

December 2020

Development Plan Submission



Draft Louth County Development Plan 2021-2027 (Stage 2)

Lands at Dublin Road, Haggardstown,
Dundalk, Co. Louth

On behalf of: Merit Holdings



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Executive Summary

- This submission is made by Downey Planning, on behalf of our client, Merit Holdings, and is submitted to Louth County Council in the context of the Draft Louth County Development Plan 2021-2027, which is currently on public display.
- Our client owns approximately 20.3 hectares of lands at Dublin Road, Haggardstown, Dundalk, Co. Louth.
- Under the current Dundalk & Environs Development Plan 2009-2015, which pertains to the area, the majority of the lands (approximately 19.4 hectares) are zoned 'Employment and Business', with a small portion of land to the west (0.9 hectares) zoned 'Residential 1'.
- It is noted that the Dundalk & Environs Development Plan is being incorporated into the new County Development Plan.
- Under the Draft Development Plan, the lands currently zoned 'Employment and Business' are proposed to be rezoned to 'C1 – Mixed-Use' land uses. The residential lands to the west are proposed to be zoned 'A1 - Existing Residential', which is the same objective as the current Development Plan.
- In principle, our client is supportive of the new land use zoning that pertains to their lands and respectfully request that this be maintained within the adopted Plan, which is due to come into effect in 2021.

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1.0 Introduction

In accordance with Section 9, 10, 11 and 12 of the Planning and Development Act 2000 (as amended), Downey Planning, Chartered Town Planners, 1 Westland Square, Pearse Street, Dublin 2, on behalf of our client, Merit Holdings, 58 Moneymore Road, Magherafelt, Co L/Derry, BT45 6HG, wish to make this submission to Louth County Council regarding the Draft Louth County Development Plan 2021-2027. This written submission is made in response to an invitation for comments from interested parties by Louth County Council. This submission is being made within the specified timeframe for submissions i.e. 23rd December 2020, as set out on the Draft Development Plan's website.

Our client owns approximately 20.3 hectares of lands at Dublin Road, Haggardstown, Dundalk, Co. Louth. Under the current Dundalk & Environs Development Plan 2009-2015, which pertains to the area, the majority of the lands (approximately 19.4 hectares) are zoned 'Employment and Business', with a small portion of land to the west (approximately 0.9 hectares) zoned 'Residential 1'. Under the Draft Development Plan, the lands currently zoned 'Employment and Business' are proposed to be rezoned to 'C1 – Mixed-Use' land uses. The residential lands to the west are proposed to be zoned 'A1 - Existing Residential', which is the same objective as the current Development Plan.

Our client is largely supportive of the proposed change in the zoning that will pertain to their lands at Dublin Road and request that these zonings be maintained and included within the final Development Plan that is to be adopted by Louth County Council.

We would seek that the Plan be amended to illustrate a **primary access** to our client's lands, as well as the adjoining zoned lands, at the existing signalised junction at Xerox Technology Park, which our client can deliver within their ownership. Furthermore, the future development of the lands should not be bound or restricted unduly by the Mullagharlin Framework Plan, which dates back to 2008 and is considered outdated by more recent planning guidance and planning permissions.

2.0 Planning Legislation

Section 9 of the Planning and Development Act, 2000 (as amended) provides that, subject to the requirements set out in Section 9, 10, 11 and 12 of the Act, that a planning authority must adopt a new Development Plan every six years. The contents of the Development Plan are set out within Section 10 of the Planning and Development Act, 2000 (as amended) and must include a strategy for the proper planning and sustainable development of the area of the Development Plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question. The process for the preparation of the Draft Development Plan is contained within Section 11 of the Planning and Development Act, 2000 (as amended) and the consultation process of the Draft Development Plan is contained within section 12 of the Planning and Development Act, 2000 (as amended), which states:

"12 - (1) Where the Draft Development Plan has been prepared in accordance with section 11, the planning authority shall within 2 weeks of the period referred to in section 11(5)(c)—

- (a) send notice and a copy of the Draft Development Plan to the Minister, the Board, the relevant regional authority, the prescribed authorities, any town commissioners in the area and any city or county development boards in the area, and*
- (b) publish notice of the preparation of the draft in one or more newspapers circulating in its area.*

(2) A notice under subsection (1) shall state that—

- (a) a copy of the draft may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly), and*
- (b) written submissions or observations with respect to the draft made to the planning authority within the stated period will be taken into consideration before the making of the plan”.*

This submission to the draft of the Development Plan is being made in accordance with Section 12(2)(b) of the Planning and Development Act, 2000 (as amended) and is being submitted within the specified timeframe (23rd December 2020) as set out on the website of the Draft Louth County Development Plan 2021-2027.

