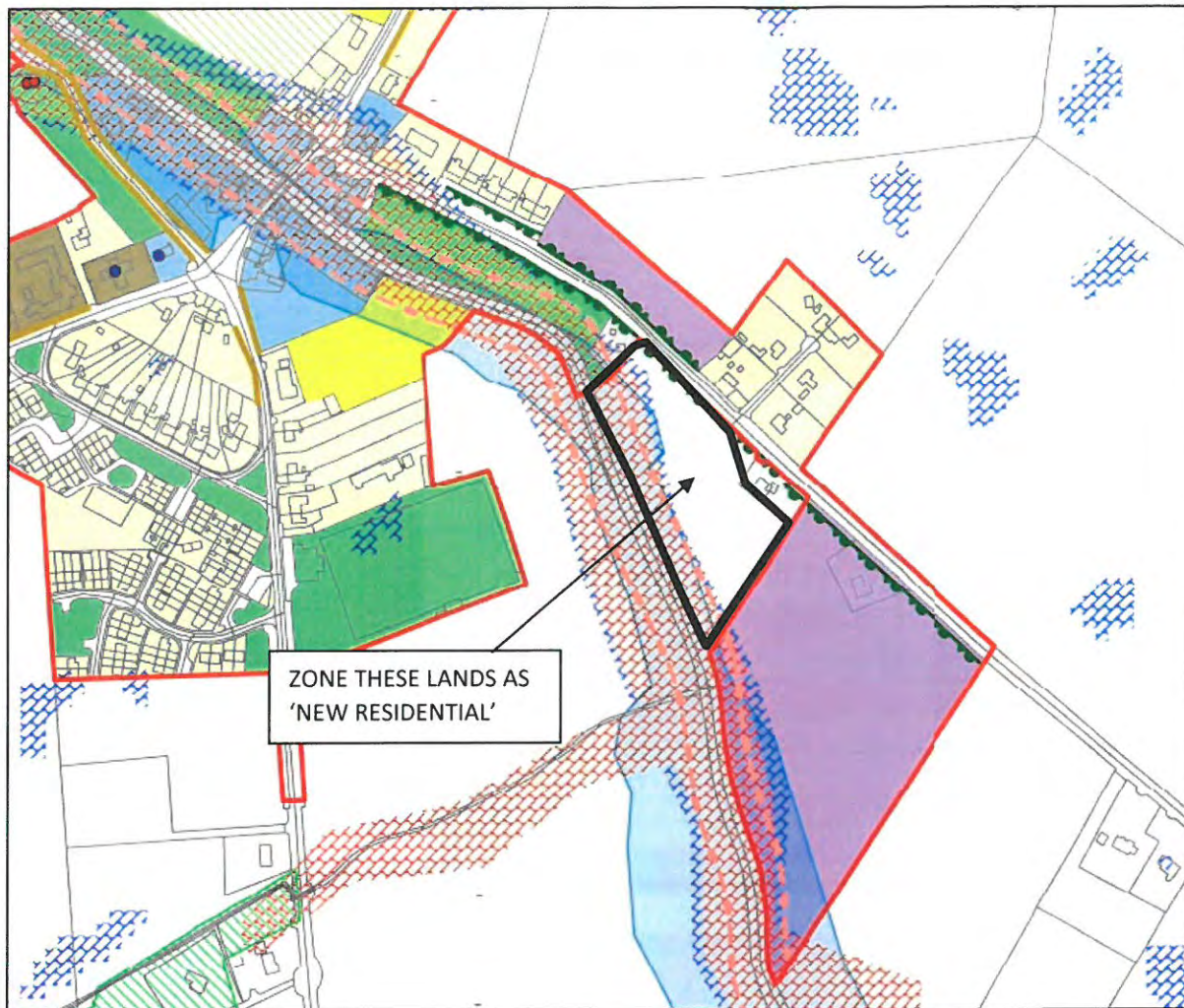
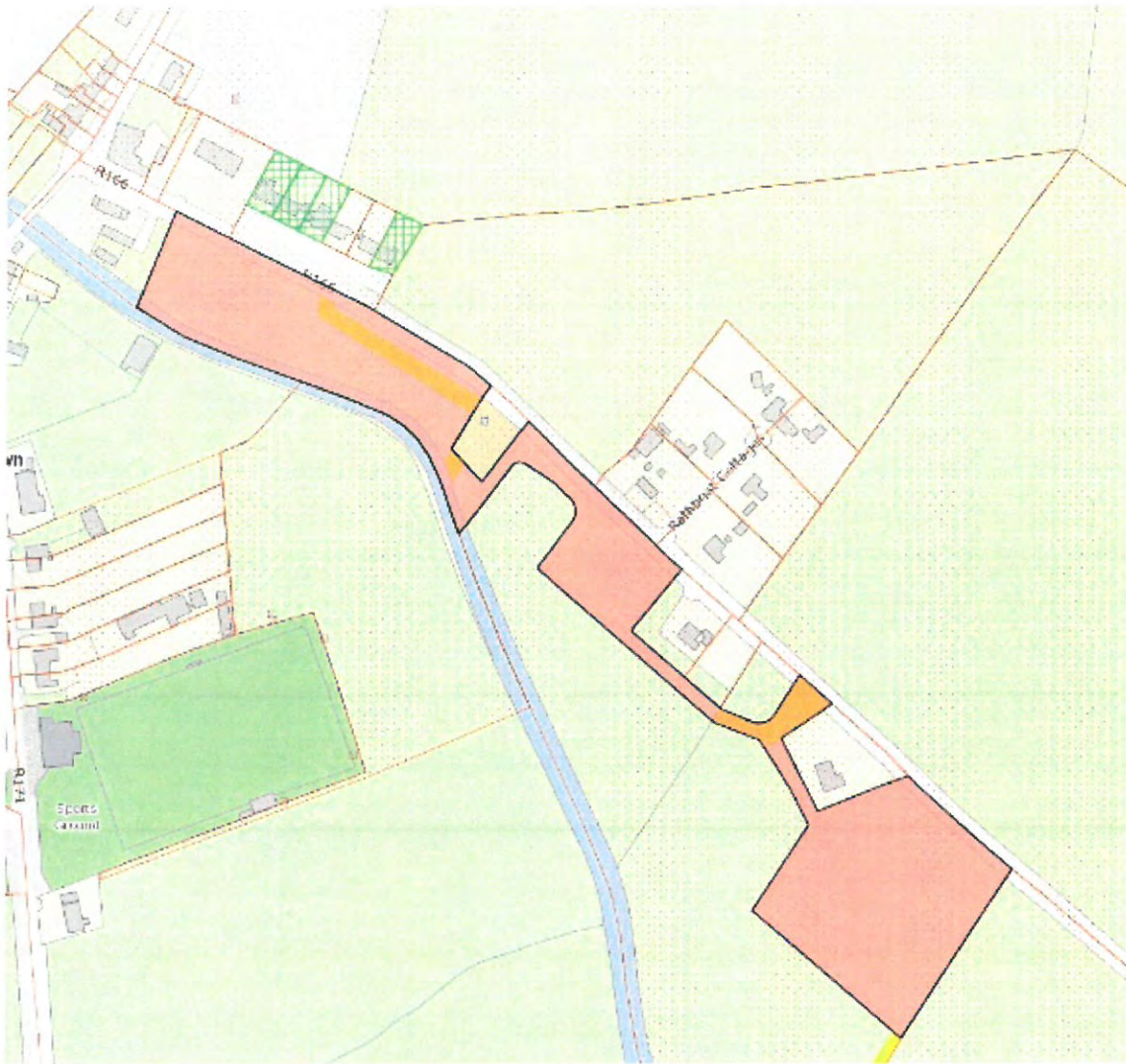


Fig. 4 – Alternative Proposal should proposed zoning of subject lands be retained

APPENDIX 1 – LAND OWNERSHIP DETAILS



Folio Number	LH31940F
Title Level	Freehold
Plan Number	BTXT3
Property Number	1
Area of selected plans	3.04 hectares.
Number of Plans on this folio:	1

Folio

Owner Details

LH31940F