3.0 Site Location and Description

The subject lands are located on the southern side of Dundalk and east of the R132 (old Dublin Road). They are approximately 2.2km south of the centre of Dundalk’s town centre, c. 2.5km east of Junction 16 of the M1 (with a direct motorway access available). The Finnabair Industrial Estate is located to the north east of the site. Part of the Dundalk Institute of Technology (DKIT) campus is to the north of the site, on the opposite side of the R215. Dundalk Golf Club is nearby to the east. The Xerox Technology Park is immediately opposite the western site boundary on the Dublin Road. The lands to the north of the site are undeveloped and are in agricultural use but have recent planning permissions for office and residential use, which are described in Section 4 of this report. The Fairways Hotel, Supervalu Shopping Centre and Felda Health and Fitness Club are located just south of the subject lands and act as a neighbourhood centre for this area. The coastal village of Blackrock is located to the east and south east of the lands and can be accessed via the Old Golf Links Road. The subject lands extend to approximately 20.3 hectares and gently slope from the east of the site. The lands are currently in agricultural use and there is currently agricultural access available directly from the Old Dublin Road on the western site boundary that would need to be improved to a single junction at the existing signalised vehicular entrance to Xerox to facilitate the development on these lands. Part of the north west corner of the site comprises 2 no. semi-detached bungalows that are directly opposite the vehicular entrance to the Xerox Technology Park.



Fig. 1 – Aerial view of lands subject to this submission (outlined in red)

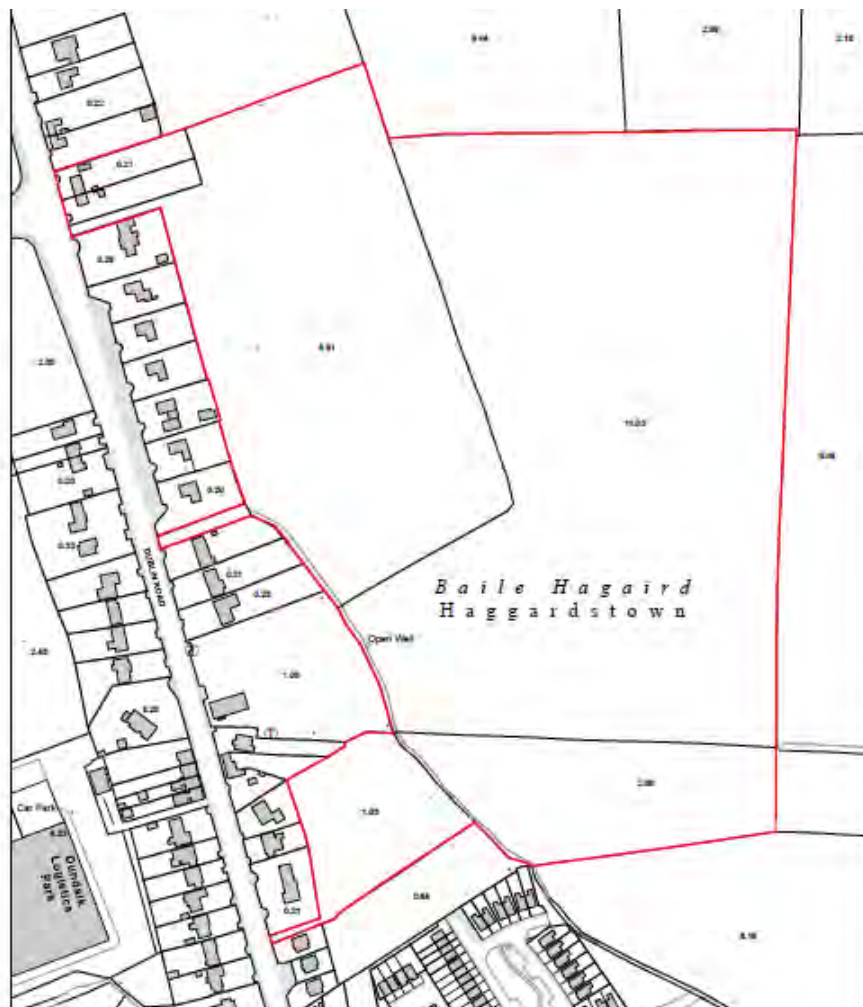


Fig. 2 – Extract of Site Location Map indicating subject lands outlined in red

4.0 Planning History

Downey Planning have carried out a detailed examination of the planning history of the subject site which determined that there have been a number of planning applications made on the subject lands. The most relevant planning history is summarised as follows:

4.1 Subject Lands

- **Reg. Ref. 071385** – Merit Holdings applied to Louth County Council for Outline permission for a development consisting of the demolition of 2 no. dwellings and the construction of a new business park and private hospital comprising a 100 bed private hospital, 1 no. 10 storey office building (10,600 sq.m. GFA), 6 no. 6 storey office buildings (total of 121,836 sq.m. GFA), 3 no. 4-storey commercial buildings (9,804 sq.m. GFA) and 1 no. 4 storey own-door office building (9,124 sq.m. GFA), a new signlaised junction to the Dublin Road, basement car parking (4,129 no. spaces), surface parking, internal roads and footpaths, landscaping and boundary treatment. The application was deemed withdrawn after a request for Further Information was not responded to within the statutory period.

4.2 Lands to the immediate North

Additionally, there is relevant and recent planning history on the lands to the immediate north that have been considered in this examination, these planning permissions are summarised as follows:

- **Reg. Ref. 16/803; ABP Ref. PL15.247927** – By Order dated 6th June 2017, An Bord Pleanála upheld the decision of the Planning Authority and granted a 10-year planning permission to Jan C. Van Dijk for a development consisting of a mixed-use development comprising 1 no. office building, 2 no. buildings for office/research and Development/Science and Technology use, 5 no. buildings for research and development/science and technology uses and all associated ancillary services as well as car and bicycle parking. Vehicular access to be provided form a new entrance off the Inner Relief Road. The development also provided for a north-south access road through the lands. It is noted that An Bord Pleanála omitted 3 no. blocks (Blocks J, K & L) comprising 400 no. student bedspaces.
- **ABP Ref. 303891-19** – By Order dated 24th June 2019, An Board Pleanála granted planning permission to Jan C. Van Dijk for a Strategic Housing Development consisting of 142 no. apartments across 5 no. blocks ranging in height from 2-5 storeys along with car parking and all associated landscaping, boundary treatment and site works.
- **Reg. Ref. 10/09 & 15/344 (ABP Ref. PL15.237838)** – Permission was granted for a new entrance onto the R125 that would serve a development permitted under Reg. Ref. 06/1624. An extension of the duration of the permission was granted under Reg. Ref. 15/344 until 06/09/2017.
- **Reg. Ref. 06/1624 & 12/59**– Permission granted for 2,800 sq.m. 4 storey office building with basement parking. The duration of the permission was extended under Reg. Ref. 12/59 until 16/09/17.

5.0 Planning Context

Having set out the location and history of the subject lands, this submission shall now set out the planning context of the subject lands.

5.1 National Planning Context

5.1.1 Project Ireland 2040: National Planning Framework

The National Planning Framework (NPF) is *“the Governments high-level strategic plan for shaping the future growth and development of our country out to the year 2040”*. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment- from our villages to our cities and everything in between. It is stated within the NPF that, *“a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.”*

The NPF also seeks to make stronger regions and help to create ‘centres of scale’ to support employment, economic activity and growth. In this regard, National Policy Objective 2B states that *“The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda- Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy”*.

National Policy Objective 7 seeks to apply a tailored approach to urban development with a particular emphasis on *“Strengthening Ireland’s overall urban structure, particularly in the Northern and Western and Midland Regions, to include the regional centres of Sligo and Letterkenny in the North-West, Athlone in the Midlands and cross-border networks focused on the Letterkenny-Derry North-West Gateway Initiative and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor; Encouraging population growth in strong employment and service centres of all”*.

The NPF also seeks to target 50% of population growth to outside of the country’s five main cities (above 50,000 population) and to consolidate such growth into Ireland’s large towns, such as Dundalk, villages and rural areas.

The NPF states that, *“the long-term vision for Ireland’s housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future.”*

It is outlined within this Framework that future homes are required to be located where people have the best opportunities to access a high standard quality of life. In Ireland, the location of housing has taken on a dispersed and fragmented character which has led to people living further away from their jobs and often being at a sizeable remove from important services such as education and healthcare. It is stated that it is important to *“prioritise the location of new housing provision in existing settlements as a means to maximising a better quality of life for people through accessing services, ensuring a more efficient use of land and allowing for greater integration with existing infrastructure.”*

The overarching emphasis of the NPF is on renewing and developing existing settlements, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town

centres and smaller villages. In this regard, the NPF sets a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

The provision of a residential development on the subject site in this instance will therefore be in accordance with the NPF's target of 40% of new housing to be located within existing towns and for 50% of population growth to take place within Ireland's existing settlements, outside of the five larger cities (i.e. Dublin, Cork, Limerick, Waterford, Galway).

The NPF also seeks to develop stronger regions and towns, including County Louth (Dundalk/Drogheda), to support their continued economic growth and sustainable development. The NPF sets a number of policy objectives that support housing in appropriate locations such as these lands, including:

National Policy Objective 33: *"Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location."*

National Policy Objective 35: *"Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights."*

5.2 Regional Planning Context

5.2.1 Eastern and Midlands Regional Spatial and Economic Strategy (2019)

The RSES seeks to implement the policies and objectives of the NPF at a regional level. It recognises that the continued growth of Dublin is required as the country's national economic engine. However, it seeks to generate regional growth and specifically targets the growth of the Regional Growth Centres, which includes Dundalk as regional drivers. In this regard, Regional Policy Objective 3.1 states:

"Key stakeholders including local authorities in the Region shall, through their policies and objectives including development plans, commit to the delivery of the Growth Strategy as detailed in the RSES".

As stated, Dundalk is identified as a Regional Growth Centre, which are defined as large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.

Table 3.2 of the RSES sets out the preferred growth scenario for the Region, which are outlined below.

Type	Alternatives assessed	Preferred scenario
1. Spatial Strategy	The NPF identified regional concentration and consolidated urban growth as the most sustainable approach to growth patterns in the regions. The SEA for the EMR assessed a number of alternatives based on the extent to which growth is either concentrated in Dublin and the identified Regional Growth Centres or highly dispersed throughout a number of towns in the Region. The optimum settlement strategy was informed by consideration of an evidence baseline identifying the key assets, potential for growth and environmental capacity of settlements.	The optimum spatial strategy combines the growth of Dublin and regional centres with a selected number of large self-sustaining settlements that have the assets and capacity to grow in a sustainable manner while minimising impacts on the receiving environment. This option offers the best opportunity to align services with population and economic growth, promote compact growth in urban settlements and make the best use of infrastructure including public transport thereby reducing transport emissions and improve regional accessibility.
2. Climate and Biodiversity	A number of scenarios at different scales were considered to drive transition to low carbon/ climate resilience and to protect and enhance biodiversity from; inclusion of existing national strategic policies; to developing a regional green infrastructure and ecosystem services approach and; inclusion of site level alternatives for adaptation/mitigation, informed by strategic flood risk and Natura Impact appraisal.	Current trends indicate that implementation of existing national policies alone will not be sufficient to meet climate targets therefore additional measures are required. The preferred scenario combines this with complementary approaches including the development of a regional Green Infrastructure and ecosystem services approach together with site-based alternatives for adaptation/mitigation of impacts in strategic development locations.
3. Economic Strategy	A number of economic growth scenarios were considered and these were dictated by different policy approaches to enterprise development, which ranged from focussed spatial and/or sectoral specialisation to a wider distribution and dispersal of investment and across the Region/ sectors. Assessment was informed by consideration of identified strategic economic assets and by national policy including Enterprise 2025.	The preferred Economic Strategy promotes smart specialisation strategies based on identified strengths and competitive advantages, combined with cluster policies that promote economies of scale and network effects in certain locations. The Strategy should also support diversification of local economies and development of innovation and entrepreneurial ecosystems for sustained national growth that can withstand external shocks.

In relation to Settlement Strategies, Regional Policy Objectives (RPO) 4.1 and 4.2 of the RSES set out the rationale and basis for preparing these strategies.

In terms of Dundalk, the RSES envisages a population target of 50,000 for the entire settlement of Dundalk up to 2031. The preparation and adoption of a statutory Urban Area Plan (UAP) by Louth County Council is to be a priority.

The following Regional Policy Objectives relate to Dundalk and those specifically pertinent to the subject lands are emphasised:

- ***RPO 4.19: A statutory Urban Area Plan (UAP) shall be prepared by Louth County Council for the Regional Growth Centre of Dundalk in collaboration with the EMRA. The UAP will support the development of Dundalk as an attractive, vibrant and highly accessible Regional Centre and economic driver. The UAP will identify a functional urban area and plan boundary for the plan area and strategic housing and employment development areas and infrastructure investment requirements to promote greater coordination and sequential delivery of serviced lands for development.***
- ***RPO 4.20: Promote and enhance cross-border interactions to realise the growth potential of Drogheda-Dundalk-Newry as an important crossborder network for regional development.***
- ***RPO 4.21: Enhance Dundalk's role as a strategic employment centre on the Dublin-Belfast Economic Corridor and provide for employment opportunities through identification of suitable sites for new industry including FDI.***
- ***RPO 4.22: Support the role of Dundalk Institute of Technology as a centre of excellence for education.***

- *RPO 4.23: Enhance potential for economic development and regeneration at Dundalk Port/ Harbour area subject to a feasibility study and appropriate coastal zone management.*
- *RPO 4.24: Support social inclusion measures including the revitalisation of areas by physical regeneration, planning, investment and community development and measures to improve educational attainment levels, up skilling in key competencies and skills acquisition.*
- *RPO 4.25: Support the proposed Dundalk Flood Relief Scheme, subject to the outcome of appropriate environmental assessment and the planning process.*

5.3 Local Planning Context

5.3.1 Dundalk & Environs Development Plan 2009-2015 (as Extended)

Under the current Dundalk & Environs Development Plan 2009-2015, which pertains to the area, the majority of the lands (approximately 19.4 hectares) are zoned ‘Employment and Business’, with a small portion of land to the west (0.9 hectares) zoned ‘Residential 1’.

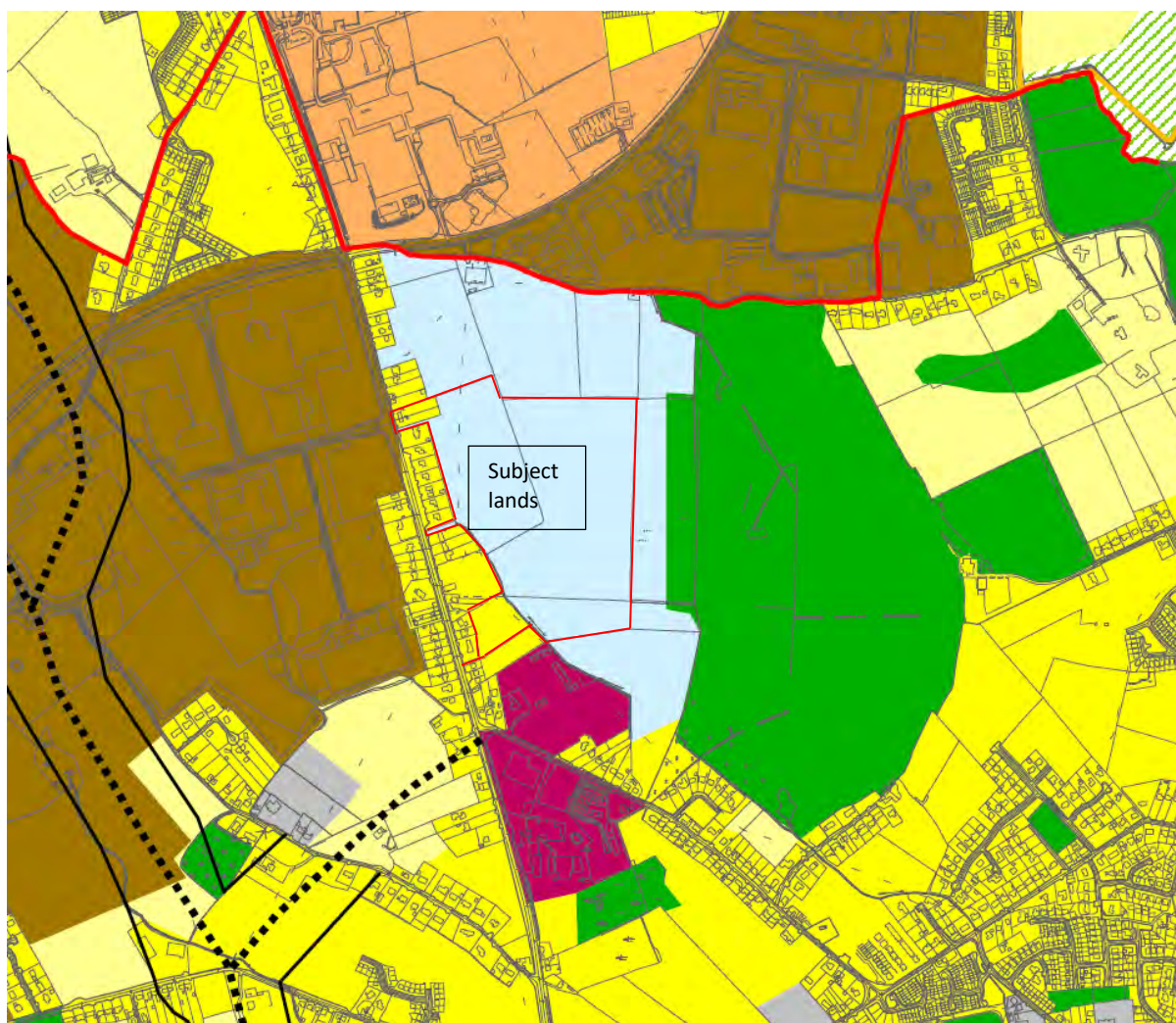


Fig. 3 – Existing Zoning Map from the Dundalk & Environs Development Plan 2009-2015 (site outlined in red)

The Objective for the “Employment and Business” (EB) land use that pertains to the majority of the site, seeks to: *“To provide for employment and supporting residential”*. It is noted that the Dundalk &

Environs Development Plan has not been renewed and an Urban Plan for Dundalk is to be incorporated within the overall Louth County Development Plan 2021-2027.

5.3.2 Draft Louth County Development Plan 2021-2027

Employment and Business Use

Under the Draft Development Plan, the lands currently zoned 'Employment and Business (EB)' are proposed to be rezoned to 'C1 – Mixed-Use' land uses. The Objective for C1 lands seeks: *"To provide for commercial, business and supporting residential uses"*.

The following uses are proposed as being either "Generally Permitted" or "Open for Consideration":

Generally Permitted Use

Bank/Financial Institution, B&B/ Guest House, Bring Banks, Business Enterprise Centre, Coffee Shop/Tea Room, Car Park, Casual Trading, Childcare Facility, Cinema, Community Facility, Craft Centre/Shop, Cultural Facility, Digital Innovation Hub/Co-working Space, E- Charging Facility, Hotel/Hostel/Aparthotel, Offices, Park/Playgrounds, Place of Worship, Public House, Public Services, Nursing Home, Recreational/Amenity Open Space, Residential, Residential Institution, Retirement Village, Restaurant, Sheltered Accommodation, Shop, Shop (Convenience) ≤1,500m², Telecommunications Structures, Third Level, Student Accommodation, Tourist Facility, Training Centre, Utilities.

Open for Consideration

Advertisements and Advertising Structures, Amusement Arcade, Betting Office, Crematorium, Funeral Home/Mortuary, Garden Centre, Health Care Centre, Healthcare Practitioner, Nightclub, Recycling Facility (Civic & Amenity), Service Station, Taxi Office, Traveller Accommodation.

It is evident from the wording of the Draft Plan that overall, the Mixed-Use land bank that includes our client's landholding will provide for a range of commercial, business and residential land uses. Furthermore, it is evident that 'residential' use is **not** to be considered "ancillary" but rather can be provided for in its own right as part of a planning application on the understanding...

Existing Residential (A1)

The residential lands to the west are proposed to be zoned 'A1 - Existing Residential', which is the same objective as the current Development Plan. The Objective of the A1 zoning seeks *"to provide and enhance the amenity and character of existing residential communities"*.

Our client is largely supportive of the proposed change in the zoning that will pertain to their lands at Dublin Road and request that these zonings be maintained and included within the final Development Plan that is to be adopted by Louth County Council.

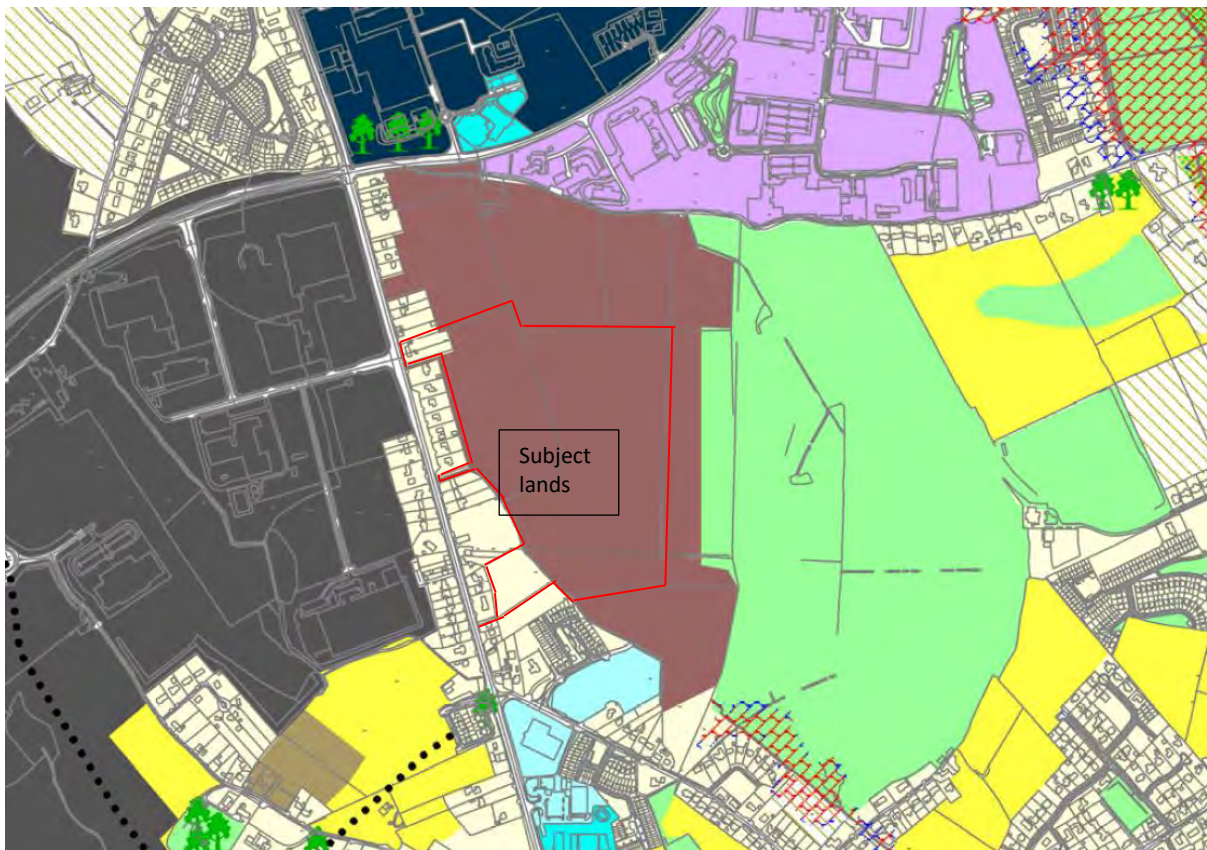


Fig. 4 – Land Use Zoning in the Draft Louth County Development Plan 2021-2027 (subject site outlined in red)

6.0 Justification and Grounds of Submission

As stated, our client is supportive of the zoning that is proposed on these lands under the Draft Louth County Development Plan 2021-2027 and would like these zonings to be adopted into the final Development Plan.

Downey Planning have set out in Section 5 of this report how the proposed rezoning of the subject lands would be consistent with national, regional and local planning policy and can help to facilitate the growth of Dundalk as a Regional Growth Centre in terms of attracting new businesses and enterprise to the region as well as providing for new housing to cater for the growing demand and future demand.

The subject lands are strategically located adjacent to existing employment and educational facilities, such as Dundalk Institute of Technology, Xerox Technology Park, IDA Finnabair Business Park, retail centres as well as leisure and recreation facilities, such as Dundalk Golf Club. The site is readily accessible by public transport with bus stops located on the Dublin Road to the west.

Downey Planning request that the Development Plan makes reference to the strategic need to locate the future vehicular entrance to our client's lands as well as the adjoining zoned lands via an upgrade to the existing signalised junction at the Xerox Technology Park on the Old Dublin Road. **This location was always intended to be the primary point of access to these lands and the adjoining zoned lands.** Our client's own 2 no. properties and land at this strategic location and as such can readily provide the required vehicular access to the lands. In this regard, this location needs to be specifically identified as the primary vehicular access to the 'Mixed-Use' zoned lands, which includes our client's

landholding. Downey Planning respectfully request that this is confirmed by an amendment to the land use zoning map and written statement accordingly.

Downey Planning are of the considered opinion that any future development of these lands should not be bound by the Mullagharlin Framework Plan (2008). This is on the basis that the MFP, being 12 years old, is a non-statutory document and has been superceded by more recent planning policies and guidelines issued under Section 28 and 29 of the Planning and Development Act and as such may not be consistent with them. The wording in Table 13.1 of the Draft Development Plan should therefore be amended to remove the text: *“Any future development taking place within the Framework Plan Area shall comply with the requirements of this Framework Plan or any updated Plan”*. While any future development may have regard to the Framework Plan, the pattern of development of the area, more recent planning guidance and provision of infrastructure, means that any future development should not be strictly in accordance with a 12-year-old Framework Plan.

It is submitted that the Development Plan places no restriction on any residential element within the overall Mixed Use zoned lands. It is important that this is maintained as part of the final Development Plan to be adopted. To restrict or place a limit/cap on residential development will negatively affect the development potential and viability of the lands in the future. It is important to note that An Bord Pleanála recently granted planning permission for a stand-alone strategic housing development on the lands to the immediate north (referenced in Section 4 of the report) and this precedent should be acknowledged and confirmed by the Planning Authority in the final Development Plan.

7.0 Conclusion

This submission has been prepared by Downey Planning on behalf of our client, Merit Holdings, 58 Moneymore Road, Magherafelt, Co L/Derry, BT45 6HG, on the Draft Louth County Development Plan 2021-2027.

Our client owns approximately 20.3 hectares of lands to the east of the old Dublin Road, Haggardstown, Dundalk, Co. Louth.

Under the current Dundalk & Environs Development Plan 2009-2015, which pertains to the area, the majority of the lands (approximately 19.4 hectares) are zoned ‘Employment and Business’, with a small portion of land to the west (0.9 hectares) zoned ‘Residential 1’. Under the Draft Louth County Development Plan, the lands currently zoned ‘Employment and Business (EB1)’ are proposed to be rezoned to ‘C1 – Mixed-Use’ land uses. The residential lands to the west are proposed to be zoned ‘A1 - Existing Residential’, which has a similar objective as the current Development Plan.

In principle, our client is supportive of the new land use zoning that pertains to their lands and respectfully request that this be maintained within the adopted Plan, which is due to come into effect in 2021 and consider that such zonings are consistent with national and regional planning policy.

As outlined in this submission, we respectfully request that the Development Plan when adopted does not place any explicit limitation on the residential element of development permitted within the Mixed-Use zoning as it is our understanding that the purpose and vision of the zoning is to not place a specific limit on it. This was confirmed by An Bord Pleanála in their decision to grant permission for a strategic housing development under ABP Ref. 303891-19.

Downey Planning respectfully request that Louth County Council take into account this submission when adopting the Louth County Development Plan 2021-2027.